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CHAPTER 1

RULES FOR GOVERNMENT

1.01 Town Board Authorized to Exercise Village Powers

- (1) BE IT RESOLVED, by the Electors of the Town of Herman, Sheboygan County, Wisconsin, that there be and hereby is granted, conferred and bestowed upon the Town Board of the Town of Herman, Sheboygan County, Wisconsin, the right, power and privilege to exercise all powers relating to villages and conferred on Village Boards by Chapter 61 of the Wisconsin Statutes.
- (2) BE IT FURTHER RESOLVED, that it is the intention of this resolution to authorize said Town Board of said Town of Herman to exercise powers of Village Boards as provided by Section 60.18, Subsection (12), of the Wisconsin Statutes.

This Ordinance passed by the Electors of the Town of Herman on the 7th day of April 1942.

1.02 Town Obligated To Pay County Taxes

- (1) The Town of Herman hereby obligates itself to pay, in case the Town Treasurer shall fail so to do, all State and County taxes charged on the tax rolls required by law to be paid by the Treasurer of the Town of Herman to the Treasurer of the County of Sheboygan.
- (2) This obligation shall be continued from year to year in full force and effect until such time repeal hereof is effected pursuant to the provisions of Section 70.67 (2).

This Ordinance passed by the Electors of the Town of Herman on the 5th day of April, 1949.

1.03 Town Clerk to Compute Taxes in A Single Column

- (1) The Town Clerk is hereby authorized to compute the real estate and personal property taxes in the assessment roll and tax roll in a single column for State, County, Town and High School tuition and transportation in conformity with Section 70.65 (2) of the Wisconsin Statutes.
- (2) The aggregated amount of State, County, Town and High School tuition and transportation taxes shall be carried in a single column on the tax receipt, and there shall be printed on said tax receipt the separate proportion or rate of taxes levied for State, County, Town and High School tuition and transportation taxes, pursuant to Section 74.08 (1) of the Wisconsin Statutes.

1.04 Election of Wards

- (1) The town shall be divided into 3 wards set forth as follows:
 - A. Ward No. 1, assigned to County Supervisory District 20, comprised of that portion of the Town of Herman South of County Road MM excluding that portion within the boundary commencing at Willow Road and County Road FF, East on FF to County Road M, South on M to County Road A, West on County Road A to Spring Road, South on Spring Road to County Road M, South on County Road M to Garton Road, West on Garton Road to Willow Road, North on Willow Road to County Road FF.
 - B. Ward No. 2, assigned to County Supervisory District 17, comprised of that portion of the Town of Herman North of County Road MM.
 - C. Ward No. 3, assigned to County Supervisory District 19, comprised of that portion of the Town of Herman within the boundary commencing at Willow Road and County Road FF, East on FF to County Road M, South on M to County Road A, West on County Road A to Spring Road, South on Spring Road to County Road M, South on County Road M to Garton Road, West on Garton Road to Willow Road, North on Willow Road to County Road FF.

- (2) The polling places for each ward shall be the Town Hall.
- (3) All of said wards shall be combined for voting purposes and use common ballot boxes and ballots and separate returns shall not be maintained except for those elections where electors of one or more wards are ineligible to vote for any office or referendum for which other electors in the combined wards may vote, and in those circumstances separate ballot boxes, ballots, and separate returns shall be maintained.

CHAPTER 2

OFFICIALS, BOARDS, COMMISSIONS AND EMPLOYEES

2.01 Town Park Commission

- (1) ESTABLISHMENT - There shall be established a park commission known as "The Town of Herman Park Commission".
- (2) COMMISSIONERS - Said Commission shall consist of seven (7) members appointed by the Town Board in writing.
 - A. The term of each member shall be seven (7) years following July 1 of the year in which his appointment is made and until the appointment and qualification of his successor (except that the first seven (7) members shall be appointed respectively for such terms that on the 1st day of July in each of the seven years next following the year in which they are appointed, the term of one member will expire.)
 - B. After such original appointment, one commissioner shall be appointed annually in the month of June to succeed the member whose term will expire on July 1st next following.
 - C. Each of said commissioners will take and file an official oath and said appointment shall be filed with the Town Clerk
- (3) ORGANIZATION - Within thirty (30) days after appointment and qualification, said Commissioners shall convene at the Town Hall and perfect an organization.
 - A. Such Park Commission shall have the usual powers of such bodies in addition to those hereinafter enumerated, shall use the common seal, and make by-laws and choose annually from its members all necessary officers.
- (4) POWERS - The Commission may appoint other agents and employees as may be necessary to carry out its functions and may remove them at its pleasure and make all rules and regulations concerning its work. Suitable offices where maps and plans, documents and records of the Commission shall be kept, will be provided by the Town Board and shall be subject to public inspection at all reasonable hours under such reasonable regulations as it may prescribe.
- (5) DUTIES - Within two (2) years of the date of its organization, the Commission shall make a thorough study of the town with reference to making reservations of lands therein for public uses and laying out ample open spaces, parks, highway, roads and boulevards: make plans and maps of a comprehensive town highway and park system and report said information at a town meeting within said period.
 - A. It shall make such other reports as may be requested from the Town Board.
 - B. Said Commission shall have charge and supervision of all lands heretofore or hereafter acquired by the town for park or reservation purposes and shall have power:
 1. To lay out, improve, maintain and govern all such parks and open spaces; to lay out, grade, construct, improve and maintain highways, roads, parkways, boulevards and bridges therein or connecting the same with any other park or open spaces or with any municipality, using such methods and materials as it may deem expedient; to determine and prescribe building lines along the same; and to make rules for the regulation of the use and enjoyment thereof by the public.
 2. To accept, in the name of the town, grants, conveyances and devises of land and bequests and donations of money to be used for park purposes.
 3. To acquire, in the name of the town, by purchase, land contract, lease, condemnation, or otherwise, with the approval and consent of the Town Board, such tracts of land or public

ways as it may deem suitable for park purposes; but no land so acquired shall be disposed of by the town without the consent of said Commission, and all moneys received for any such lands, or any materials, so disposed of, shall be paid into a town park fund.

- C. Said Commission shall study, formulate, prepare a tentative plan and report, and shall hold public hearings thereon of zoning ordinance and building restrictions and submit to the Town Board for final passage.
- D. The Commission shall further have all powers and duties, more particularly, set forth in section 60.181, 60.182, and 60.183 and 60.74 of the Wisconsin Statutes.

2.02 Town Constables

- (1) Statutory Authority – Pursuant to Wisconsin Statute 60.22(4) and 60.35, the town Board of the Town of Herman hereby establishes the jurisdiction and duties of the Town Constables of the Town of Herman.
- (2) Jurisdiction and Duties – The Town constable of the Town of Herman shall act on behalf of the Town Board as directed to:
 - A. See that Town orders and ordinances are obeyed.
 - B. See that peace and order are maintained in the Town.
 - C. Obtain necessary assistance, if available, in case of emergency, except as provided under Chapter 166 of the Wisconsin Statutes for emergency government.
 - D. The Town Constable shall have the authority to perform all other duties delegated to the Constable by the Town Board.
- (3) Non-exclusivity:
 - A. Other ordinance – Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
 - B. Other remedies – The jurisdiction and duties of the Town Constable as stated herein shall not preclude the Town Board or any other town officer from proceeding under any ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.
- (4) Severability – If any provision of this ordinance is invalid or unconstitutional , or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.”

2.02 Town Treasurer

- (1) The treasurer of the town is exempted from giving the bond specified in s. 70.67 (2), Wis. stats.
- (2) 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.

CHAPTER 3

TOWN ROADS

3.01 Ordinance for the Building of Roads and the Installation of Culverts

(1) **PURPOSE.** The purpose of this ordinance is to establish the regulations for the application, for dedication, and construction of town roads in the Town of Herman.

(2) **APPLICATION.** Application for the construction of roads in the town shall be made in writing to the Town Board and shall include a legal description of the proposed road. The Town Board shall investigate the application for compliance with all town, county and state standards, regulations and ordinances, to include any town subdivision, planning and zoning ordinances.

(3) **RIGHT-OF-WAY.**

- A. Right-of-way shall be provided and dedicated to the Town of Herman by deed without cost to the town.
- B. The Town Board shall determine the width of the right-of-way, but in no case shall the width be less than 66 feet.
- C. If said right-of-way consists of a dead-end road applicant shall grant an easement or dedicate, as the Town Board shall direct, a cul de sac or turn-around of the following minimum dimensions:
 - 1. Minimum inside radius 45 feet.
 - 2. Minimum outside radius 60 feet.
 - 3. Minimum right-of-way radius 84 feet.

(4) **GRADING, CUTTING AND FILL.** After approval of the proposed road by the Town Board, applicant shall cut, fill and grade the road to subgrade level with a minimum of 10 inches of compacted road gravel.

- A. Minimum shoulder width shall be 3 feet.
- B. All ditches to be excavated and approved culverts installed.
- C. All soft spots shall be excavated and filled with breaker run rock.
- D. Maximum grade of the road shall be as approved by the Town Board, but in no case greater than 10%.
- E. Any proposed road shall remain unpaved gravel for a minimum of one year after construction prior to bituminous paving. In the event the town is to assume responsibility for a road prior to bituminous paving an estimate shall be obtained and 1 ½ times the estimate shall be placed in escrow for the town's use for future paving.

(5) PAVING. Bituminous paving shall be completed prior to the town assuming responsibility for any road. All road paving shall meet the following minimum requirements:

- A. Pavement width shall be 18 feet.
- B. Pavement thickness shall be 2 mats, totaling 3 inches with a 3-inch crown.
- C. The town shall be notified both prior to and after paving so the Town Board and/or their designee can inspect the proposed roadway and paving.

(6) CULVERTS. All culverts are to be installed at the applicant's expense, and shall meet the following minimum requirements:

- A. All culverts shall be steel or "PDE" pipe.
- B. All culvert pipes shall be of a minimum diameter of 18 inches, but in all cases shall be large enough to accommodate anticipated flow.
- C. Culvert pipes constructed of "PVC" plastic are not permitted.

(7) DRAINAGE DITCHES. It shall be unlawful for any person or corporation to close or cause to be closed, obstruct or cause to obstruct any drainage ditch or to connect any drain with said ditch without the approval of the Town Board.

(8) PENALTY. Any person or corporation violating paragraph (6) or (7) of this ordinance shall , upon filing immediately to remove said obstruction or unapproved culvert pipe or open said ditch, pay the cost of repairing, removing and opening, and shall be further subject to a fine pursuant to Section 9.04(1) of this code.

3.02 Obstruction to Vehicular Traffic

- (1) No person shall excavate, cut or cause any obstruction to the passage of vehicular traffic on any road in the Town of Herman unless he shall first notify the Sheriff of Sheboygan County, the Town Constable and the Chief of the Howards Grove-Millersville, Ada and Franklin Fire Departments of the location, date and expected duration of said excavation or obstruction.
- (2) The penalty for violation of this Section shall be as provided in Section 9.04 (1) of this code.

CHAPTER 4

LICENSES AND PERMITS

4.01 General Procedures

Unless otherwise specifically provided by the laws of the State of Wisconsin or ordinances of the Town of Herman, the following provisions shall apply to the issuance, transfer and revocation of all licenses and permits issued under the provisions of this code:

- (1) TOWN CLERK TO FURNISH FORMS - All applications for licenses or permits shall be made upon regular forms approved by the Town Board and furnished by the Town Clerk to the applicant.
- (2) FEES TO BE PAID IN ADVANCE - The amount of the license or permit fees shall be first paid to the Town Clerk and his receipt therefor shall be attached to the application.
- (3) APPLICATION TO BE SIGNED - (and notarized) - The application shall be signed by the applicant and where required, shall be sworn to before a notary public, or other public officer, authorized to administer oaths, and filed with the Town Clerk.
- (4) CONSIDERATION AND HEARING - The Town Clerk shall present such application to the Town Board at its next regular meeting held after the filing thereof, except where some town officer, board or commission is first required to examine or report upon such application, in which case the Town Clerk shall refer the application for report to such officer, board or commission and shall present the application report thereon to the Town Board as soon as reasonably possible thereafter. Opportunity shall be given, where necessary, by the Town Board to any person to be heard for or against the granting of any license or permit.
- (5) ISSUANCE - The Town Clerk shall issue such license or permit only after its issuance has been authorized by the Town Board or proper officer.
- (6) ISSUANCE BY ADMINISTRATIVE AUTHORITY - Where administrative authority to issue any license or permit is delegated to any town officer, board or commission under the terms of this code, such officer, board or commission shall grant such license or permit where proper application has been made in accordance with the provisions of this code unless the granting of same appears to be contrary to the health, safety, morals or general welfare of the public, in which case the reason for denial shall be reduced to writing and delivered or mailed to the applicant; such applicant may at any time within thirty (30) days thereafter request the Town Board or any respected appeal board to review such determination or any failure to make the same
- (7) CONDITIONS OF ISSUANCE
 - A. All Obligations To Town To Be Paid - Before any license or permit shall be issued under the provisions of this code, the Town Clerk shall check town records to determine whether or not any applicant is in arrears for taxes or any other obligation to any department of the town. If the Town Clerk shall find any applicant to be in arrears for taxes or any other obligations, the issuing officer or department shall withhold any and all licenses and permits for which an application has been made until such taxes or obligations have been paid in full.
 - B. Consent To Inspection Of Premises - As a condition of the granting of any license or permit, the licensee or permittee shall agree in writing that during the period of such license or permit, a peace officer or other duly authorized officials of the town may at all reasonable hours enter into and upon the licensed premises for the purpose of inspecting the said premises to ascertain if all town ordinances and state laws are being obeyed, and such person shall also consent to the removal from said licensed premises without warrant, or all things and articles there had in violation of town ordinances or state laws and to the introduction and receipt of such things and articles, in any prosecution or proceeding for violation of any provision of the town ordinances or state laws.

- (8) REPLACEMENT OF LOST OR DESTROYED LICENSE OR PERMIT - Whenever any license or permit shall be lost or destroyed without fault on the part of the holder or his agent or employees, a duplicate in lieu thereof may be issued by the Town Clerk upon satisfying himself of the facts, for a fee of \$1.00.
- (9) REVOCATION OF LICENSE OR PERMIT - Any license or permit issued by the Town Board or any officer or department of the town may be revoked by the Town Board at any regular or special meeting by a majority vote in favor of such revocation, provided that no license or permit shall be revoked until the holder thereof has been given an opportunity to be heard by the Town Board. The Town Board shall summon and notify such licensee to appear before it at the time specified in the summons and notice, which shall not be less than three (3) days after the date of the service thereof, to show cause why his license should not be revoked. Notice of such hearing shall be given to said permit or license holder either personally or by registered mail by the Town Clerk in the time and manner as directed by the Town Board. Any license or permit issued by the Town Board, any town officer or department shall be and remain the property of the town and upon revocation thereof, the same shall be returned, after demand. The town reserves the right to institute suit against the holder or anyone having possession of such license or permit for the return of the same. Any person failing to return any such license or permit after revocation thereof and demand having been made as herein provided, shall be deemed to have violated the provisions of Chapter 9.04 (2).
- (10) REBATE OF FEE - No rebate or refund of any license fee or any part thereof shall be made for any reason.

(11) DUTIES OF LICENSEE

A. General Standards of Conduct - Every licensee under this ordinance shall:

1. Comply With Governing Law - Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
2. Operate Properly - Avoid all forbidden, improper, or unnecessary practices or conditions which do or may affect the public health, morals or welfare.
3. Cease Business - Refrain from operating the licensed businesses on premises after expiration of his license and during the period his license is revoked or suspended.
4. Display License - Every licensee shall post and maintain such license upon the licensed premises, vehicles or machines in a place where it may be seen at all times.
5. Inoperative License - No person shall allow any license or permit to remain posted, or displayed or used after the period for which it was issued has expired, or when it has been suspended or revoked, or for any other reason become ineffective.

(12) AUTHORITY OF INSPECTORS - All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises:

- A. Those for which a license is required.
- B. Those for which a license was issued and which at the time of inspection are operating under such license.
- C. Those for which the license has been revoked or suspended.
- D. Reports By Inspectors - Persons inspecting licensees, their business, or premises as herein authorized shall report all violations of this code or of the state laws to the Town Board and shall submit such other reports as the Town Board shall order.
- E. Provisional Order - When an inspector has reported the violation of this code or of the state laws, the Town Board shall issue to the affected person a provisional order to comply.
 1. Nature Of Notice - The provisional order, and all other notices issued in compliance with this ordinance, shall be in writing, shall be personally served, and shall apprise the person affected of his specific violations. In the absence of the person affected or his agent or

employee a copy of such notice shall be affixed to some structure on the premises. Depositing such notice in the United States mail shall constitute service thereof.

2. Period For Compliance - The provisional order shall require compliance within ten (10) days of personal service on the affected person.
3. Hearing - Upon written application by the person affected before the expiration of the ten (10) days period for compliance, the Town Board shall order a hearing. Notice of such hearing shall be given the affected person in the manner prescribed herein.

(13) CORRECTIONAL ORDER - When an inspector has reported a violation of this code or of state laws, the Town Board shall issue to the affected person a correctional order to comply.

- A. Nature of Notice - The correctional order, and all other notices issued in compliance with this ordinance, shall be in writing, shall be personally served, and shall apprise the person affected of his specific violations. In the absence of the person affected or his agent or employee, a copy of such notice shall be affixed to some structure on the premises. Depositing such notice in the United States mail shall constitute service thereof.
- B. Period For Compliance - The correctional order shall require compliance within ten (10) days of personal service on the affected person.
- C. Hearing - Upon written application by the person affected before the expiration of the ten (10) day period for compliance, the Town Board shall order a hearing. Notice of such hearing shall be given the affected person in the manner prescribed herein.

4.02 Junk and Junked Motor Vehicle Dealers

(1) LICENSE REQUIRED - No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Herman, Sheboygan County, Wisconsin, without first obtaining a license as herein provided:

- A. Keep, conduct or maintain any building, structure, yard or place for keeping, storage or piling in commercial quantities, whether temporarily, irregularly, or continually, or for the buying or selling at retail or wholesale or dealing any old, used, or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal (ferrous or non-ferrous) furniture, used motor vehicles or the parts thereof, or other articles which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk
- B. Keep, conduct or maintain any building, yard or place for keeping, storage or piling in commercial quantities, whether temporarily, irregularly, or continually, any scrap metal (ferrous or non-ferrous) where same is processed by either being cut, dismantled or compressed in bales, which business is more commonly known as metal processing;
- C. Keep, conduct or maintain any building, structure, yard or place for keeping, storage or piling in commercial quantities, whether temporarily, irregularly, or continually, or for buying or selling at retail or wholesale used motor vehicles for use of their parts or as scrap.
- D. One carrying on any of the aforesaid businesses shall be referred to herein as a "Junk Dealer".

(2) APPLICATION - Application for a license to engage in the business of a junk dealer shall be filed with the Town Clerk upon a form provided by the town, and shall be signed by the applicant or applicants. Said application shall state:

- A. The names and residences of the applicants, if an individual, partnership, or firm, or the names of the principal officers and their residence, if the application is an association or corporation.
- B. The length of time such applicant or applicants, if an individual, firm or partnership, or the manager or person in charge if the applicant is a firm or corporation, has or have resided in the Town of

Herman, his or their places of previous employment, whether married or single, whether he or they or any of them have been convicted of a felony or misdemeanor and if so, what offense, when and in what court;

- C. Whether the applicant or applicants or officers or manager of the applicant have been employed by a junk dealer or have been a junk dealer;
 - D. The detailed nature of the business to be conducted and the kind or materials to be collected, bought, sold or otherwise handled;
 - E. The exact legal description and street address of the premises used, or to be used as a junk yard, and zoning thereof.
- (3) NOTARIZATION - Every application for a license to engage in the business of junk dealer shall be executed and acknowledged before a notary public or other officer authorized to administer oaths in the County of Sheboygan.
- (4) APPROVAL OF APPLICATION - Before the application is forwarded to the Town Board, the Town Clerk shall examine and check the description of the application with the premises used or to be used as a junk yard, and shall sign the statement attached to the application as to the correctness of the description . The applicant, if the Town Clerk or Town Board requires such, shall also submit the application to the Building Inspector, Plumbing Inspector, Fire Chief and Health Commissioner, who shall inspect the premises and sign the statement attached to the application, stating whether the premises comply with all ordinances, laws, rules and regulations.
- A. The premises and all structures thereon shall be so situated and constructed that the business of junk dealers may be carried on in a sanitary manner, shall contain no fire hazard and shall be arranged so that thorough inspection may be made at any time by the building, plumbing, fire, police and health authorities. Upon proper execution of the application and the payment of the required license fee to the Town Clerk, the application shall be filed with said Town Clerk. The Clerk shall forward the application to the Town Board at a regular or special meeting called for that purpose. A majority vote of the members present shall authorize the issuance or denial of a license. No such permit shall be issued by the Town Clerk until favorable action upon the application thereof is first had by the Town Board.
- (5) ISSUING OF LICENSES - All licenses shall be numbered in the order In which they are issued, and shall state clearly the location of the junk business, the date of issuance and the expiration of the license, and the name and address of the licensee.
- A. No license as a junk dealer shall be granted to any person, firm, or corporation, who shall have been convicted within one (1) year prior to the date of the application of a violation of this section; nor to any person who has within one (1) year prior to the date of application been convicted of a felony.
- (6) FEES - Each junk dealer shall pay an annual license fee of \$25.00. All licenses shall be issued as of July 1st, and shall continue in force until June 30th next succeeding the day of issuance thereof, unless sooner revoked as provided by law.
- (7) POSTING OF LICENSES - Every holder of a junk dealer's license shall at all times keep the license posted in a conspicuous place on the premises described in the application for such license. No person shall post such license or permit it to be posted upon any premises other than those mentioned in the application, or knowingly deface or destroy the license.
- (8) LICENSES LOST OR DESTROYED - Whenever a license shall be lost or destroyed, without fault on the part of the holder or his agent, or employees, a duplicate license shall be issued by the Town Clerk upon the filing of an affidavit setting forth the circumstances of the loss or destruction and upon the payment of the sum of \$1.00.
- (9) CHANGE OF LOCATION - Every junk dealer's license shall designate the place of business in or from which the junk dealer received such license shall be authorized to carry on such business. No licensee shall

remove his place of business from the place designated in the license until a written permit has been secured from the town and the same shall have been endorsed upon the license. All licenses affected by such change shall be altered to contain the new address.

- (10) **HEALTH REGULATIONS** - The health officer may formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall be designed to protect the health of the community. No junk dealer shall violate any such rule or regulation.
- (11) **INFORMATION TO PEACE OFFICER** - Each licensed junk dealer shall furnish to any peace officer of the Town of Herman, County of Sheboygan, or State of Wisconsin, such information as he may require to ascertain the names of the seller or sellers of any junk or articles which have been purchased by the junk dealer.
- (12) **REGULATIONS CONCERNING PREMISES** - The contents of the premises of every junk dealer shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every junk dealer shall be subject to inspection by the town or other proper authorities at any time.
- A. All paper that is stored shall be baled and all rags kept shall be baled or bagged and both shall be kept within a building on the premises.
 - B. The wrecking or storage yard shall be fenced by a tight board fence at least seven (7) feet high, constructed so that no dust or other materials may pass through. Said enclosure shall be maintained in good condition at all times and no articles or materials shall be piled so as to protrude above said enclosure.
 - C. No premises shall be used for carrying on the business of a junk dealer unless said premises are located more than one thousand (1,000) feet from any residential building, school building or other public building, and more than one thousand (1,000) feet outside the limits of any platted subdivision, or five hundred (500) feet from the center of any town road.
- (13) **REVOCAION** - Upon complaint being made in writing by any town official or resident of the Town of Herman that any licensee has violated any of the provisions of this ordinance, such complaint shall be turned over to the Town Board who shall summon such licensee to appear before it at the time specified in the summons, which shall not be less than three (3) days after the date of the service thereof, to show cause why his license should not be revoked. The Town Board shall proceed to hear the matter and a majority vote of the members present shall determine whether such junk dealer's license should be revoked or not.
- A. Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall be granted to any person, firm, partnership, association or corporation whose license has been so revoked within a period of three (3) years from the date of such revocation. Notice of such revocation and the reason or reasons therefore in writing shall be served by the Town Clerk upon the person, firm, partnership, association or corporation named in the application by mailing the same to the address given in the application and upon filing a copy of same in the office of the Town Clerk.
- (14) **PENALTY** - Any person, firm, or corporation, who by himself, or itself, or by his or its clerk, agent or employee shall conduct the business of junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his, its, or their license revoked shall continue as a junk dealer, shall be subject to a penalty as provided in section 9.04 (1) of this code. A separate violation shall be deemed committed on each day on which a violation of any provisions of this section occurs or continues. In addition to the penalties imposed, the license of the person, persons, firm, or association, partnership, or corporation violating the same, shall be cancelled or revoked.

4.03 Intoxicating Liquor And Fermented. Malt Beverages

- (1) **STATE STATUTES ADOPTED** - The provisions of Chapter 176 and section 66.054 of the Wisconsin Statutes relating to the sale of intoxicating liquor and fermented malt beverages, except ss. 176.051,

176.055, 176.08, 176.17, 176.41, and 176.71, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this ordinance by reference.

(2) LICENSES

A. When Required - No person, except as provided by sub. 1 of this section, shall distribute, vend, sell, offer or keep for sale at retail or wholesale, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage, or cause the same to be done, without having procured a license or permit as provided in this section, nor without complying with all the provisions of this section and all statutes, ordinances and regulations of the state and town applicable thereto.

(3) LICENSE FEES - There shall be the following classes and denominations of licenses, which, when issued by the Town Clerk under the authority of the Town Board after payment of the fee hereinafter specified, shall permit the holder to sell, deal or traffic in intoxicating liquor or fermented malt beverages as provided in ss. 65.054 6, 6a, 7, 8, 11, or 176.05 2 (a) or 176.18 of the Wisconsin Statutes:

- A. Class "A" fermented malt beverages retailer's license - \$10.00 per year.
- B. Class "B" fermented malt beverage retailer's license is \$50.00 per year or 3/4 of such amount for a 6-month period. Picnic and club licenses as defined in section 66.0568(b) shall be issued for a fee of \$1.00. Class "B" fermented malt beverage retailer's licenses for brewers shall be issued pursuant to section 66.054(4)(b) of the statutes.
- C. Wholesaler's fermented malt beverage license - \$25.00 per year or fraction thereof.
- D. Special wholesaler's license - \$25.00 per year.
- E. Beverage operator's license - \$5.00 per year or fractional part thereof.
- F. Retail Class "A" liquor license - \$50.00 per year.
- G. Retail Class "B" liquor license - \$50.00 per year.
- H. Pharmacist's permit - \$10.00 per year.
- I. Part-time or semi-annual liquor licenses shall be issued pursuant to section 176.05(6)

(4) LICENSE RESTRICTIONS - In addition to the requirements imposed by provisions of the Wisconsin Statutes adopted by reference in sub. 1 of this section, the following restrictions shall apply to the issuance of licenses or permits pursuant to this section:

- A. Requirements for Licenses - No license or permit shall be issued any person who is not 21 years of age or over, of good moral character, a citizen of the United States and the State of Wisconsin. No license shall be issued to any person who has been a habitual petty law offender or convicted of a crime under the laws of this state punishable by imprisonment in the state prison unless such person has been pardoned. This paragraph shall not apply to Wisconsin corporations but shall apply to all officers and directors of any such corporation.
- B. Effect of Revocation of License - No license shall be issued for any premises if a license covering such premises has been revoked within six (6) months prior to application. No license shall be issued to any person who has had a license pursuant to this section revoked within twelve (12) months prior to application.
- C. INSPECTION OF APPLICATION AND PREMISES - The Town Clerk shall notify the Health Officer and Building Inspector of all license and permit applications, and these officials shall inspect or cause to be inspected each application and premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto and the applicant's fitness for the trust to be imposed. No license or permit provided for in this section shall be issued without the approval of a majority of the Town Board.

- D. Health And Sanitation - No license shall be issued for any premises which do not conform to the sanitary, safety and health requirements of the Department of Industry, Labor and Human Relations and the State Board of Health, and to all such ordinances and regulations adopted by the Town.
- E. Tax Delinquencies - No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the town are delinquent or unpaid.

(5) SEARCH OF LICENSED PREMISES - It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hours by any police officer of the Town of Herman without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this section.

(6) POSTING LICENSES - Licenses or permits issued under this section shall be posted and displayed as provided in ss. 66.054 8 (b) and 176.05 12 of the Wisconsin Statutes and any licensee or permittee who shall fail to post his license or permit as herein required shall be presumed to be operating without a license.

(7) SAFETY AND SANITATION REQUIREMENTS - Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(8) REVOCATION AND SUSPENSION OF LICENSES

- A. Procedure - Except as hereinafter provided, the provisions of ss. 176.11 and 176.12 of the Wisconsin Statutes shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this section. Revocation or suspension proceedings may be instituted by the Town Board upon its own motion by adoption of a resolution.
- B. Suspension Of Licenses - The Town Chairman upon obtaining reasonable information that any licensee has violated any provision of this section or any state or federal liquor or fermented malt beverage law or committed any felony may suspend the license or permit of such person for a period not to exceed ten (10) days pending hearing by the Town Board pursuant to paragraph (a).
- C. Automatic Revocation - Any license or permit issued under the provisions of this section shall stand revoked without further proceedings upon the conviction of a licensee or permittee or his employee, agent or representative of a second offense under this ordinance or chs. 176 or 139 or s. 66.054 of the Wisconsin Statutes or any other state or federal liquor or fermented malt beverage law or any felony.
- D. Repossession Of License Or Permit - Whenever any license or permit under this section shall be revoked or suspended by the Town Board or Town Chairman or action of any court or paragraph C. it shall be the duty of the Clerk to notify the licensee or permittee of such suspension or revocation and to take physical possession of the license or permit wherever it may be found and file it in the Clerk's office.

(9) NO VESTED INTEREST IN LICENSE - Nothing in this section shall be interpreted to grant ownership or a vested interest in any license issued under this section. The Town Board, without showing cause, may refuse to reissue any license set forth herein.

(10) PENALTY - The penalty for violation of any of the provisions of this section shall be a penalty as provided in s. 9.04 (1) of this code, provided that no penalty imposed shall exceed the maximum allowed by ss. 66.054 (15) or 176.43 (1) of the Wisconsin Statutes. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

4.04 Regulation and Licensing of Dogs

(1) LICENSE REQUIRED - The owner of a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, obtain and dog license and pay the license fee. The license year commences on January 1 and ends on the following December 31.

(2) LICENSE FEE; LATE FEE:

- (a) The dog license fee shall equal the minimum dog license fee prescribed by sec. 174.05(2), Stats., or other fee as established by resolution of the town board.
- (b) Late Fee: The Town Treasurer, or a designated collecting official, shall assess and collect a late fee of Five Dollars (5.00) from every owner of a dog five months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

(3) ISSUANCE OF LICENSE: Upon paying the Town Treasurer or designated collecting official the above-named sum, and upon submitting a current rabies immunization certificate, the Town Treasurer or other designated official shall issue to every owner a license to keep the dog for the license year. Every owner, upon procuring such license, shall place upon the owner's dog a collar, to which is attached the dog tag furnished by the Town Treasurer or designated collecting official.

(4) DEFINITIONS:

- (a) "Owner" includes any person who owns, harbors or keeps a dog.
- (b) "Dog Running "At Large. " A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
- (c) "Collar" means a band, strip or chain placed around the neck of a dog.
- (d) "Domestic Animal" includes livestock, dogs and cats.
- (e) "Game Animal" means any game species identified as such by the Wisconsin Department of Natural Resources.
- (f) "Livestock" means any horse, bovine, sheep, goat, pig, domestic rabbit or domestic fowl, including game fowl raised in captivity.
- (g) "Officer" means a Sheboygan County Sheriff's Deputy, Town Constable, Wisconsin Department of Natural Resources Warden or other person designated by the Town Board.
- (h) "Untagged dog." A dog is considered to be untagged if a valid license is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(5) RESTRICTION ON KEEPING OF DOGS: It shall be unlawful for any person within the Town to own, harbor or keep a dog which:

- (a) Causes injury to a person or threatens a person with bodily harm
- (b) Causes injury to a domestic animal or threatens a domestic animal with bodily harm.
- (c) The owner has reason to believe is infected with rabies or has been in contact with a rabid animal.
- (d) Habitually pursues any vehicle upon any public street, alley, or highway in the Town.
- (e) Is found to be running at large within the Town limits.
- (f) Habitually barks or howls so as to annoy any person or persons.
- (g) Chases wildlife identified as game animals, while running at large and without direct human supervision.

(6) DUTY OF OWNER IN CASE OF DOG BITE: An owner who has reason to believe that such dog bit a person shall immediately report such fact to the Town Clerk or designated official. The Town Clerk or designated official shall order the dog quarantined pursuant to sec. 95.21, Stats.

(7) DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT AND PENALTY:

- (a) Any person may attempt to capture and restrain any dog running at large and any untagged dog. Dogs so restrained shall be remanded to an officer for impoundment.
- (b) Any officer shall attempt to capture and impound any untagged dog running at large, and is authorized to kill any dog found to be in violation of Section 4.04(5) of this ordinance.
- (c) Possession of dogs impounded under this section may be obtained by paying a sum of \$20.00 to the Town Treasurer, plus \$2.00 per day for each day or fraction thereof the dog has been so impounded. Dogs impounded for a period of seven days or longer shall be disposed of at the discretion of the Town Constable or other designated officer.
- (d) Penalty – Except for impoundment or late fees under s. 4.04(2)(b) of this code, the penalty for violation of any of the provisions of this section shall be a penalty as provided in s. 9.04(1) of this code

4.05 Regulation of the Moving of Buildings

(1) PURPOSE - This provision provides for certain standards and requirements for the safe moving of buildings and structures on the lands, roads and highways of the Town of Herman. Its purpose is to protect and foster the health, safety and well being of the persons occupying or using such buildings and of the general public.

(2) PERMITS - Before any building is moved within or into the Town of Herman, permits must be first obtained for the moving of said building pursuant to this ordinance and permits necessary under any building, electrical and plumbing codes of the Town of Herman.

(3) BOND REQUIRED - Before a permit to move any building is granted by the Town Clerk, the party applying therefor shall give bond in the sum of One Thousand (\$1,000.00) Dollars with good and sufficient sureties to be approved by the Town Board, conditioned, among other things, that said party will save and indemnify judgments, costs and expenses which may in any way accrue against the town and will save the town harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit, and further, that the surety and principal shall agree to pay the town any and all damages suffered by it, including the repair of roads, as a consequence of the moving of said building.

(4) CONTENTS OF PERMIT: REGULATIONS - Every permit to move a building shall state all conditions to be complied with, designate the route to be taken and limit of time for removal. The removal of a building shall be continuous during all hours of the day, and day by day, and at night if the Town Clerk shall so order until completed, with the least possible obstruction to thoroughfares. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(5) ROUTE TO BE DESIGNATED - Every permit to move a building shall state all conditions to be complied with, designate the route to be taken and limit the time for moving. Before the permit for moving of a building is granted, the mover or his agent shall notify the Town Clerk, describing the route to be taken. The Sheriff of Sheboygan County, the Town Constable and the Chief of the Howards Grove, Ada and Franklin Fire Departments shall also be notified as to the route to be taken.

(6) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS

Every person receiving a permit to move a building shall, within one day after reaching its designation, report that fact to the Town Clerk. The Town Clerk, or his representative, shall thereupon inspect the streets and highways over which said building has been moved and ascertain their conditions. If the removal of said building has caused any damage to the streets or highways, the house-mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the house-mover to do so within ten days thereafter to the satisfaction of the Town Clerk, the Town Board shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house-mover responsible for the payment of same.

(7) REQUIREMENTS FOR MOVING

- A. Building To Be Measured Before Moving - Permission shall in no case be granted to move a building in, along or upon the public roads of the Town of Herman until such building shall have been measured and it shall appear from such measurement that the moving of the building along or upon the roads proposed will not injure any shade trees along said road.

- B. Time To Be Designated - No building shall be moved or caused to be moved on any thoroughfare in the Town of Herman without the consent of the Town Clerk.
- C. Distance At Intersections - No person shall place for moving or permit to remain upon, across or within twenty (20) feet of any highway intersection, railroad tracks, switch or turnout, any building or any equipment used in the moving of buildings within the Town of Herman.

(8) PERMIT FEES - Before the Town Clerk shall issue a permit to move a building, he shall collect the fee of Five (\$5.00) Dollars.

(9) PENALTIES - In addition to the revocation provisions herein, the penalty for violating any provision of this chapter shall be as provided in section 9.04 (1) of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.

CHAPTER 5

OFFENSES AGAINST PUBLIC PEACE, SAFETY, MORALS AND PUBLIC POLICY

5.01 Ordinance Prohibiting the Parking, Storage And Accumulation Of Defective And Unlicensed Motor Vehicles

(1) PURPOSE - The purpose of this ordinance is to protect and foster the health, safety and well being of persons in the Town of Herman for the protection of their property rights and to beautify the landscape and otherwise promote the public interest, including the elimination of attractive nuisances.

(2) DEFINITION - As used herein, the term "motor vehicle" shall be construed to include all motor vehicles for which the Wisconsin Statutes requires a license when used upon public roadways within the state.

(3) ACCUMULATION UNLAWFUL - It shall be unlawful to park, stand, store or accumulate, disassembled or inoperable or junked or wrecked motor vehicles, or to park, store, allow to stand or accumulate more than one (1) unlicensed operable motor vehicle by any owner of land or occupant of any land in the Town of Herman, except for the following persons, firms or corporations operating in areas properly zoned:

- A. Properly licensed and equipped junk yards or motor vehicle salvage dealers:
- B. Operable motor vehicles displayed for resale by properly licensed used and new car dealers:
- C. Unlicensed vehicles that are being used as farm equipment and any vehicles that are located in garages or other like structures hidden from public view. A fence shall not be considered a structure under this ordinance.

(4) NOTICE - The Town Board, upon discovering a violation of this ordinance, shall in writing notify the owner or occupant or both of the lands upon which such motor vehicle is found, that said motor vehicle must be removed within ten (10) days or the Town of Herman shall cause such to be removed and the cost of such removal shall be charged to the owner or occupant or both of said land, and that failure to remove said motor vehicle shall subject him to fines for each day said violation continues.

(5) REMOVAL BY TOWN

- A. If after due notice as set forth herein, the occupant or owner of said real estate shall fail to remove said motor vehicle, the Town may cause such motor vehicle or vehicles to be removed to junk or salvage yards and stored for a period of not less than twenty (20) days.
- B. Upon the failure of said owner or occupant of said lands to reclaim and pay the costs of handling and storage of said motor vehicle or vehicles within said twenty (20) days, the operator of said junk or salvage yard may dispose of same.
- C. If the costs of handling and storage are not paid by the owner or occupant within thirty (30) days or from the disposal of the motor vehicles, the Town Board may, if notice of removal was given to the property owner, place and enter said amount on the tax roll as a special charge against the property.

(6) PENALTY - Any person, firm or corporation, or any officer of any corporation, who shall violate or cause to be violated any provision of this section. or interfere in any manner with the enforcement of this section, shall upon conviction thereof, be penalized as provided in section 9.04 (1) of this code.

5.02 Grass and Rubbish Burning

(1) BURNING PERMITTED - No person shall burn any combustible material within the road rights-of-way of the Town of Herman at any time, nor shall any person burn any combustible material upon any lot or lands located in the Town of Herman except between the hours of 4:00 p.m. and 10:00 p.m. of each day, Monday through Friday, or between the hours of 8:00 a.m. and 10:00 p.m. on Saturday and Sunday. At no time shall a fire be built within twenty-five (25) feet of any building or pile of lumber nor shall the smoke or heat aided by such combustion be an annoyance or discomfort to the neighborhood or traveling public.

(2) FIRES MUST BE ATTENDED - Any such fire in the Town of Herman shall be attended at all times until extinguished by a competent adult.

(3) PENALTY - The penalty for violation of this section shall be a penalty as provided in section 9.04 (1) of this code.

5.03 Mobile Homes and Mobile Home Parks

(1) PURPOSE - An ordinance enforcing Minimum Standards for mobile home parks: establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities; authorizing the issuance of permits for construction, alteration and extension of mobile home parks, authorizing the licensing of operators of mobile home parks; authorizing the inspection of mobile home parks, fixing penalties for violations, and regulating the parking of mobile homes.

(2) DEFINITIONS

- A. License - means a written license issued by the Town Clerk allowing a person to operate and maintain a mobile home park under the provisions of this ordinance and regulations issued hereunder.
- B. Licensee - means any person licensed to operate and maintain a mobile home park under this section.
- C. Mobile Home - is that which is, or was an originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations, and appurtenances. except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceed 50 percent of the assessable value of the house trailer.
- D. Mobile Home Lot - means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- E. Mobile Home Park - means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.
- F. Mobile Home Stand - means that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.
- G. Permit - means a written permit issued by the Town Clerk permitting the construction, alteration and extension of a mobile home park under the provisions of this ordinance and regulations issued hereunder.
- H. Person - means any individual, firm, trust, partnership, public or private association or corporation.
- I. Sewer Connection - means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.
- J. Sewer Rise Pipe - means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
- K. Water Connection - means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe of the distribution system within the mobile home.
- L. Water Rise Pipe - means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

(3) PARKING OF MOBILE HOMES - it shall be unlawful for any person to park, keep, or maintain a mobile home for purposes of human habitation within the Town of Herman except:

- A. When located within an approved Mobile Home Park licensed under this ordinance, or,
- B. When located in private property, and its use is limited as a field office trailer during the period of a construction project, provided it is not used for overnight lodging, or,
- C. When located on private property in connection with a bona fide visit with the owner or occupant of said premises provided said stay will not exceed twenty-one (21) days, or,

- D. When located on private property as a temporary place of abode if the same is a substitute for a residence that has within a previous sixty-day (60) period been destroyed by fire or an act of God and is being rebuilt provided said use does not exceed ninety (90) days.
- E. When located on private property as a temporary place of abode during the period of a new home construction on the same site, but in no event longer than one hundred eighty (180) days.
- F. All trailers not now parked in conformance with the herein ordinance shall be permitted to remain in their present location until the property upon which the same is located, or the trailer itself, is sold or otherwise conveyed, but said trailer shall be subject to the monthly parking fee and its payment requirements, and shall be required to fully conform and comply with all the applicable requirements of this ordinance.

(4) LICENSES FOR MOBILE HOME PARKS - It shall be unlawful for any person to operate any Mobile Home Park within the limits of the Town of Herman unless he holds a valid license issued annually by the Town Board in the name of such person for the specific Mobile Home Park. All applications for licenses shall be made to the Town Clerk, who shall issue a license upon compliance by the application with provisions of this ordinance and regulations issued hereunder and of other applicable legal requirements.

- A. APPLICATION - Application for licenses shall be In writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of One Hundred (\$100.00) Dollars for each fifty (50) spaces or fraction thereof within said park, and shall contain: the name and address of the applicant: the location and legal description of the Mobile Home Park: and a site plan of the Mobile Home Park showing all mobile home lots, structures. roads, walkways, and other service facilities.
- B. Transfer Of License - Every person holding a license shall give notice in writing to the health authority within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any Mobile Home Park. Such notice shall include the name and address of the person succeeding to the ownership or control of such Mobile Home Park. Upon application in writing for transfer of the license and deposit of a fee of Ten and no 100ths (\$10.00) Dollars, the license shall be transferred if the Mobile Home Park is in compliance with all applicable provisions of this ordinance and regulations issued hereunder.
- C. Suspension Of License - Whenever, upon inspection of any Mobile Home Park, it is determined that conditions or practices exist which are in violation of any provision of this ordinance or regulations issued hereunder, the Town Board shall give notice in writing to the person to whom the license was issued that unless such, conditions or practices are corrected within a reasonable period of time specified in the notice the license shall be suspended. At the end of such period, there shall be a reinspection of such Mobile Home Park and, if such conditions or practices have not been corrected, the Town Board shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such Mobile Home Park, and all mobile homes shall be removed from the Mobile Home Park and premises within thirty (30) days.
- D. Request For Hearing - Any person whose application for a license under this ordinance has been denied, or whose license has been suspended, or suspension is threatened, may within ten (10) days in writing request and shall be granted a hearing on the matter before the health authority under the procedure provided herein.

(5) PARK ENVIRONMENTAL REQUIREMENTS - All Mobile Home Parks shall meet the State Board of Health requirements for mobile homes as set forth in the Wisconsin Administrative Code, presently being Chapter H77 and shall include any subsequent amendments thereto. When the provisions of the herein ordinance are more restrictive, the more restrictive provision shall apply.

- A. General Requirements - Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
- B. Soil And Ground Cover Requirements - Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetable growth that is capable of preventing soil erosion and of eliminating objectionable dust.

- C. Site Drainage - The ground surface in all parts of every mobile home shall be graded and equipped to drain all surface water in a safe, efficient manner.
- D. Nonresident Uses Prohibited - No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- E. Required Separation Between Mobile Homes - Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen (15) feet; provided that mobile homes placed end-to-end may have a clearance of ten (10) feet where opposing rear walls are staggered. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purpose of all separation requirements, be considered to be part of the mobile home.
- F. Required Recreation Areas - In all parks accommodating or designed to accommodate twenty-five (25) or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation area shall be based upon a minimum of one hundred (100) square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet. Recreation areas shall be so located as to be free of traffic hazards, and should, where the topography permits, be centrally located.
- G. Required Setbacks, Buffer Strips And Screening - All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line abutting upon a public street or highway and at least fifteen (15) feet from other park property boundary lines. There shall be a minimum distance of ten (10) feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas. All mobile home parks shall be provided with screening such as fences or natural growth along the property boundary line separating the park and such adjacent uses giving consideration to the aesthetics of the general neighborhood.
- H. Park Street System - All mobile home parks shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.
1. Access: Access to Mobile Home Parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of thirty-four (34) feet where parking is permitted on both sides, or a minimum road pavement width of twenty-seven (27) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting mobile home lots within such distance the minimum road pavement width may be twenty-four (24) feet, provided parking is prohibited at both sides.
 2. Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - (a) All streets, except minor streets: 24 feet.
 - (b) Minor streets, no parking: 18 feet (Acceptable only if less than 500 feet long and serving less than 35 mobile homes or of any length if one-way and providing access to abutting mobile home lots on one side only).
 - (c) Dead end streets shall be limited in length to 1,000 feet, and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least sixty (60) feet.
 3. Required Illumination Of Park Streets - All parks shall be furnished with lighting units so spaced and equipped with lights placed at such mounting heights as will provide the adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
 4. Street Construction And Design Standards - All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement

edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

- I. Off-Street Parking - Off-street parking areas shall be provided in all Mobile Home Parks for the use of park occupants and guests at the rate of at least 1.25 car spaces for each mobile home lot, and shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve.
- J. Walks - A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks have a minimum width of three (3) feet. All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.
- K. Mobile Home Stands - The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.
- L. Minimum Lot Area - Each park shall provide mobile home spaces, and each space be clearly defined and delineated. Each space shall have a minimum of three thousand (3,000) square feet of area.

(6) ELECTRICAL DISTRIBUTION - Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

- A. Main Lines - Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between over-head wiring and any mobile home, service building or other structure.
- B. Individual Electrical Connections - Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 50 amperes.

(7) WATER SUPPLY - An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the health authority.

(8) SEWAGE DISPOSAL - Where the sewer lines of the Mobile Home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the health officer prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except in compliance with the Wisconsin Statutes.

(9) REFUSE HANDLING - The storage, collection and disposal of refuse in the Mobile Home Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or fire pollution.

(10) HEALTH - A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health open areas shall be maintained free of heavy undergrowth of any description.

- A. Insect And Rodent Control - Grounds, buildings and structures shall be maintained free of insects and rodents, and shall be maintained free of accumulations of debris which may provide rodent harboring or breeding places of flies, mosquitoes and other pests.
- B. Storage - No lumber, pipe building materials, or other matters not in regular use shall be stored upon the premises in open view and the park shall be kept free of litter.

(11) NOTICE AND HEARINGS - Whenever there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or regulations issued hereunder, the Town Board, Clerk, or Health Officer shall give

notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the case may require by certified mail to his last known address, and contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and regulations issued hereunder.

- A. Hearing - Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance or regulation issued hereunder, may request and shall be granted a hearing on the matter before the Town Board.
 - 1. Application - Such person shall file in the office of the Town Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of any suspension.
 - 2. Time And Place - Upon receipt of such petition, the health authority shall set a time and place for such hearing and shall give the petitioner written notice thereof.
 - 3. Presentation By Petitioner - At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.
- B. Findings And Order - After such hearing, the Town Board shall make findings as to compliance with the provisions of this ordinance and regulations issued hereunder, and shall issue an order in writing sustaining, modifying and withdrawing the notice. Upon failure to comply with any order sustaining or modifying a notice, the license of the Mobile Home Park affected by the order shall be revoked.

(12) RESPONSIBILITIES OF PARK MANAGEMENT - The person to whom a license for a Mobile Home Park is issued shall operate the park in compliance with this ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and a clean and sanitary condition.

- A. Notice to Occupants - The park management shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance and regulations issued hereunder.
- B. Supervision - The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- C. Registration - The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
- D. Health Notices - The park management shall notify the health officers immediately of any suspected communicable or contagious disease within the park.

(13) MONTHLY PARKING PERMIT FEES - There is hereby imposed on each owner of a non-exempt, occupied mobile home in the Town of Herman a monthly parking permit fee determined in accordance with section 66.058 (3) Wisconsin Statutes, which is hereby adopted by reference and made a part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Town Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the Treasurer may reasonably promulgate.

- A. Information To Assessor - Licensees of mobile home parks and owner of land on which are parked any occupied, non-exempt mobile home shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Town Clerk in accordance with section 66.053(3)(c) and (e) Wis. Stats.
- B. Advance Deposits - Owners of non-exempt, occupied mobile homes, upon receipt of notice from the Town Clerk of their liability for the monthly parking fee, shall remit to the Town Clerk a cash deposit of Twenty-five (\$25.00) Dollars to guarantee payment of such fees when due to the Town Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied, non-exempt mobile home therein and remit such deposits to the Town Clerk. Upon receipt of a notice from the owner or licensee

that the non-exempt, occupied mobile home has been or is about to be moved from the town, the Town Clerk shall direct the Town Treasurer to apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

(14) PENALTIES - Any person violating any provision of this ordinance shall upon conviction thereof forfeit not less than ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding thirty (30) days for each violation, provided that the forfeiture for violation of Section 13, B shall not exceed Twenty-five (\$25.00) Dollars. Each day of violation shall constitute a separate offense.

(15) VALIDITY -If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect, and to this end, the provisions of this ordinance are hereby declared to be severable.

5.04 Parking On Town Roads

(1) DEFINITION - A "town road" shall mean any road, street or alley located in the Town of Herman over which the Town Board has care and supervision under the Wisconsin Statutes.

(2) PARKING PROHIBITED - There shall be no parking of motor vehicles on paved or traveled portions of any town road and there shall be a minimum of twenty (20) feet open to traffic at all times.

(3) PENALTY - Any person who shall violate or cause to be violated any provision of this section shall upon conviction thereof be penalized as provided in section 9.04 (1) of this code.

5.05 Public Nuisance

(1) PUBLIC NUISANCES PROHIBITED - No person, persons, firm or corporation shall erect, contrive cause, continue, maintain or permit to exist any public nuisance within the Town of Herman, Sheboygan County, Wisconsin.

(2) DEFINITIONS

A. Public Nuisance - A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

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 render dangerous for passage any street, alley, highway, navigable body of water or other public way.

B. Public Nuisances Affecting Health - The following acts, omissions. places, conditions and things are hereby specifically declared to be public health nuisances coming within the definition of subsection A of this section:

1. All decayed harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in an sanitary manner within 25 hours after death;
3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any materials whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
4. All stagnant water in which mosquitoes, flies or other insects can multiply;
5. Privy vaults and garbage cans which are not fly-tight;
6. All noxious weeds and other rank growth of vegetation;
7. All animals running at large;
8. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities, or to threaten or cause substantial injury to property;
9. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;

10. Any use of property, substances or things within the Town of Herman or within 4 miles thereof, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town;
 11. All abandoned wells not securely covered or secured from public use.
- C. Public Nuisances Offending Morals And Decency - The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection A of this section:
1. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse or gambling;
 2. All gambling devices and slot machines;
 3. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town of Herman;
 4. Any place or premises within the Town of Herman where town ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated;
 5. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the ordinances of the town.
- D. Public Nuisances Affecting Peace And Safety - The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection A of this section:
1. All ice not removed from public sidewalks and all snow not removed from public sidewalks within 12 hours after it has ceased to fall thereon;
 2. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety;
 3. All buildings erected, repaired or altered within the fire limits of the Town of Herman, in violation of the provisions of the ordinances of the town, relating to materials and manner of construction of buildings and structures within said district;
 4. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;
 5. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
 6. All limbs of trees which project over a public sidewalk, less than eight (8) feet above the surface thereof or less than 10 feet above the surface of a public street;
 7. All use or display of fireworks except as provided by laws of the State of Wisconsin;
 8. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
 9. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground;
 10. All loud, discordant and unnecessary noises or vibrations of any kind;
 11. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, growling or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the town;

12. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
13. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
14. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;
15. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;
16. Repeated or continuous violations of the ordinances of the Town of Herman or laws of the State of Wisconsin relating to the storage of flammable liquids.

(3) ABATEMENT OF PUBLIC NUISANCES

A. Inspection Of Premises - Whenever complaint is made to the Town Board that a public nuisance exists within the Town of Herman, they shall promptly notify the Town Chairman, health officer or building inspector who shall forthwith make an inspection or cause it to be inspected, the premises and shall make a written report of his findings to the Town Board. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Clerk.

B. Summary Abatement

1. Notice To Owner- If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman shall direct that notice be served on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is abated, the town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting, or maintaining the same as the cause may be.
2. Abatement By Town - If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, the constable, sheriff's department or town chairman, in other cases, shall cause the abatement or removal of such public nuisance.

C. ABATEMENT BY COURT ACTON - If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, to shall file a written report of his findings with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the town in the circuit court of Sheboygan County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes of 1967.

D. OTHER METHODS NOT EXCLUDED - Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Herman or its officials in accordance with the laws of the State of Wisconsin.

(4) COST OF ABATEMENT - In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

(5) PENALTIES - The penalty for violation of this section shall be a penalty as provided in section 9.04 (l) of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

5.06 Operation of Motor Boats

- (1) OPERATIONS PROHIBITED - No person may operate a motorboat of any kind in any manner except battery-powered electric motors at a slow-no wake speed and in no case at a speed to exceed 5 miles per hour on any inland lake within the Town of Herman
- (2) PENALTY - The penalty for violation of this section shall be as provided in section 9.04 (1) of this code.

CHAPTER 6

HEALTH REGULATIONS

6.01 Holding Tanks

- (1) **HOLDING TANKS PERMITTED:** Holding tanks may be permitted in the Town upon filing of a properly completed agreement, payment of fees and deposits in compliance with this ordinance.
- (2) **OWNERS RESPONSIBILITY:** The owner will conform to all rules and regulations of the Town of Herman, Sheboygan County, and the State of Wisconsin in the construction and maintenance of the septic system, including holding tanks. The owner shall when necessary, but within the guidelines, if any, as set forth by the Town, County or State of Wisconsin, pump contents of said tank to a qualified site or sewerage treatment center as determined from time to time by the Town. The Town may order the pumping of said tank at any time that it deems that the failure to do so may cause a nuisance or human health hazard within the Town. The owner shall, within 30 days of being notified of said pumping, pay any and all associated costs.
- (3) **RIGHT TO ENTER PREMESIS:** Upon the signing of the application and/or agreement with the Town for the installation of the holding tank, the owner agrees that the Town is granted the right or license and authority to enter upon his property to inspect, pump and haul away, if necessary, the contents of said holding tank.
- (4) **SPECIAL ASSESSMENTS:** Upon receiving proper permits for the construction and installation of the holding tank, owner consents to pay any and all special assessments at the time of installation of any sanitary sewer adjacent or upon the above described owner's property and waives any assertion or claim that said sewer lack any benefit to him
- (5) **TAX ASSESSMENT:** Any cost accrued to the Town because of the use or operation, failure to maintain, or for any other reason, of said holding tank after proper billing, said Town may place said charges on the next succeeding tax bill as a special charge.
- (6) **BOND REQUIREMENTS:** The said Town Board may require a bond to be filed by the applicant for said permit or the owner of said premises after the installation of said holding tank to guarantee any and all expenses incurred by the Town for inspection, pumping, hauling or otherwise servicing and maintaining the subject holding tank in such manner as to prevent or abate any nuisance or health hazard caused by such holding tank. The said bond shall be maintained at all times and shall be replaced if expended for any reason. No interest shall accrue to the permittee on said bond or deposit.
- (7) **COVENANT ON LAND:** Said holding tank agreement shall be in such form so as to be recordable and shall be a covenant running with the land and shall be binding on owners, their heirs, successors and assigns.

6.02 Recycling Ordinance for the Town of Herman

- (1) **PURPOSE:** The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in s. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- (2) **STATUTORY AUTHORITY:** This ordinance is adopted as authorized under s. 287.09 (3) (b), Wis. Stats.
- (3) **ABROGATION AND GREATER RESTRICTIONS:** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant

to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

- (4) **INTERPRETATION:** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.
- (5) **SEVERABILITY:** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (6) **APPLICABILITY:** The requirements of this ordinance apply to all persons within the Town of Herman.
- (7) **ADMINISTRATION:** The provisions of this ordinance shall be administered by the town board of the Town of Herman.
- (8) **DEFINITIONS:** For the purposes of this ordinance:
 - (a) “Bi-metal container” means a container for carbonated or malt beverages made primarily of steel and aluminum.
 - (b) “Container board” means corrugated paper board used in the manufacture of shipping containers and related products.
 - (c) “Foam polystyrene packaging” means material designed for food or beverage service or loose particles or rigid material for packaging and shipping use.
 - (d) “HDPE” means high density polyethylene plastic containers marked by the SPI code No.2.
 - (e) “LDPE” means low density polyethylene plastic containers marked by the SPI code No.4.
 - (f) “Magazines” means magazines and other materials printed on similar paper.
 - (g) “Major appliances” means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer microwave oven, oven, refrigerator, or stove.
 - (h) “Mixed or other plastic resin types” means plastic containers marked by the SPI code No.7.
 - (i) “Multiple family dwelling” means a property containing five or more residential units, including those which are occupied seasonally.
 - (j) “Newspaper” means a newspaper and other materials printed on newsprint.
 - (k) “Non-residential facilities and properties” means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
 - (l) “Office paper” means high grade, printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
 - (m) “Person” includes any individual, corporation, partnership, association, local government unit, as defined in s. 287.01 (5m), Wis. Stats., state agency or authority or federal agency.
 - (n) “PETE” means polyethylene terephthalate plastic containers marked by the SPI code No.1.
 - (o) “Post-consumer waste” means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 289.01 (12), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high volume industrial waste, as defined in s. 144.44 (7) (a) 1., Wis. Stats.
 - (p) “PP” means polypropylene plastic containers marked by SPI code No.5.
 - (q) “PS” means polystyrene plastic containers marked by SPI code No.6.
 - (r) “PVC” means polyvinyl chloride plastic containers marked by the SPI code No.3.

- (s) "Recyclable materials" includes lead acid batteries, major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPB, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (t) "Solid waste" has the meaning specified in s. 289.01(33), Wis. Stats.
- (u) "Solid waste facility" has the meaning specified in s. 289.01 (35), Wis. Stats.
- (v) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical, or biological character or composition of solid waste. "Treatment" includes incineration.
- (w) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (x) "Yard waste" means leaves, grass clippings, and yard and garden debris and brush, including branches and clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots, or shrubs with intact root balls.

(9) SEPARATION OF RECYCLABLE MATERIALS: Occupants of single family and two-to-four-unit residences, multiple family dwellings, non-residential facilities, places of business, industry commerce, farms, and governmental facilities shall separate the following materials from consumer waste:

- (a) Lead acid batteries.
- (b) Major appliances.
- (c) Waste oil.
- (d) Yard waste.
- (e) Waste tires.
- (f) Aluminum containers.
- (g) Bi-metal containers.
- (h) Corrugated paper or other container board.
- (i) Foam polystyrene packaging.
- (j) Glass containers. Keep window glass separate.
- (k) Magazines or other materials printed on similar paper.
- (l) Newspapers or other materials printed on newsprint.
- (m) Office paper.
- (n) Plastic containers made of PETE(#1), HDPE(#2), PVC(#3), LDPE(#4), PP(#5), PS(#6), and mixed or other plastic resin types(#7).
- (o) Steel containers.

(10) SEPARATION REQUIREMENTS EXEMPTED: The separation requirements of 6.02 (9) do not apply to the following:

- (a) Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in 6.02 (9) from solid waste in as pure a form as technically possible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in 6.02 (9) for which a variance or exemption has been granted by the Department of Natural Resources under s. 287.07(7) or 287.11 (2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

(11) CARE OF RECYCLABLE MATERIALS: To the greatest extent practicable, the recyclable materials separated in accordance with 6.02(9) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other

inclement weather conditions.

(12) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, WASTE TIRES AND YARD WASTE: Occupants of single and two-to-four unit residences, multiple family dwellings, and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil , waste tires and yard waste as follows:

- (a) Lead Acid Batteries; bring them to the recycling center.
- (b) Waste Oil; bring to the recycling center, do not mix with anything.
- (c) Refrigerators and Appliances with freon will be accepted at the center for a fee to be set by resolution of the town board.
- (d) Other Appliances, Furniture and Carpeting are accepted for a fee to be set by resolution of the town board.
- (e) Tires are accepted for a fee to be set by resolution of the town board.
- (f) Yard Waste shall be disposed of on the site at which it is produced.

(13) PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS: Except as otherwise directed by the town board or its representatives, occupants of single family and two-to-four unit residences shall do the following for the preparation and collection of separated materials specified in 6.02(9):

- (a) Steel/Tin Cans: Rinse out can, remove both ends and flatten.
- (b) Aluminum: Rinse out thoroughly. Examples include TV dinner trays, foil wrap, pot pie pans, aluminum cans, and siding.
- (c) Clear and colored glass: Rinse contents out of the jar or bottle thoroughly and remove and discard the cover, lid, or cap. Acceptable examples of containers include catsup, barbecue sauce, salad dressing, pickle, jam, jelly, peanut butter, beer, liquor and wine bottles. Non-acceptable materials include plate glass, ceramics, clay items, and light bulbs and broken glass.
- (d) Plastic Containers: Rinse out thoroughly and remove caps and rings.
- (e) Magazines or other materials printed on similar paper shall be bundled separately.
- (f) Newspapers or other materials printed on newsprint or contained in newspapers as inserts shall be bundled separately.
- (g) Office paper shall be bundled separately.
- (h) Cardboard shall be flattened and bundled.

(14) SPECIFIED CONTAINERS:

- (a) Solid waste shall be placed in clear bags, not to exceed 30 gallons in size. Bags used shall be of sufficient strength to be handled by lifting from the top of the bag.
- (b) Recyclable materials shall be placed in blue recycling bags, which can be purchased at retail outlets.
- (c) All bagged solid waste and recyclables shall be brought to the Town of Herman Recycling Center during its normal hours of operation as promulgated by the town board, or at other times by appointment made with the town board or their designated representative.
- (d) The Town of Herman reserves the right to change any of the methods of preparing and collecting the materials in this section and shall provide posted, published or written notice to its residents of such changes.

(15) RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS:

- (a) Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in 6.02(9)(f)-(o):

1. Provide adequate, separate containers for the recyclable materials.
 2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semiannually thereafter about the established recycling program.
 3. Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for the recycling of the materials as specified in 6.02(9)(f)-(o) from solid waste in as pure a form as technically feasible.

(16) RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES:

- (a) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in 6.02(9)(f)-(o):
1. A Person in the Town of Herman owning or occupying new building or a building that is remodeled or expanded by 50% or more in floor area, shall provide a designated area for separation, temporary storage, and collection of solid waste and recyclables either within or adjacent to the building.
 2. Provide adequate, separate containers for the separated recyclable materials.
 3. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 4. Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 5. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and telephone number.
- (b) The requirements specified in (a) do not apply to the owners or designate agents of nonresidential facilities and properties if the post-consumer waste generated within the dwellings treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling of the materials specified in 6.02(9)(f)-(o) from solid waste in as pure a form as is feasible

(17) PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS, HAULER LICENSING, REPORTING REQUIREMENTS, RESTRICTIONS, AND PROCESSING FACILITIES:

- (a) No person or hauler may dispose in a landfill or burn in a solid waste facility any recyclable materials as specified in 6.02(9)(f)-(o), generated in the Town of Herman that have been separated for recycling.
- (b) No person or corporation shall engage in the business of hauling recyclables within the Town of Herman without being licensed by the Department of Natural Resources under section NR 502.06, Wis Administrative Code.
- (c) Haulers who collect solid waste or recyclables in the Town of Herman for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town of Herman.
- (d) Recycling haulers and processors operating in the Town Herman are required to maintain records and report in writing to the town clerk on or by December 31st each year. Reports shall include: the amount of solid waste

and recyclables collected and transported from the Town of Herman; the amount of solid waste and recyclables processed and or marketed by item type from the Town of Herman; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the municipality to revoke any license or sever any contract with the hauler or processor.

- (e) Any hauling contractor operating in the Town of Herman shall not transport for processing any recyclables to a processing facility unless that facility has been approved by the Town of Herman and is certified with the Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

(18) OWNERSHIP OF RECYCLABLE MATERIALS. Recyclable materials, upon placement at the collection site, shall become the property of the Town of Herman. Recyclable materials, upon collection by any permitted collector, shall become the property of the Town of Herman.

(19) EXEMPTIONS: The Town of Herman reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town of Herman or its contractors. The Town of Herman shall provide written notice to its service recipients of this declaration.

(20) ENFORCEMENT:

- (a) Any town board member or authorized representative of the town board of the Town of Herman may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection areas of multiple family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling or solid waste disposal activities, for the purpose of ascertaining compliance with the provisions of this ordinance. No person may refuse access to any town board member or authorized representative of the Town of Herman who requests access for the purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (b) Penalties for violating this ordinance shall be a penalty as provided in s. 9.04(1) of this code.

CHAPTER 7
ZONING AND TOWN PLANNING
SEPARATE PUBLICATIONS
RESOLUTION

WHEREAS, the Town of Herman has a zoning ordinance which was adopted in 1978; and

WHEREAS, to insure that all land division completed in the Town of Herman comply with the Town Zoning Ordinance

BE IT THEREFORE RESOLVED that all certified survey maps shall be submitted to the Town of Herman Town Board for review and approval based on compliance with the Town of Herman Zoning Ordinance.

Dated this 5TH day of MARCH 1986.

CHAPTER 8

BUILDING REGULATIONS

8.01 Building Permits and Inspections

(1) **AUTHORITY.** These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes

(2) **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

(3) **INSPECTIONS REQUIRED:**

(a) The construction and remodeling of one and two family dwellings in the Town of Herman.

(b) The construction and remodeling of residential outbuildings, garages and sheds in the Town of Herman.

(4) **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings requiring inspections under this ordinance.

(5) **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

(6) **BUILDING PERMIT REQUIRED.** No person shall alter, in excess of \$1,000.00 value in any twelve month period, build, add onto or alter any building without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements.

(7) **BUILDING PERMIT FEE.** The building permit fees shall be determined by resolution.

(8) **PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action.

(a) Any Town Supervisor or authorized representative of the Town Board of the Town of Herman shall be granted access under this ordinance to any building or construction site within the Town of Herman to determine compliance with this section.

(b) Penalties for violating this ordinance shall be a penalty as provided in s. 9.04(1) of this code. Each day of noncompliance shall be considered a separate violation.

CHAPTER 9

GENERAL PROVISIONS

9.01 Repeal Of General Ordinances

(1) All ordinances heretofore adopted by the Town of Herman similar to or in conflict herewith are hereby repealed.

9.02 Effect Of Repeals

The repeal or amendment of any section or provision of this code or of any other ordinance or resolution of the Town Board shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the town.
- (3) Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance shall be repealed or amended except that when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances and such prosecution shall proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this code shall take effect, shall be conducted according to the provisions of this code, and shall be, in all respects subject to the provisions of this code.

9.03 Rules Of Construction

In the construction of this code of general ordinances, the following, rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinance:

- (1) GENDER: SINGULAR and PLURAL - Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every work importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction shall not be applied to any provisions which shall contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.
- (2) PERSONS - The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable of being sued unless plainly inapplicable.
- (3) ACTS BY AGENTS - -When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be constructed to include all such acts when done by an authorized agent
- (4) TIME - The time within which an act is to be done, or proceeding, had, or taken shall be computed by excluding the first day and including the last and when any such time is expressed in hours, the whole of Sunday and of any legal holiday, from midnight to midnight, shall be excluded. If the last day within which an act is to be done, or proceeding had, or taken falls on Sunday, or legal holiday, the act may be done or proceeding had or taken on the next secular day.

9.04 Penalty Provisions

(1) GENERAL PENALTY - Whenever so provided in this code, any person who shall violate any provisions of this code shall upon conviction of such violation be subject to a penalty, which shall be as follows:

- A. First Offense: Penalty - Any person found guilty of violating any ordinance or part of any ordinance of this code referring to this section, upon conviction thereof, shall forfeit not less than \$1 or more than \$100, 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 said forfeiture and costs are paid, but not exceeding thirty (30) days.
 - B. Second Offense: Penalty - Any person found guilty of violating any ordinance or part of any ordinance of this code referring to this section who shall previously have been convicted of a violation of the same ordinance shall upon conviction thereof, forfeit not less than \$10 nor more than \$200 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not exceed six (6) months.
- (2) Other Penalty - Any person found guilty of violating any ordinance or part of any ordinance of this code referring to this section, upon conviction shall forfeit not less than \$100.00 nor more than \$500.00, and in default of payment thereof, shall be imprisoned in the County Jail for a period not exceeded 90 days.
 - (3) PENALTY WHERE NONE PROVIDED - A violation of any provisions of this code or of any other ordinance of the Town of Herman which no penalty is expressly provided shall subject the violator to a penalty of not less than \$1.00, nor more than \$100.
 - (4) EXECUTION AGAINST DEFENDANTS PROPERTY - Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the town, the court may, in lieu of ordering imprisonment of the defendant or after the defendant has been released from custody, issuing an execution against the property of the defendant for said forfeiture and costs.
 - (5) COSTS AND SENTENCE IN JUDGMENT - Whenever a penalty or forfeiture is imposed as the whole or any part of the punishment of any offense under the provisions of this code, the judgement shall also include the costs of prosecution and shall provide for the imprisonment in the County Jail for default in the payment of such penalty, forfeiture and costs.

9.05 Conflict And Separability

- (1) Conflict Of Provisions - If the provisions of the different chapters of this code conflicts with or contravene with each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- (2) SEPARABILITY OF CODE PROVISIONS - If any section, subsection, sentence, clause or phrase of this code or any ordinance of the town is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Town Chairman and Town Board of the Town of Herman hereby declares that they would have passed this code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

9.06 Clerk To File Documents Incorporated By Reference

- (1) Whenever in this code any standard, code rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this code, are adopted by reference, they shall be deemed incorporated in this code as if fully set forth herein and the Town Clerk is hereby directed and required to file, deposit and keep in his office a copy of the code, standard rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person, subject to such orders or regulations which the Clerk may prescribe for their preservation.

9.07 Effective Date Citation

- (1) These ordinances shall be known as the "Municipal Code of the Town of Herman" and shall take effect from and after passage and publication. All references thereto shall be cited by section number.

9.08 An Ordinance to Codify the General Ordinances of The Town Of Herman

WHEREAS, the Town Board authorized the preparations of a code of general ordinances for the Town of Herman; and

WHEREAS, a copy of such a code has been on file and open for public inspection in the office of the Town Clerk at the Herman Town Hall for not less than two (2) weeks as required by Section 66.035 of the Wisconsin Statutes;

NOW, THEREFORE, the TOWN BOARD OF HERMAN DOES ORDAIN AS FOLLOWS:

That the code of ordinances in pamphlet form entitled "Municipal Code of the Town of Herman", a copy of which is on file in the office of the Town Clerk in the Herman Town Hall for public inspection, shall be and is hereby adopted as the general ordinances in and for the Town of Herman, Sheboygan County, Wisconsin, up to and including the 7th day of April, 1971

This ordinance shall take effect the day after passage and publication as provided by law

Adopted by the Town Board of the Town of Herman, Sheboygan County, Wisconsin, this 7th day of April 1971

RAYMOND KARSTEADT, Town Chairman

ATTEST: DANIEL BOEDEKER, Town Clerk