

GENERAL PROVISIONS

Section 1: Separability. If any court of competent jurisdiction adjudges any part or provision of this ordinance or the Code of Ordinances to be invalid, the judgment shall be confined to that part, provision or application only. The judgment shall not affect or impair the validity of the remainder of these ordinances. The Town Board of the Town of Tilden hereby declares that it would have enacted the remainder of these ordinances, even without any such part, provision or application that is adjudged to be invalid.

Section 2: Violations. In addition to the penalties specified for violations of particular sections of the Code of Ordinances, any person found to have violated the provisions of the Town of Tilden's Code of Ordinances shall pay costs and disbursements to the Town in accord with s. 814.63, Wis. Stats., related to the prosecution of all such violations of the Code of Ordinances.

A. Pursuant to s. 66.0113, Wis. Stats., the Town authorizes the citation method of enforcement for the violation of any Town ordinances contained in this code.

B. Citations shall contain the information prescribed by 66.0113(1)(b), Wis. Statutes.

C. Each violation of the Town code shall be subject to a cash deposit to consist of the forfeiture described in the individual ordinances in this Code together with applicable costs, penalties and assessments as prescribed by Wisconsin Statutes.

Section 3: Enforcement. Any law enforcement officer, and/or the Town Board chairman or as appointed by the Chairman in writing and filed with the Town Clerk, any other officer or employee of the Town shall be empowered to issue citations to enforce this code.

Section 4: Default. 66.0113 (3), Wis. Stats., relating to violator's options and procedure on default is adopted and incorporated in this Ordinance by reference.

Section 5: Town Board Options. The adoption of this Ordinance shall not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any Town ordinance by any other means available to the Town under law.

Section 6: Peace Officer Designation. All law enforcement officers together with the Town Board Chairman and other officers and employees who are appointed by the Chairman to enforce Town Ordinances are hereby designated as peace officers of the Town for inspection purposes with powers or duties involving the inspection of real or personal property and they may apply for, obtain and execute special inspection warrants under s. 66.0119, Wis. Statutes.

Section 7: Any approval or permit issued by the Town in compliance with this code of ordinances, does not relieve any person of the duty to comply with county ordinances, state and federal regulations, or other legal requirements.

A. Any construction that exceeds or is planned to exceed (1) acre is required by the Town to contact the (DNR) Department of Natural Resources for a NR216 Permit.

B. All developers, owners and/or their agents must be compliant with all Federal, State, County, City and Town ordinances and laws for signage of the final plat.

Section 8: Definitions These definitions shall apply throughout this Code of Ordinances unless the context dictates otherwise, or unless there are other definitions noted as specifically applying to a particular section or subsection.

Agricultural use - means any beekeeping, commercial feed lots, dairying, egg production, floriculture, fish, or fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts, and berries, sod farming, placing land in federal programs in return for payments in kind, owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USSC 3831 to 3836, participating in the milk production termination program under 7 USC 1446(d), and vegetable raising.

Appliance - means any household or office device, instrument, utensil or apparatus or machine that utilizes power, including, but not limited to any stove, washer, dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, any computer or peripheral device or other electronic device.

Back Fire - mean a fire which has been set as a means of controlling or extinguishing another fire, previously burning, by the combustion fo materials which may otherwise feed the existing fire.

Building - A structure having a roof supported by columns or walls, and intended for the shelter, housing or enclosure of persons, animals or chattels; each portion of a building separated by a division of walls from the ground up, without openings in those walls, is a separate building for the purpose of this chapter.

Campfire - means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

Cemented Poles - A cemented pole is considered a “permanent foundation” for requiring a building permit and plot plan when part of a building or structure. This could include small and/or domesticated animal housing.

Clean Wood - means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservative and does not contain resins or glues as in plywood or other composite wood products.

Commercial - Done primarily for sale or profit. From the view point of business. The

practice or spirit of business. To put on a business basis. To make or do for money or profit. Designed for profit.

Commercial Kennel - dogs held for breeding, for the sale of their litters, for the care of other people's dogs

Driveway - means a roadway to permit normal travel, to and from, a residence, farm, commercial, or some other special, noncommercial purpose that serves less than three separate identities.

Fire Chief - means the Chief of the Town volunteer Fire Department or other person authorized by the Fire Chief or by the Town Board of the Town of Tilden.

Fire works - means anything manufactured, processed or packaged for exploding, emitting sparks or combustion, which does not have another common use, but does not include any of the following:

1. Fuel or lubricant.
2. A firearm cartridge or shotgun shell
3. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
5. A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
6. A toy snake, which contains no mercury.
7. A model rocket engine.
8. Tobacco and a tobacco product.
9. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
10. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
11. A fuseless device that is designed to produce audible or viable effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
12. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
13. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 CFR 173.50.
14. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

Freestanding Sign - A sign principally supported by one or more columns, poles or braces placed in or upon the ground.

Holiday shall mean those holidays declared and observed by the Legislature of the

State of Wisconsin.

Incinerator - mean a container, devise or vessel used for the partial or total destruction of combustible materials by means of burning.

Land - means real estate as described in a recorded deed or other instrument in the Chippewa County Register of Deeds as being in the ownership of a specific person or persons.

Lot - a parcel of land divided from a quarter-quarter section which is less than 20 acres or less than 1/2 of a quarter-quarter section in size.

Manufactured Home - A structure certified and labeled as a manufactured home under 42 USC Sec. 5401-5426, which, when placed on the site:

- (a) Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and COMM 21, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered Architect or Engineer to ensure proper support for such structure;
- (b) Is installed in accordance with the manufacturer's instruction;
- (c) Is properly connected to utilities;
- (d) Has an area of at least nine hundred sixty (960) square feet to living space, with a minimum of twenty (20) square feet in width and is used or intended to be used exclusively as a single family residence; and
- (e) Meets other applicable stands of this Chapter.

Minor Structures - Any small, movable accessory erection or construction, such as arbors, birdhouses, tool houses, pet-houses, play equipment, and walls and fences under four (4) feet in height.

Mobile Home - A manufactured home that is HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70). A mobile home is a structure, which is, or was originally constructed, designed to be transportable in one or more sections, which in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein and any additions, attachments, annexes, foundations and appurtenances. The defined units are commonly known as "single wide" or "double wide" mobile homes.

Mobile Home Lot - A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile Home Park - A parcel of land which has been developed for the placement of

mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home park is also any lot on which five (5) or more mobile homes are parked for the purpose of permanent habitation, regardless of whether or not a charge is made for such accommodation, and including any associated service, storage, recreation and other community service facilities designed to for exclusive use of park occupants.

Motor Vehicle - Any vehicle manufactured, built, used or designed to be self propelled along a highway and which can be used for transporting people, animals or material.

Motor Vehicle, Junked and Inoperable - A motor vehicle as defined herein that is not operable, that has been wrecked, that is unlicensed, that could not be safely or legally operated on a public highway, that has become the habitat for rodents, vermin, insects or other animals, that has not been moved for a continuous period of time of more than 60 days in succession, or that in any way constitutes a threat to the public health, safety or welfare.

Open Burning - means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chimney.

Own or control - refer to land which is recorded as being owned by the person who has set a fire or has allowed a fire to be set on it or to land which is leased or rented by or in the apparent possession of a person who has set or fire upon it or allowed a fire to be set upon it.

Parts - Any component or constituent materials incorporated into the design of a motor vehicle and/or whose designed function is to form a portion of a motor vehicle.

Person - any natural person, company, corporation, cooperative, partnership, other association or other entity.

Private Road - means a roadway to permit normal travel, to and from residences, farms, commercial, or some other special noncommercial purpose that serves three or more separate identities. A private road is not owned or dedicated or deeded to the Town but owned by a private sector or group of people. The Town is not responsible and does not provide service for the road. It must meet the town roads standards, but not blacktopped.

Public nuisance - means a thing, act, occupation, condition, or use of property that continues in the town for such length of time as to do any of the following:

1. Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.
2. In any way render the public insecure in life or in the use of property.
3. Greatly offend the public morals or decency.
4. Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render

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

Quarter-quarter section - one sixteenth of a section of land consisting of not less than 35 acres.

Refuse - means any waste material except clean wood.

Sign - any device visible from a public place whose essential purpose and design is to convey either a commercial or non-commercial message by means of graphic presentation of alphabetic or pictorial symbols or representation.

Sign, Double Faced - a sign with two faces back to back, or with an interior angle of less than 30 degrees (also known as V-signs).

Sign, Off Premise - a sign whose message content does not bear any relationship to the activities conducted on the premises on which it is located.

Sign, On Premise - a sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located.

Sign Structure - any structure designed for the support of a sign.

Sign, Temporary - a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground, are considered temporary signs.

Structure - means any building or structure, and any installation, constructed, reconstructed or, remodeled, enlarged, erected, altered, removed, or demolished for any use within the Town, including but not limited to, one and two family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, outbuildings and commercial and industrial buildings.

Subdivision - A division of land that results in any parcel that is less than one-half of a quarter-quarter section of land, or less than 20 acres, whichever is smaller.

Utility Building - Any building, (no human dwelling) and non commercial. It must be moveable (on skids) and size is no factor. A plot plan or building permit is not required, however these buildings must abide by the set backs in Chapter 16

Town- The Town of Tilden, Chippewa County, Wisconsin

Town Board - means the board of supervisors for the Town of Tilden Chippewa County, Wisconsin and includes designees of the Board authorized to act for the Board.

Town Clerk - means the Clerk of the Town of Tilden, Chippewa County, Wisconsin or his or her deputy or agent

Town Road - means a roadway to permit normal travel, to and from residences, farms, commercial, or some other special noncommercial purpose that is owned or dedicated or deeded to the Town and approved by the board at a town meeting. The Town is responsible and does provides service for the road. New roads must meet the town roads standards.

Wis. Stats - means the Wisconsin Statutes, including successor provisions to cited statutes.