

## Regulation and Licensing of Fireworks

- (2) Permit Exceptions. Subparagraph (c)(1) above does not apply to:
    - a. The Village, except that Village fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
    - b. The possession or use of explosives in accordance with rules or general orders of the Wisconsin Department of Industry, Labor and Human Relations.
    - c. The disposal of hazardous substances in accordance with rules adopted by the Wisconsin Department of Natural Resources.
    - d. The possession or use of explosive or combustible materials in any manufacturing process.
    - e. The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
    - f. A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
  - (3) Who Permit May Be Issued To. A permit under this subsection may be issued only to the following:
    - a. A public authority.
    - b. A fair association.
    - c. An amusement park.
    - d. A park board.
    - e. A civic organization.
    - f. A group of resident or non-resident individuals.
    - g. An agricultural producer for the protection of crops from predatory birds or animals.
  - (4) Crop Protection Signs. A person issued a permit for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.
  - (5) Bond. The Village President issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Village, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Village Clerk.
  - (6) Required Information for Permit. A permit under this subsection shall specify all of the following:
    - a. The name and address of the permit holder.
    - b. The date on and after which fireworks may be purchased.
    - c. The kind and quantity of fireworks which may be purchased.
    - d. The date and location of permitted use.
    - e. Other special conditions prescribed by ordinance.
  - (7) Copy of Permit. A copy of a permit under this subsection shall be given to the Chief of Police and Fire Chief at least two (2) days before the date of authorized use.
  - (8) Minors Prohibited. A permit under this subsection may not be issued to a minor.
- (d) STORAGE AND HANDLING.

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- (1) Fire Extinguishers Required. No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Fire Chief.
  - (2) Smoking Prohibited. No person may smoke where fireworks are stored or handled.
  - (3) Fire Chief to be Notified. A person who stores or handles fireworks shall notify the Fire Chief of the location of the fireworks.
  - (4) Storage Distance. No wholesaler, dealer or jobber may store fireworks within fifty (50) feet of a dwelling.
  - (5) Restrictions on Storage. No person may store fireworks within fifty (50) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one (1) gallon.
- (e) PARENTAL LIABILITY. A parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

State Law Reference: Section 101(1)(j), Wis. Stats.



## CHAPTER 8

### Street Use Permits

§ 7-8-1 Street Use Permits

#### SEC. 7-8-1 STREET USE PERMITS.

- (a) **PURPOSE.** The streets in possession of the Village are primarily for the use of the public in the ordinary way. However, under proper circumstances the Village Board may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this ordinance is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the Village can be protected and maintained.
- (b) **APPLICATION.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the Village Clerk and shall be filed with the Village Clerk. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
  - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
  - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
  - (4) The date and duration of time for which the requested use of the street is proposed to occur.
  - (5) An accurate description of that portion of the street proposed to be used.
  - (6) The number of persons for whom use of the proposed street area is requested.
  - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
- (c) **REPRESENTATIVE AT BOARD MEETING.** The person or representative of the group making application for a Street Use Permit shall be present when the Village Board gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) **PETITION.** The application shall be accompanied by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five (75%) percent of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the following form:

#### PETITION FOR STREET USE PERMIT

We, the undersigned residents of the \_\_\_\_\_ hundred block of \_\_\_\_\_ Street in the Village of Bear Creek, hereby consent to the \_\_\_\_\_ recreational or business use of this street between the hours of \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for the purpose of \_\_\_\_\_ and do hereby petition the Village Board of the Village of Bear Creek to grant a Street Use Permit for us to use the said portion of said street for said purpose and do hereby agree to abide by such



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conditions of such use as the Village Board of the Village of Bear Creek shall attach to the granting of the requested Street Use Permit.

We designate \_\_\_\_\_ as the responsible person or persons who shall sign an application for a Street Use Permit on our behalf.

- (e) FEES. An application for a Street Use Permit for less than three (3) blocks shall be accompanied by a fee of Five (\$5.00) Dollars for the permit. If the application is for three (3) or more blocks, a fee of Fifteen (\$15.00) Dollars shall accompany the application plus a flat user fee of Twenty (\$20.00) Dollars if traffic must be rerouted for the street closure. If the application is for an event in which a major activity is the sale or promotion of commercial products or services, the application shall be accompanied by a fee of Ten (\$10.00) Dollars, plus a Thirty (\$30.00) Dollar flat user fee per day and the applicant shall agree to pay within twenty (20) days of billing all Village costs incurred by the occasion of the event. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (f) INSURANCE. The Applicant for a Street Use Permit may be required to indemnify, defend, and hold the Village and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the Village on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the Village of Bear Creek. The applicant may be required to furnish a performance bond prior to being granted the permit.
- (g) TERMINATION OF A STREET USE PERMIT. A Street Use Permit for an event in progress may be terminated by a law enforcement officer if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or ordinances of the Village of Bear Creek. The Village Marshal has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

## CHAPTER 9

### Day Care Centers and Nursery Schools

- § 7-9-1 Operation of Day Care Centers and Nursery Schools Regulated  
 § 7-9-2 Licensing of Day Care and Nursery Schools  
 § 7-9-3 Fence Required

SEC. 7-9-1 OPERATION OF DAY CARE CENTERS AND NURSERY SCHOOLS  
REGULATED.

- (a) BOARD OF HEALTH TO SUPERVISE. All day care centers or nursery schools in the Village shall be under the supervision of the Board of Health and shall meet all rules and regulations of the State of Wisconsin Department of Health and Social Services, Family Services Division as to licensing, inspection and any administrative criteria and rules of that Department.
- (b) STATE REGULATIONS ADOPTED. No day care center or nursery school shall be operated within the Village unless the facilities thereof are in compliance with the provisions of Ch. IND 60, Wisconsin Administrative Code, which is hereby adopted and incorporated in this Section reference with the same effect as if it were fully set forth herein. A copy of such regulations, as from time to time amended, shall be kept permanently on file in the Office of the Clerk. The owner, lessor, lessee, operator and person in charge of any day care center or nursery school shall be mutually and severally responsible for compliance with the provisions of this subsection.
- (c) INSPECTIONS. The Building Inspector shall inspect any premises licensed by the State to determine whether the premises conform with the Building Code and health and safety requirements of this Code of Ordinances.

**State Law Reference:** Chapter IND 60, Wis. Adm. Code; Section 48.65, Wis. Stats.

**SEC. 7-9-2 LICENSING OF DAY CARE CENTERS AND NURSERY SCHOOLS.**

- (a) STATE LICENSE REQUIRED FOR DAY CARE CENTERS. No person shall engage in the business of day care center or nursery school operator within the Village who does not hold a valid day care center operator's license issued by the Wisconsin Department of Health and Social Services.
- (b) VILLAGE LICENSING.
  - (1) Every facility licensed as a day care center or a nursery school by the State shall apply for a license to the Health Department on May 1, beginning May 1, 1978. Such application shall be filed at least sixty (60) days before May 1, so that inspections by appropriate Village and County Officials can be completed and license issued to the operator of the day care center or nursery school.
  - (2) The Village license shall be in addition to the State license and shall be granted to each operator after an inspection by the Health Officer and the Building Inspector. No license shall be granted unless the operator of the premises has conformed with all Village and State regulations applicable thereto.



## Day Care Centers and Nursery Schools

- (c) **REVOCATION; FEES.** Every Village license issued hereunder may be revoked by the Health Nurse in case of any violation of the Building Code or health and safety regulations as found by inspection. Such license revocation notice shall be given to the operator and hearing provided upon notice. The license fee for every licensed facility shall be Ten (\$10.00) Dollars per year, payable May 1 when such license is issued.

### SEC. 7-9-3 FENCE REQUIRED.

To assure the safety of those children who are cared for at a day care center, all such centers which are not located on a corner lot shall have all or an adequate portion of the rear yard fenced so as to help assure the safety of the children while playing outside. Centers located on corner lots shall maintain such a fenced area in a side yard.

## CHAPTER 10

### Regulation of Alarm Systems

§ 7-10-1	Title
§ 7-10-2	Declaration of Purpose
§ 7-10-3	Definitions
§ 7-10-4	Administrative Rules
§ 7-10-5	Automatic Dialing Devices
§ 7-10-6	Direct Connections to the Police Department
§ 7-10-7	Testing
§ 7-10-8	Notification
§ 7-10-9	Fee for Answering Alarms
§ 7-10-10	Termination of Direct Connection
§ 7-10-11	Village Liability
§ 7-10-12	Permits for Private Alarm Systems
§ 7-10-13	Revocation of Permits
§ 7-10-14	Penalties

#### SEC. 7-10-1 TITLE.

This Chapter shall be known as the Village of Bear Creek Alarm System Chapter.

#### SEC. 7-10-2 DECLARATION OF PURPOSE.

The purpose of this Chapter is to provide minimum standards of regulations applicable to burglar, fire and hold up alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

#### SEC. 7-10-3 DEFINITIONS.

Within this chapter, the following terms, phrases and words and their derivations have the meaning given herein:

- (a) The term "alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) The term "alarm system" means an assembly of equipment and devices or single device such as a solid-state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Bear Creek Police or Fire Department is expected to respond. In this chapter, the term "alarm systems," "holdup alarm systems," and "manual holdup alarm systems" as those terms are hereinafter defined, the fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located, of an attempted unauthorized intrusion or holdup attempt, or fire.



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- (c) The term "annunciator" means the instrumentation on an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated, or which, in the event of malfunction, may also indicate line trouble.
- (d) The term "answering service" refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Bear Creek Police or Fire Department.
- (e) The term "automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) The term "automatic hold up alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.
- (g) The term "manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer thereof.
- (h) The term "burglar alarm system" refers to an alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) The term "direct connect" means an alarm system which has the capability of transmitting system signals to the Police or Fire Department dispatch center.
- (j) The term "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system, or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes, or other violent climatic conditions.
- (k) The term "interconnect" means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (l) The term "central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) The term "primary trunk line" means a telephone line leading directly into the dispatch center of the Bear Creek Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory, or numbers in sequence therewith.
- (n) The term "subscriber" means a person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

### SEC. 7-10-4 ADMINISTRATIVE RULES.

The Village Marshal, in cooperation with the County Sheriff's Department, shall promulgate such rules as may be necessary for the implementation of this chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.



SEC. 7-10-5 AUTOMATIC DIALING DEVICES.

No person shall interconnect any automatic dialing device to a law enforcement department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Bear Creek Police or Fire Department shall only be done person to person on the telephone line.

SEC. 7-10-6 DIRECT CONNECTIONS TO THE POLICE DEPARTMENT.

Direct connections to the Village Police or Fire Department or are prohibited.

SEC. 7-10-7 TESTING.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police or Fire Department shall be tested or demonstrated without prior notification of the Police or Fire Department dispatcher. Alarm business or alarm system owners or lessors will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Police or Fire Department will be tested to determine the Police or Fire Department response without first notifying the appropriate authority.

SEC. 7-10-8 NOTIFICATION.

When the service provided by an alarm business to its subscriber is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

SEC. 7-10-9 FEE FOR ANSWERING ALARMS.

There is hereby imposed a fee for law enforcement response to any alarm resulting from the activation of an alarm system, except when law enforcement finds that an unauthorized person is on the premises, was seen on the premises immediately before the alarm was activated or that there is fresh evidence of forceful entry or attempted forceful entry. There shall be no fee for the first and second response in any calendar year, Twenty-five (\$25.00) Dollars for the third response in any calendar year, and Twenty-five (\$25.00) Dollars for the fourth and all further responses in that calendar year. The fee is inapplicable when the alarm is caused by a tornado, or other violent climatic conditions. This fee is imposed whether the Police or Fire Department receives the alarm by direct notice or through an intermediary such as an answering service or central station. Failure to pay the stated fee within thirty (30) days of receipt of the bill shall be grounds for a refusal of police services in regards to future alarms being received. However, before any refusal or "No Service" is given, the Village Marshal shall receive approval from the Village Board.



SEC. 7-10-10    TERMINATION OF DIRECT CONNECTION.

The Village Marshal is authorized to require that the owner or lessee of any alarm system directly connected to the Police or Fire Department or primary trunk lines shall disconnect such device within thirty (30) days after passage of this chapter.

SEC. 7-10-11    VILLAGE LIABILITY.

The Village of Bear Creek shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

SEC. 7-10-12    PERMITS FOR PRIVATE ALARM SYSTEMS.

- (a) PERMIT REQUIRED. A permit is required for each private alarm system on premises within the Village. There shall be a Ten (\$10.00) Dollars permit fee.
- (b) INTERIOR ALARMS. A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) ISSUING AUTHORITY. The issuing authority for permits shall be the Village Marshal.
- (d) APPLICATION. Application for permit required under this Chapter shall be filed with the Village Marshal. The Village Marshal shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Village Marshal shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) APPEAL. Any person required by this Chapter to have a permit who has been denied such a permit by the Village Marshal shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in Section 7-10-13.

SEC. 7-10-13    REVOCATION OF PERMITS.

- (a) HEARING. Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Village Marshal. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.
- (b) GROUNDS FOR REVOCATION. The Village Marshal may revoke a permit on the following grounds:
  - (1) The application for a permit contains a false statement of a material fact
  - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
  - (3) An alarm system repeatedly actuates false alarms.
- (c) APPEALS. Any permittee may appeal the decision to the Village Marshal by filing a written notice of appeal with the Clerk within ten (10) days after the decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Board gives its decision. The Clerk shall give written notice of the time and



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place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence.

### SEC. 7-10-14 PENALTIES.

- (a) Any person who shall violate any Section of this Chapter shall be subject to a penalty as provided in Section 1-1-6 of this Code of Ordinances.
- (b) When any premises located in the Village is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (c) In addition to a forfeiture, any person using a privated alarm system whose false alarm requires a response to the premises by the County Sheriff's Department, Village Marshal, Fire Chief or Village personnel shall be subject to payment of false alarm fees as provided in Section 7-10-9.

CHAPTER 11

Regulation of Nonmetallic Mining

§ 7-11-1	Statutory Provisions Adopted
§ 7-11-2	Definitions
§ 7-11-3	Existing Nonmetallic Mining Operations
§ 7-11-4	Exempt Activities
§ 7-11-5	Permit Required for Nonmetallic Mining
§ 7-11-6	Permit Revocation

SEC. 7-11-1 STATUTORY PROVISIONS ADOPTED.

This Chapter is adopted pursuant to Section 66.038, Wis. Stats., which is adopted by reference and made a part of this Chapter as if fully set forth herein.

SEC. 7-11-2 DEFINITIONS.

As used in this Chapter:

- (a) ENVIRONMENTAL POLLUTION has the meaning specified under Sec. 144.01(3), Wis. Stats.
- (b) NONMETALLIC MINING or NONMETTALIC MINING OPERATION means operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, fill material and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operation or activities such as excavation, grading or dredging if the purpose of those operation or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.
- (c) NONMETALLIC MINING REFUSE means waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.
- (d) NONMETALLIC MINING SITE or SITE means the location where a nonmetallic mining operation is proposed or conducted including all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.
- (e) OPERATOR means any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under this nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (f) RECLAMATION means the rehabilitation of a nonmetallic mining site including but not limited to removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative



cover, control of surface water and ground water, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

- (g) REPLACEMENT OF TOPSOIL means the replacement of the topsoil which was removed or disturbed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.

SEC. 7-11-3      EXISTING NONMETALLIC MINING OPERATIONS.

This nonmetallic mining reclamation Chapter shall apply to any portion of a nonmetallic mining site, including unreclaimed portions of a site which were mined prior to the effective date of this Chapter.

SEC. 7-11-4      EXEMPT ACTIVITIES.

This nonmetallic mining reclamation Chapter shall not apply to the following activities:

- (a) Excavations or grading by a person solely for domestic use at his or her residence.
- (b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for building construction purposes.
- (e) Any mining operation, the reclamation of which is required in a permit obtained under Sections 144.80 to 144.94, Wis. Stats.
- (f) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Sections 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under Sections 144.60 to 144.74, Wis. Stats., but a nonmetallic mining reclamation ordinance may apply to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

SEC. 7-11-5      PERMIT REQUIRED FOR NONMETALLIC MINING.

- (a) PERMIT REQUIRED. No person shall operate any nonmetallic mining site or operation within the Village unless he obtains a nonmetallic mining permit from the Village Board. The fee for such permit shall be Fifty (\$50.00) Dollars payable by certified check. Operators of existing nonmetallic mining operation shall apply for such permit within thirty (30) days of the effective date of this Chapter.
- (b) REQUIRED PERMIT INFORMATION. An application for a nonmetallic mining permit shall be submitted by the operator and shall include:
  - (1) An adequate description of the operation, including a legal description of the property;
  - (2) A plan of the site showing the proposed and existing roads, and drives, and the sources, quantity and disposition of water to be used, if any;
  - (3) Estimated dates for completion of the extraction and commencement and completion dates for the reclamation;



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- (4) A reclamation plan and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area;
  - (5) Methods of screening from adjacent properties;
  - (6) Hours of operation;
  - (7) Dust and noise control;
  - (3) Maximum depth;
  - (9) Blasting procedures;
  - (10) Location and height of stockpiles; and
  - (11) Such other information the Village Board deems pertinent to the operation.
- (c) RECLAMATION PLAN. The reclamation plan shall contain adequate provision that:
- (1) All final slopes around the area be flatter than a three (3) to one (1) horizontal slope in a sand, gravel or borrow pit operation, or in a safe angle or repose in a quarrying operation;
  - (2) Excavations below the grade of the nearest abutting public street or highway shall be setback from the street or highway a distance not less than that required for buildings and structures in the same zoning district;
  - (3) Excavations made to a water producing depth shall be not less than three (3) feet measured from the low water mark;
  - (4) All final slopes shall be covered with adequate topsoil and seeded to prevent erosion;
  - (5) The plan shall require that after completion of the anticipated operation that the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Village Board;
  - (6) There is a timetable for completion of various stages of reclamation of the nonmetallic mining site.
- (d) APPLICATIONS. All applications for a license hereunder shall be made in writing upon the written form provided by the Village and distributed by the Village Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the Village Clerk at least sixty (60) days prior to the licensing period. The Village Clerk shall immediately refer all applications for a license hereunder to the Village Board for public hearing and approval. The operator shall receive written notice of the public hearing. The license shall be for a period of time as stated in the application or as modified by the Board. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Board shall consider the effect of the operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The Board may approve, approve conditionally or reject the application and reclamation plan.
- (e) FINANCIAL ASSURANCE. Before a license and reclamation plan is approved by the Village Board, the operator shall submit an agreement and performance bond or cash escrow agreement to assure the following:
- (1) The operator shall pay for the cost of all improvements required in the reclamation plan by the Village Board.
  - (2) Guaranteed completion of the required reclamation within a period determined by the Board.
  - (3) Payment by the operator for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specifications by the Village Engineer and Attorney, as well as other costs of a similar nature.
  - (4) The Village may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.



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- (5) The required performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the Village Engineer's estimated cost of the required improvements.
- (6) If the required reclamation is not complete within the designated period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required reclamation. Any balance remaining after such reclamation has been done shall be returned to the operator. The Village Board at its option, may extend the bond period for additional periods.
- (f) FENCES. Prior to reclamation, nonmetallic mining sites abutting areas zoned residential shall be enclosed by a security fence of not less than four (4) feet in height. Fence gates shall be locked or secured when the site is unattended so as to prevent uncontrolled access by children to the site.
- (g) INSPECTION. An authorized agent of the Village may enter the premises of a nonmetallic mining operation in the performance of his or her official duties by permission of the property owner or operator or pursuant to a special inspection warrant issued under Sec. 66.122, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation Chapter.
- (h) PROHIBITIONS AND ORDERS. Nonmetallic mining operation within the Village are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this Chapter or if other requirements of this Chapter are not met.

### SEC. 7-11-6 PERMIT REVOCATION.

If any permit is revoke, cancelled, rescinded or terminated, the operator shall be given written notice of any charges or violations against him or the reasons proposed for revocation and shall have an opportunity to be heard before the Village Board.

## CHAPTER 12

### Flea Markets and Garage Sales

- § 7-12-1 Regulation of Flea Markets
- § 7-12-2 Garage Sales

#### SEC. 7-12-1 REGULATION OF FLEA MARKETS.

- (a) **DEFINITIONS.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - (1) **Flea market:** a market, indoors or out of doors, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books and used magazines.
  - (2) **Flea market seller:** a person, firm or corporation selling items or offering items for sale at a flea market.
  - (3) **Market:** a place where goods are sold to the public.
- (b) **LICENSE REQUIRED.** No person, firm or corporation shall operate the business of renting space or allocating space to flea market sellers without first obtaining a license therefor from the Village Board. Applications for license shall be made to the Clerk, on forms to be provided by the Clerk. Only one license shall be required for each flea market, and the individual flea market sellers shall not be required to obtain a license under this section. The fee for such license shall be Ten (\$10.00) Dollars per year. The Village Board may restrict the license for use on certain dates and times.
- (c) **INFORMATION TO BE FILED.** The Information to be filed with the Clerk, pursuant to this ordinance, shall be as follows:
  - (1) Name of person, firm, group, corporation, association, or organization conducting said sale.
  - (2) Name of owner of the property on which said sale is to be conducted, and consent of owner if applicant is other than the owner.
  - (3) Location at which sale is to be conducted.
  - (4) Number of days of sale.
  - (5) Date, nature of any past sale.
  - (6) Relationship or connection applicant may have had with any other person, firm, group, organization, association, or corporation conducting said sale and the date or dates of such sale.
  - (7) Whether or not applicant has been issued any other vendor's license by any local, state or federal agency.
  - (8) Sworn statement or affirmation by the person signing that the information therein given is full and true and known to him to be so.
- (d) **RECORDS TO BE KEPT BY LICENSEE.** Each person required by this ordinance to obtain a license shall keep accurate records of the names and addresses of each flea market seller, together with a brief description of the type or types of merchandise offered for sale by that seller.



## Flea Markets and Garage Sales

- (e) **SECONDHAND STORES EXCEPTED.** No person, firm or corporation having a license as a secondhand store shall be required to obtain a license under this ordinance for the same business location.
- (f) **MORE THAN ONE MARKET.** Any person, firm or corporation renting or allocating space to flea market sellers in more than one place of business shall be required to obtain a license for each place of business, provided that one license shall be adequate for locations that are on the same lot, adjacent lots or lots separated only by an alley.
- (g) **UNLAWFUL TRANSACTIONS.** No person shall sell or offer for sale at any flea market any goods known to such person to be stolen.
- (h) **PURCHASES FROM CHILDREN.** No flea market seller shall purchase any used household item, antique or used article whatsoever from any person under the age of eighteen (18) years, unless such person is accompanied by the person's parent or guardian.
- (i) **HOURS.** Flea markets may remain open for business between the hours of 9:00 a.m. and 8:00 p.m., unless otherwise specified on the license by the Board at time of issuance.
- (j) **PENALTY.** In addition to the suspension or revocation of a license issued under this ordinance, any person who shall violate any provision of this Section or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Sec. 1-1-6 of this Code of Ordinances.

### SEC. 7-12-2 GARAGE SALES.

- (a) **LICENSE REQUIRED.** Any person wishing to hold a garage sale shall first obtain a license from the Clerk. The license shall be obtained at least one (1) working day before the sale and shall be prominently displayed during the sale. The fee for such a license shall be One (\$1.00) Dollar and the Clerk shall notify the Village Marshal in writing of all such licenses issued.
- (b) **FREQUENCY OF SALES; OWNERSHIP OF MERCHANDISE.**
  - (1) Garage sales, yard sales and similar merchandise sales may be held no more than four (4) times per year at any residence, and for a total of not more than ten (10) days in that year. The Clerk may authorize additional sales and/or sale days if warranted by unusual circumstances. All goods offered for sale shall be household goods or personal possessions from the residence where the sale is being held or, in the case of a group sale, from the residences of the participating households. In no case shall any sales become outlets for wholesale or retail commercial sales.
  - (2) Any garage sales, yard sales, and similar merchandise sales by nonprofit philanthropic, or civic organizations must be approved by the Clerk, and may be held no more than four (4) times per year for not more than a total of six (6) days in that year. The Clerk may authorize additional sales and/or sale days if warranted by unusual circumstances. In no case shall any sales become outlets for wholesale or retail commercial sales.
- (c) **HOURS.** Garage sales shall be conducted between 8:00 a.m. and 8:00 p.m. Each sale shall last no longer than four (4) consecutive days.
- (d) **SIGNS.**
  - (1) Garage sale sign may not have an area more than six (6) sq. ft. with a maximum of two (2) faces. Garage sale signs shall identify the location of the sale and must be located at least five (5) feet from the street line or nearest lot line.

## Flea Markets and Garage Sales

- (2) No garage sale sign may be located on utility poles, traffic control devices, or on property or the adjoining right-of-way of property the owner of which has not given explicit permission for its location.
  - (3) No garage sale sign shall be displayed before one (1) day before the sale or one (1) day following the sale.
  - (4) No more than one (1) garage sale sign may be located at the sale site and no more than two (2) garage sale signs may be located off the site, except that two (2) signs are permitted on corner lots, one facing each street.
- (e) **DEFINITIONS.** The following definitions are applicable to this Section:
- (1) Garage Sale. All general sales open to the public, conducted from or on a residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled rummage, lawn, yard, porch, room, backyard, patio, or garage sale.
  - (2) Personal Property. Property which is owned, utilized and maintained and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.
- (f) **PENALTY.** In addition to the suspension or revocation of a license issued under this ordinance, any person who shall violate any provision of this Section or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Sec. 1-1-6 of this Code of Ordinances.