

CITY OF PRINCETON  
COMMITTEE OF THE WHOLE MEETING  
COUNCIL CHAMBERS – 431 W. MAIN STREET  
TUESDAY, AUGUST 26, 2014  
6:00 PM

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPEARANCES FROM THE PUBLIC
4. APPROVAL OF MINUTES:
  - a) Approval of minutes from August 5, 2014 Committee of the Whole meeting
5. NEW BUSINESS

A) Discussion on Codification Process.

RECOMMENDATION: Review new code sections as follows:

- 1) Chapter 211 – Historic Preservation
- 2) Chapter 217 – Home Occupations
- 3) Chapter 246 – Mining
- 4) Chapter 253 – Mobile Homes
- 5) Chapter 200 – Hazardous Materials
- 6) Chapter 205 – Health and Sanitation
- 7) Chapter 261 – Public Nuisances
- 8) Chapter 300 – Sewers
- 9) Chapter 312 – Solid Waste
- 10) Chapter 322 – Streets and Sidewalks
- 11) Chapter 380 – Water

6. ESTABLISHMENT OF NEXT MEETING DATE

7. ADJOURN

\* The meeting room is accessible to all. Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Administrator's office at 920.295.6612 with as much advance notice as possible.

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**CITY OF PRINCETON  
COMMITTEE OF THE WHOLE MEETING MINUTES  
COUNCIL CHAMBERS – 431 W. MAIN STREET  
TUESDAY, AUGUST 5, 2014  
6:00 PM**

1. **CALL TO ORDER AND ROLL CALL** Council President Kallenbach called the meeting to order at 6:00 PM. In attendance were Alderpersons Bednarek, Ernest, Kallenbach, Roehl, Koehn, and Kallas, Administrator Neubauer, and Mayor Wielgosh.
2. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
3. **APPEARANCES FROM THE PUBLIC** Nothing at this time.
4. **APPROVAL OF MINUTES:**
  - a) **Approval of minutes from June 24, 2014 Committee of the Whole meeting** Bednarek motioned to approve the 6/24/14 Committee of the Whole Minutes, seconded by Ernest. Carried 6-0.
5. **NEW BUSINESS**
  - A) **Discussion on Codification Process.**  
**RECOMMENDATION:** Review new code sections as follows:
    - 1) Chapter 430 – Zoning
    - 2) Chapter 211 – Historic Preservation
    - 3) Chapter 217 – Home Occupations
    - 4) Chapter 246 – Mining
    - 5) Chapter 253 – Mobile HomesA discussion was held about the Ordinances listed above and the Council made recommendations.
6. **ESTABLISHMENT OF NEXT MEETING DATE** The next Committee of the Whole Meeting will be on August 26, 2014, at 6:00, to continue with the Ordinance Codification Process.
7. **ADJOURN** Council President Kallenbach adjourned the meeting at 7:02 PM.

\* The meeting room is accessible to all. Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Administrator's office at 920.295.6612 with as much advance notice as possible.

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# CITY OF PRINCETON

*Mayor*  
Charlie Wielgosh

531 S Fulton Street · Princeton, Wisconsin 54968  
920-295-6612 · Fax: 920-295-3441

*City Alderpersons*

Dave Bednarek  
Mary Ernest  
Eric Koehn  
Dan Kallas  
Jasper Kallenbach  
Lara Roehl

*City Administrator*  
Mary Lou Neubauer

*An equal opportunity/affirmative action employer*

## COUNCIL REPORT

**To:** City Mayor, Common Council  
**From:** Mary Lou Neubauer, City Administrator/Clerk/Treasurer  
**Date:** August 26, 2014  
**RE:** Codification

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### Historic Preservation

1) Section 211-1 – 211-9                      Page 309-313                      Historic Preservation  
This code section provides for the establishment of a Historic Preservation Committee. Several of our downtown buildings are on the historic register. Preserving our heritage is important but there is also a fine line between when imposing regulations on privately owned buildings. Discussion on this section can take place.

### Home Occupations

1) Section 217-3                                      Page 315                                      License Requirements  
This section states there is a license requirement for all home occupations to obtain a license which we presently don't do.

### Mining

1) Section 246                                      Page 371-378                                      Mining  
This section is governed by the DNR and we will be generating a model ordinance for the chapter. If there is anything specific that the Council recalls being pertinent to Princeton and should be in the model ordinance, please share

### Mobile Homes

1) Section 253                                      Pages 379/380                                      Mobile Homes

There is an entire section in 430-102 which notes mobile homes and the two chapters should be combined in one chapter or at a minimum cross-referenced for one portion of the chapter being homes in a mobile home park and one portion for those located on independent lots



- |  |          |                                    |
|--|----------|------------------------------------|
| 4) Section 300-5 Sewer user charge   | Page 461 | User Charges                       |
| Eliminate section which talks about quarterly billing as we bill monthly not quarterly.                        |          |                                    |
| 5) Section 300-6 B (1)   | Page 463 | Maintenance of Service             |
| General review of the Cities responsibility for service  |          |                                    |
| 6) Section 300-4F (1)  | Page 460 | Permit fee for dumping contractors |
| Include this annual fee in the Fee schedule – amount?  |          |                                    |
| 7) Section 300-4F (2)  | Page 464 | BOD rate                           |
| Include the current BOD rate and if it is something which changes substantially include it in the fee schedule |          |                                    |
| 8) Section 300-6 A. (2)  | Page 463 | Mandatory Connection               |
| Fee stated on a failure for connection should be included in the general penalty                               |          |                                    |
| 9) Section 300-6C (5)  | Page 465 | Penalty                            |
| Penalties should be included in a forfeiture amount.   |          |                                    |
| 10) Section 300-6C (8)   | Page 465 | charges are a lien on property     |
| Include language allowing for court action, TRIP collection or other measures as a means of collection         |          |                                    |

**Solid Waste**

- |                        |          |  |
|------------------------|----------|--|
| 1) Various             |          | Statutory requirements on code reference   |
| 2) Section 312-20B (5) | Page 476 | Fee for a brush truck<br>Remove actual fee and add to schedule – discussion if fees are ok |
| 3) Section 312-7       | Page 472 | Preparation and collection of recyclable materials   |

Change to read: Recyclable materials specified under Municipal Code 312.3 shall be collected by the City, or a city contracted collecting and transporting service bi-weekly for all residential properties (up to four units) and small commercial units which do not produce more than one 95-gallon cart of solid waste in one week, or more than one 95 gallon recycle cart in every two week. All material shall be property separated, handled, prepared and contained, stored, and located in conformance with this article and rules and regulations established and publicized by the solid waste and recycling coordinator. Curbside recycling is mandatory, and residents will be required to comply when they are served by a recycling route. Such collection of recyclable materials shall be provided at no charge for one rollout container as provided by the City. Recyclable materials containers shall be placed out for collection separated three feet from the post-consumer waste containers on the regular post-consumer waste collection day.

Change to read: Post-consumer waste shall be collected by the City or a city contracted collecting and transporting service, once per week from all residential properties which are not multiple family dwelling, provided that such waste is properly handled, prepared, contained, stored, and located in conformance with this article and rules. Such post-consumer waste collection shall be provided at no charge for one rollout container as provided by the city.

Then add the paragraph in the code starting with “any accumulation of refuse”. . . .

4) **Add** section on Containers 312.24

The city has provided all existing residential properties (up to 4 units) and all small commercial units which do not produce more than 95 gallons of refuse on a weekly basis or 95 gallons of recyclables on a bi-weekly basis, one rollout post-consumer waste collection container per dwelling unit and one rollout recyclable materials collection container per dwelling unit at no cost. The city will provide all newly developed residential properties which are not multi-family with one rollout post consumer waste collection container per dwelling unit and one rollout recyclable materials container, per dwelling at no cost. All containers shall remain with the applicable household unit, and any replacement containers must be purchased from the city for a charge equal to the cities cost (unless otherwise replaced pursuant to a warranty or replacement program provided by the city’s contracted collection and transportation service).

All containers shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety.

Any container deemed defective or otherwise inadequate by the solid waste coordinator shall be replaced at the owner’s expense within one week’s time following notification by the City (unless otherwise replaced pursuant to a warranty or other replacement program provided by the Cities contracted collection service. Any defective container not replaced shall be a violation of this section and subject to the issuance of a citation.

Placement for Collection. The owner or occupant of any premises shall be responsible for proper and sanitary storage of all post-consumer waste and recyclable materials accumulated at the premises until collected. All containers must be stored out of view from the roadway when not set out for collection according to collection times noted.

Collection Times. Approved post-consumer waste and recyclable materials collection containers shall be placed by the curb line by 7:00 a.m. on the scheduled day of collection but shall not be placed at the curb line more than 12 hours before the collection day and shall be removed not more than 12 hours after collection day. Failure to comply shall be a violation of this section and may result in the issuance of a citation.

Various throughout

Recycle collection

Removal of “Red recycling bin” replace with “recycling cart”.

**Streets and Sidewalks**

1) Throughout Statutory References  
Change the statutory references throughout as required

2) Section 322.7A(2) Page 486 Street opening Fees  
Fees removed and referenced in Chapter 192

3) Section 322-8B(1) Page 490 Charges for Street Surfacing

The charges noted in this section should be removed. Annually or biannually these charges if assessed back to a property owner should approved by resolution OR stated “per City’s bid price each construction season.”

4) Section 322-11A (3) Page 499 Charges for Snow Removal

Presently the Code states the failure to clear a private sidewalk is \$50/per hour. It is recommended that the fee be removed and put in the Fee schedule initially but also consideration given to increasing the fee on an accelerated basis. Example \$50/1<sup>st</sup> offense; \$100/2<sup>nd</sup> offense; etc. The Public Works Department generally would not be out shoveling private sidewalks in the first 24 hours after it snows as they are still busy doing the streets and the public parking areas. Thereby providing the property owner ample time to remove the snow and/or ice.

5) Section 322-19 Page 503 Public Bidding  
The threshold per State Statutes increased the public bidding requirements in 2005. Present limit in the code states \$15,000 but should be raised to the \$25,000 limitation. A public bidding policy has been generated to further explain this requirement which Council will see in at an up coming month’s meeting

6) Section 322-5 Page 482-483 Sidewalk policy  
The present sidewalk replacement policy is ½ cost city and ½ cost property owner. Estimate is provided to the homeowner in fall for the following year season with an approximate estimate but when done the following year the present policy provides their payment options.

7) Section 322-5 E Page 485 Sidewalk Committee  
Change the reference from Sidewalk Committee to Common Council or “Public Works Director”

8) Section 322-7 G & H Page 488 Insurance Limits & Bond  
It is believed these limits are too low and am checking it with our insurance carrier

9) Section 322-9 Page 495 Obstructions & Encroachments

B. Discussion on the placement of goods on the sidewalk. Presently there is a limit of placement

per this section of 3' into the right-of-way for a 2 hour limit.

The subsequent section "C" is where the café permit is listed. Presently there are tables which are placed on the sidewalk area in a more permanent fashion rather than being placed there on a daily basis. Council discussion on the sidewalk use section should take place for clarification

10) Section 322-24

Page 506

Street Use Permits

Section 322-24 states DPW/Chief are allowed to issue a street use permit, however the Council shall review all permits when the event involves alcohol. So if a public event is planned which would not include alcohol the Common Council does not review the application.

Also if an event is planned to have alcohol and is approved by the Common Council consideration can be given that if the application is Exactly the same as a previous year than the application would not go before the Council for review. If the event changed in any format, (other than the actual date) such as duration, location, significant changes to venue, then Council review would be necessary.

#### Water

1) Various

Code Reference

Make code reference changes as noted.

2) Section 380-3

Page 597

Well Abandonment

Insert date or eliminate line if the one year from the date of the connection is acceptable.

between these sections? Note that Chapter 380, Water, does *not* contain a requirement for connection to the water system. The duplication/conflict only appears to apply to sewer connections. Are any changes desired?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 211, Historic Preservation**

*Title 15, Ch. 7, of the City Code*

- A. This chapter provides for the creation of the Historic Preservation Committee and establishes procedures for the preservation of historic sites and landmarks. This appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 217, Home Occupations**

*Ord. No. 2006-25*

This chapter requires an annual license for a home occupation.

- A. Section 217-9 contains a forfeiture of not less than \$50 nor more than \$200. Should these amounts be deleted and replaced with a reference to the general penalty in § 1-3?

**Decision:**

- Amend § 217-9 to remove the forfeiture amounts and insert a reference to the general penalty in § 1-3.
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

City of Princeton, WI

- (1) Curfew. Review the forfeitures in § 232-1F for violations of § 232-1, Curfew. Are any changes desired?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

C. Section 232-8C(1) contains a reference to § 938.227, Wis. Stats., yet this section does not exist. We believe this is a typographical error, and we propose to change it to § 48.227, Wis. Stats. Section 232-8C(2) contains references to §§ 946.71 and 946.715, yet these references are incorrect; we propose to replace these references with a reference to § 948.31, Wis. Stats.

D. In § 232-12A, we propose to change “carbon copy” to simply “copy.”

**Ch. 239, Licenses, Issuance and Renewal**

*Title 7, Ch. 12, of the City Code*

A. This chapter requires that licensees pay local taxes, assessments and claims prior to the issuance or renewal of a license. An appeals procedure is included. If this reflects current procedure, it appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 246, Mining**

**Art. I, Nonmetallic Mining**

*Title 7, Ch. 8, Secs. 7-8-1 through 7-8-6, of the City Code*

A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:

- (1) In § 246-2, definition of “environmental pollution,” § 144.01(3) will be changed to § 295.11(2).
- (2) In § 246-4E, §§ 144.80 to 144.94 will be changed to Ch. 293.

- (3) In § 246-4F, §§ 144.435 to 144.445 will be changed to Subchapters II to IV of Chapter 289.
- (4) In § 246-4F, §§ 144.60 to 144.74 will be changed to Ch. 291.

B. Section 246-1 states that this chapter is adopted pursuant to applicable state statutory and Wisconsin Administrative Code regulations, which are adopted by reference. However, this section does not specify which statutes and regulations are adopted by reference; it is quite vague. Similar ordinances adopted by other municipalities include the following section:

*This chapter is adopted pursuant to § 295.14, Wis. Stats., which is adopted by reference and made a part of this chapter as if fully set forth herein.*

**Decision:**

- Amend § 246-1 to include the language above. \_\_\_\_\_
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

C. The City might want to review § 295.14, Wis. Stats., which states that “A city, village or town with a nonmetallic mining reclamation ordinance in effect on June 1, 1993, may maintain and administer that ordinance if the department (of natural resources) reviews the existing ordinance and determines that it is at least as restrictive as the rules under s. 295.12(1).” Was this ordinance adopted prior to June 1993 and, if so, has it been reviewed and approved by the Department of Natural Resources? Are any revisions needed to bring this chapter into compliance with current state regulations on nonmetallic mining?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

D. Uniform statewide standards for nonmetallic mining are established by the Department of Natural Resources (DNR) in Ch. NR 135, Wis. Adm. Code, adopted in 2000, as amended. Pursuant to § 295.14, Wis. Stats., the City can administer a nonmetallic mining reclamation ordinance only if the ordinance complies with the DNR rules. The City might want to consult with its Attorney as to whether any revisions are needed to this chapter in order to comply with Ch. NR 135.

**Art. II, Blasting and Rock Crushing**

*Title 7, Ch. 8, Sec. 7-8-7, of the City Code*

This article requires a permit to operate a rock crusher or perform blasting.

A. Administrative Code updates. We propose to update the following Administrative Code reference prior to publication of the Code:

(1) In § 246-8, Ch. IND 5, Explosives and Blasting Agents, will be updated to Ch. SPS 307, Explosives and Fireworks.

B. This article uses the term “permit” consistently, but § 246-14 uses the term “license.” Should one term be used in favor of another?

**Decision:**

Change “*permit*” to “*license*” throughout this article.

Change “*license*” to “*permit*” in § 246-14.

No revision desired. OK to use both terms.

Revise as follows: \_\_\_\_\_

Revise as follows: (attach revisions separately).

**Ch. 253, Mobile Homes and Mobile Home Parks**

*Title 7, Ch. 5, of the City Code*

Statutory authority for this chapter is found in § 66.0435, Wis. Stats. Zoning regulations for mobile homes are included in Article XV of Chapter 430, Zoning.

A. The fee imposed by § 253-3 is referred to as the “monthly parking fee.” Consider standardizing this reference to “monthly permit fee” for consistency with § 66.0435(3), Wis. Stats.

**Decision:**

Change “*monthly parking fee*” to “*monthly permit fee*.”

No revision desired.

Revise as follows: \_\_\_\_\_

Revise as follows: (attach revisions separately).

**Decision:**

- Add § 193-3B(7) as indicated above.
- No additional language desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

- D. Section 167.10(9)(b), Wis. Stats., provides that a person violating an ordinance adopted under § 167.10(5) shall forfeit not more than \$1,000. Should this penalty be added to this chapter?

**Decision:**

- Add "*Violation of this chapter shall be subject to a forfeiture of not more than \$1,000.*"
- No additional language desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 200, Hazardous Materials**

*Title 5, Ch. 3, Secs. 5-3-1 and 5-3-2, of the City Code*

This chapter requires the disclosure of the storage and use of hazardous materials and infectious agents, and it also requires reimbursement for cleanup.

- A. Section 200-2A contains an outdated reference to Chapter ILHR 8, Wis. Adm. Code. That chapter is now Chapter SPS 308, Mines, Pits and Quarries. Given the context of § 200-2A, however, this reference does not appear to be correct. We suspect that the reference should have originally been Chapter IND 8, not ILHR 8, and that the correct reference is now Chapter SPS 310, Flammable, Combustible and Hazardous Liquids. Does the City concur?

**Decision:**

- Amend § 200-2A to refer to Chapter SPS 310.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 205, Health and Sanitation**

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*Title 8, Ch. 1, of the City Code*

A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:

(1) In § 205-6G(2), § 66.615(3)(f), Wis. Stats., will be changed to § 66.0907.

B. Section 205-5B(1) describes natural landscape management plans. Review the phrase “*and which would exceed six weeks*” in § 205-5B(1). This phrase seems misplaced. We note that this chapter regulates vegetative growth over six inches. Is it possible that § 205-5B(1) should read “*six inches*” instead of “*six weeks*”?

**Decision:**

- Amend § 205-5B(1) to change “*six weeks*” to “*six inches.*”
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

C. Section 205-6E was amended by Ord. No. 2006-15. Please verify the changes we made in § 205-6E of the Manuscript to ensure that we’ve incorporated this amendment properly, especially Subsection E(1). We noticed that “*Weed Commissioner*” was replaced with “*City Administrator*” in the first sentence only; reference to “*Weed Commissioner*” still remains in this section.

**Decision:**

- No revision desired. Section 205-6E in the Manuscript is correct.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

D. Section 205-6F refers to the Weed Commissioner’s notice. However, § 205-6E was amended by Ord. No. 2006-15 to state that the notice is issued by the City Administrator or his designee. Is a change required?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

E. Compare § 205-7, which requires connection to the City sewer and water system, to § 300-6A, which requires connection to the sewer system. Is there a duplication and/or conflict

between these sections? Note that Chapter 380, Water, does *not* contain a requirement for connection to the water system. The duplication/conflict only appears to apply to sewer connections. Are any changes desired?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 211, Historic Preservation**

*Title 15, Ch. 7, of the City Code*

- A. This chapter provides for the creation of the Historic Preservation Committee and establishes procedures for the preservation of historic sites and landmarks. This appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 217, Home Occupations**

*Ord. No. 2006-25*

This chapter requires an annual license for a home occupation.

- A. Section 217-9 contains a forfeiture of not less than \$50 nor more than \$200. Should these amounts be deleted and replaced with a reference to the general penalty in § 1-3?

**Decision:**

- Amend § 217-9 to remove the forfeiture amounts and insert a reference to the general penalty in § 1-3.
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 261, Nuisances, Public**

*Title 11, Ch. 6, of the City Code*

- A. This chapter contains general regulations to prohibit public nuisances. This appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 268, Parks and Recreation Facilities**

*Title 12, Ch. 1, of the City Code*

This chapter contains several rules and regulations for parks and recreation facilities.

- A. Section 268-5J, regarding sale of fermented malt beverages, references § 225-11 (former § 7-2-11), Transfer and lapse of license. Is this reference correct, or did the City intend to reference a different section of Chapter 225?

4/8

**Decision:**

- Amend § 268-5J to reference § 225-16, Restrictions on temporary fermented malt beverage or wine licenses.
- No revision desired. Reference to § 225-11 is correct.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 275, Peace and Good Order**

**Art. I, Offenses Against State Laws**

*Title 11, Ch. 1, of the City Code*

- A. Section 275-1 adopts by reference numerous sections of statute. We've checked all of these references, and we'll make the following changes:

5/27

- (1) We will delete the following:
  - 29.288, repealed by 1989 Act 335
  - 943.23(4), repealed by 1993 Act 92 [We will retain 943.23(1) and (5)]
  - 947.047, repealed by 1989 Act 335

**Decision:**

- Change COMM 57.13 to \_\_\_\_\_
- Amend § 290-9B(6)(a) to delete the reference to COMM 57.13.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

J.L.



D. Section 290-10B(8) contains references to COMM 51.16, 51.161, 51.162 and 51.164, but we find no conversion for these section references. How should these references be corrected? Should they be deleted?

**Decision:**

- Change COMM 51.16, 51.161, 51.162 and 51.164 to \_\_\_\_\_
- Amend § 290-10B(8) to delete the reference to COMM 51.16, 51.161, 51.162 and 51.164.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Art. III, Commercial Property**

*Title 15, Ch. 5, of the City Code*

A. This article establishes minimum standards for the exterior of commercial properties. This appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 300, Sewers**

**Art. I, Regulations and Rates**

*Title 9, Ch. 2, of the City Code*

A. Statutory reference updates. We propose to update the following statutory reference prior to publication of the Code:

- (1) In § 300-6A(1) and (2), § 144.06 will be changed to § 281.45.

City of Princeton, WI

- B. Section 300-4E(1) contains a reference to: *Ch. H82, Wis. Adm. Code, "Design, Construction, Installation, Supervision and Inspection of Plumbing," specifically § H82.04 "Building Sewers."*

However, that reference is no longer valid. How should this be corrected?

**Decision:**

- Change to reference to: \_\_\_\_\_
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

- C. Section 300-4F pertains to permits for septic tank and holding tank disposal.

- (1) Section 300-4F(1) requires an annual permit fee of \$25. Is this amount current? Should the fee amount be removed and replaced with a reference to Chapter 182, Fees?

**Decision:**

- Remove the fee amount and insert a reference to Chapter 182, Fees.
- Change \$25 to \_\_\_\_\_
- No revision desired. Retain the fee amount in the new Code.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

- (2) Section 300-4F(2) contains a blank line where a charge for disposal should be inserted. Should the blank line be retained in the new Code or would the City like to change this? Currently, this subsection reads:

(2) *Charges. Charges for a disposal shall be \$\_\_\_\_\_ per 1,000 gallons. Bills shall be mailed on a monthly basis and, if payments are not received within 30 days thereof, disposal privileges shall be suspended.*

**Decision:**

- Insert a reference to Chapter 182, Fees, to read, in part, "*Charges for disposal shall be prescribed by Chapter 182, Fees.*"
- Insert this dollar amount in the blank line: \$\_\_\_\_\_
- No revision desired. Retain the blank line in the new Code.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

- D. Section 300-5A(4) refers to “Appendix A, incorporated herein by reference” (regarding the methodology of determining the user charges). We did not receive a copy of this material and have added a note that it is on file in the City offices. Is this note acceptable?

**Decision:**

- The note is acceptable.
  - Revise as follows: \_\_\_\_\_
  - Revise as follows: (attach revisions separately).
- E. Section 300-6C(2) also has a blank line for the surcharge based on the excess of BOD or suspended solids. Should the blank line be retained in the new Code or would the City like to change this? Currently, this subsection reads:

(2) *It shall be unlawful for any person to introduce sewage into the system which shows an excess of BOD or suspended solids concentration of over 200 mg/l (normal domestic sewage); a surcharge shall be based on the excess of BOD or suspended solids at a rate of \_\_\_\_\_/pound. The City of Princeton reserves the right to test the sewage at any point within the connection system of the user or consumer. A user may not use dilution as a means to achieve a lower concentration of BOD or suspended solids. Users discharging toxic pollutants shall pay for any increased operations and maintenance (O & M) or replacement costs caused by the toxic pollutants.*

**Decision:**

- Insert a reference to Chapter 182, Fees, to read, in part, “a surcharge shall be based on the excess of BOD or suspended solids at the rate prescribed by Chapter 182, Fees.”
  - Insert this dollar amount in the blank line: \$\_\_\_\_\_
  - No revision desired. Retain the blank line in the new Code.
  - Revise as follows: \_\_\_\_\_
  - Revise as follows: (attach revisions separately).
- F. Penalties.
- (1) Section 300-6A(2) contains a penalty of \$35 per month after failure to comply with a notice to connect. Is this amount adequate and current? Should the forfeiture amounts be replaced with a reference to the general penalty in § 1-3 of the Code?

City of Princeton, WI

**Decision:**

- Replace the penalty amount with a reference to the general penalty in § 1-3 of the Code.
- No revision desired.
- Change \$35 to \_\_\_\_\_
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

- (2) Section 300-6C(5) contains a forfeiture of not less than \$10 nor more than \$200, plus costs of prosecution, for violation of this article. Should the forfeiture amounts be replaced with a reference to the general penalty in § 1-3 of the Code?

**Decision:**

- Replace the forfeiture amounts with a reference to the general penalty in § 1-3 of the Code.
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

- G. We propose to amend § 300-6C(1) to replace “*Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations)*” with “*Wisconsin Department of Safety and Professional Services.*”

**Ch. 312, Solid Waste**

**Art. I, Recycling**

*Title 8, Ch. 3, of the City Code*

This article sets forth the City’s recycling regulations. If this accurately reflects current practice, it appears suitable.

- A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:
  - (1) In § 312-1B, § 159.11 will be changed to § 287.11.
  - (2) In § 312-1C, § 159.09(3)(b) will be changed to § 287.09(3)(b).
  - (3) In § 312-2, § 66.299(1)(a) will be changed to § 66.0131(1)(a); § 144.61(5) will be changed to § 291.01(7); § 144.44(7)(a)1 will be changed to § 289.01(17); § 144.01(15) will be changed to § 289.01(33); § 144.43(5) will be changed to § 289.01(35).

- (4) In § 312-4C, § 159.11(2m) will be changed to § 287.11(2m).

## Art. II, Disposal and Storage of Waste and Refuse

*Title 8, Ch. 4, of the City Code*

This article governs refuse disposal.

- A. Section 312-20A contains a reference to the *Street Commissioner*. We find no other reference to this title. Should this title be updated to *Director of Public Works*?

### Decision:

- Change *Street Commissioner* to *Director of Public Works*.
- Change *Street Commissioner* to \_\_\_\_\_
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).
- B. Section 312-20B(5), regarding pickup of yard waste by the City, imposes a service fee of \$25 for more than 1/2 of a truck load of waste; each subsequent load is charged an additional fee of \$50. Are these fees (which were enacted in 2006) adequate and current? Should the fee amounts be replaced with a reference to Chapter 182, Fees?

### Decision:

- Remove the fee amounts from the Code and insert reference to Chapter 182, Fees.
- Update the fees. Change \$25 to \_\_\_\_\_ and \$50 to \_\_\_\_\_.
- No revision desired. Retain the fees in the Code.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

## **Ch. 322, Streets and Sidewalks**

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### Art. I, Grades

*Title 6, Ch. 1, of the City Code*

- A. This article pertains to grades of streets and sidewalks, and it appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Art. II, General Regulations**

*Title 6, Ch. 2, of the City Code*

- A. Statutory reference updates. We propose to update the following statutory references prior to publication of the Code:
  - (1) In § 322-22, § 80.32 will be changed to § 82.19; § 80.47 will be changed to § 66.1035; and § 81.15 will be changed to § 893.81(1).
  - (2) We propose to delete the reference to § 81.15, Highways, liability for defects, from § 322-22, since that section of statute was renumbered and then repealed by 2009 Act 173; and we propose to delete § 146.13, Highways and Surface Waters, Discharging Noxious Matter Into, which was repealed by 1993 Act 27.
- B. In § 322-5D(3), regarding concrete for sidewalks, the reference to DOT 501, Wis. Adm. Code, is incorrect. The regulations of the Department of Transportation are designated as “Trans” in the Administrative Code and there is no Chapter Trans 501. How should this be corrected?

**Decision:**

- Change the reference to \_\_\_\_\_
  - Delete (*DOT 501, Wis. Adm. Code*)
  - Revise as follows: \_\_\_\_\_
  - Revise as follows: (attach revisions separately).
- C. Section 322-7A(2) states that the street opening permit fee is as prescribed in Chapter 182, Fees. If the street opening is made prior to receipt of an approved permit, the application and review fee is \$75. This fee reappears in § 322-7A(5). It’s not clear why only one fee amount is included. Should the \$75 fee be removed and replaced with a reference to Chapter 182?

**Decision:**

- Amend § 322-7A(2) and (5) to remove the fee amount from the Code and insert reference to Chapter 182, Fees.
  - Update the fee. Change \$75 to \_\_\_\_\_
  - No revision desired. Retain this fee in the Code.
  - Revise as follows: \_\_\_\_\_
  - Revise as follows: (attach revisions separately).
- D. Section 322-7I, Special tax, is missing wording after “specific”: “*if any person shall open a street for the purpose of servicing a specific without first having obtained a permit.*” How should this be corrected?

**Decision:**

- Add “lot” after “specific.”
  - No revision desired.
  - Revise as follows: \_\_\_\_\_
  - Revise as follows: (attach revisions separately).
- E. Section 322-8B(1) provides “*The present estimated cost to the City of replacing the street surfaces shall be determined under the following schedule which may be changed from time to time by resolution of the Common Council.*” This sentence is followed by specific rates. If the amounts listed are subject to change by resolution, the City may want to consider removing them from the Code in order to avoid confusion as to what the current rates are.

**Decision:**

- Omit Subsection B(1)(a) to (h) and revise Subsection B(1) to read “*The cost to the City of replacing the street surfaces shall be determined from time to time by resolution of the Common Council.*”
  - No revision desired. Retain the rates in the new Code.
  - Revise as follows: \_\_\_\_\_
  - Revise as follows: (attach revisions separately).
- F. Section 322-11A(3), concerning removal of snow and ice by the City, includes a rate of \$50 per hour for the City’s costs. Is this amount current and accurate?

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

G. Section 322-19, Bidding of public construction projects, should be reviewed by the City. Subsection B includes a bidding threshold of \$15,000. Please note that § 62.15, Wis. Stats., as amended by 2005 Act 202, now provides that “All public construction, the estimated cost of which exceeds \$25,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct. If the estimated cost of any public construction exceeds \$5,000 but is not greater than \$25,000, the board of public works shall give a class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed.” Furthermore, the statute now also includes the following sentence: “This provision does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers.” In light of this, the City may consider amending § 322-19B to read as follows:

B. *Contracts, how let. All public construction, the estimated cost of which exceeds ~~\$10,000~~ \$25,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the Council shall direct. If the estimated cost of any public construction exceeds ~~\$15,000~~ \$5,000 but is not greater than ~~\$25,000~~, the Board of Public Works shall give a Class 1 notice under Chapter 985, Wis. Stats., of the proposed construction before the contract for construction is executed. This provision does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. The Council may also, by a vote of 3/4 of all the members-elect, provide by ordinance that any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.*

**Decision:**

- Amend § 322-19B as indicated above.
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Art. III, Street Use Permits**

*Title 7, Ch. 7, of the City Code*

This article contains regulations for street use permits.

A. Section 322-32 is missing wording in the second sentence. Consider adding the following language: “The City will make such restoration in the event that the permit holder fails to do so and shall bill the permit holder for the cost incurred by the City in performing this work.”

**Decision:**

- Amend § 322-32 as indicated above.
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Art. IV, Parades, Races and Similar Nonvehicular Uses**

*Title 7, Ch. 9, of the City Code*

- A. This article governs the nonvehicular use of streets, such as parades and marathons, as authorized by § 349.185, Wis. Stats. This article appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 333, Taxicabs**

*Title 7, Ch. 11, of the City Code*

- A. Statutory authority for licensing taxicabs is found in § 349.24, Wis. Stats. This chapter appears suitable.

**Decision:**

- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 341, Transient Merchants**

*Title 7, Ch. 4, of the City Code*

- A. Statutory authority for regulating transient merchants is found in § 66.0423, Wis. Stats. This chapter appears suitable.

6/10

Should the forfeiture amounts be replaced with a reference to the general penalty in Chapter 1, Article I, of the City Code?

**Decision:**

- Amend § 372-6 to remove the forfeiture amounts and include a reference to the general penalty in Chapter 1, Article I, of the City Code.
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Art. II, Self-Propelled Vehicles and Off-Road Operation**

*Title 10, Ch. 4, of the City Code*

- A. In § 372-8 we have deleted the following sentence, as it reflected the old numbering of the Code: *“The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix “10-4-1-” to each statute section number.”*
- B. Section 372-10D, Penalties, contains a forfeiture of not less than \$25 nor more than \$200 for violations of § 372-10, Mini-bikes and self-propelled vehicles; and upon default of payment, imprisonment for up to 30 days. Are any changes required? Should the forfeiture amounts be replaced with a reference to the general penalty in Chapter 1, Article I, of the City Code?

**Decision:**

- Amend § 372-10 to remove the forfeiture amounts and include a reference to the general penalty in Chapter 1, Article I, of the City Code.
- No revision desired.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

**Ch. 380, Water**

*Title 9, Ch. 1, of the City Code*

This chapter adopts by reference regulations and rates of the Wisconsin Public Service Commission, and it contains regulations for cross-connection control and abandonment of private wells.

- A. Administrative Code updates. We propose to update the following Administrative Code references prior to publication of the Code:
  - (1) In § 380-2B, § NR 111.25(3) will be changed to § NR 811.07.

- (2) In § 380-2G, reference to Chapter H 82 will be changed to Chapter SPS 382.
- (3) In § 380-3, reference to Ch. NR 112 will be changed to Ch. NR 812 (appears several times in § 380-3).

B. In § 380-3C, the reference to § 49.10(12)(f)1, Wis. Stats., requires revision. Section 49.10 was repealed by 1985 Act 29. Should this reference simply be deleted?

**Decision:**

- Change § 49.10(12)(f)1, Wis. Stats., to \_\_\_\_\_
- Delete the phrase “as defined in § 49.10(12)(f)1., Wis. Stats.”
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).

C. Section 380-3D(1) contains a blank line, where presumably a date should be inserted for the abandonment of wells. Should a date be filled in at this time?

**Decision:**

- Insert this date: \_\_\_\_\_
- Delete the blank line, so that § 380-3D(1) reads, in part “in accordance with the terms of this section and Ch. NR 812, Wis. Adm. Code, no later than one year from the date . . .”
- No revision desired. Retain the blank line in the new Code.
- Revise as follows: \_\_\_\_\_
- Revise as follows: (attach revisions separately).



## Chapter 211

### HISTORIC PRESERVATION

- |   |   |
|---|---|
| § 211-1. Declaration of public policy and property.   | § 211-5. Register of historic sites, structures, landmarks and districts. |
| § 211-2. Definitions.   | § 211-6. External alteration of designated property.                      |
| § 211-3. Powers and duties of Historic Preservation Committee; procedure for designation of sites, structures, landmarks and Districts. | § 211-7. Transfer of historically designated property.                    |
| § 211-4. Criteria for determining eligibility.  | § 211-8. Review of permits.   |
|   | § 211-9. Designation of repository for documents.                         |

**[HISTORY: Adopted by the Common Council of the City of Princeton as Title 15, Ch. 7, of the City Code. Amendments noted where applicable.]**

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#### § 211-1. Declaration of public policy and property.

The Common Council hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having special historical, community or aesthetic interest or value is a public advantage and is promoted in the interest of the people. The purpose of this section is to:

- A. Safeguard the cultural resources of the City of Princeton by preserving sites, structures, landmarks and districts which reflect elements of the City's cultural, social, economic, political, visual or architectural history.
- B. Protect and enhance the City's attractions to visitors and residents, and serve as a support and stimulus to business, industry and tourism.
- C. Foster civic pride in the beauty and notable achievements of the past.
- D. Enhance the visual and aesthetic character, diversity and interest of the City.
- E. Promote the use and preservation of historic sites, structures, landmarks and districts for the education and general welfare of the people of the City with respect to the cultural, civic, architectural and historic heritage of the City.

#### § 211-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

COMMITTEE — The Historic Preservation Committee created hereunder, or other body assigned such responsibilities.

**CULTURAL RESOURCES** — Any work of man or nature that is primarily of interest for its historical, archeological, natural scientific or aesthetic value, including, but not limited to, historic houses and other structures such as barns, schools, kilns, archeological sites, American Indian burial grounds and earthworks, buildings identified as the work of an architect, developer or master builder whose work has influenced the City, and structures noteworthy because of their design, detail, materials or craftsmanship, or association with historic persons or events.

**HISTORIC DISTRICT** — An area of the City which contains one or more designated sites, structures or landmarks. The historic district's boundaries shall be shown on the City Zoning Map.

**HISTORIC SITE** — Any area, place, structure, land or other object which has been duly designated by the Common Council; this includes prehistoric aboriginal sites.

**LANDMARK** — A natural or man-made feature of local or regional interest which is associated with a particular historic or prehistoric event.

**STRUCTURE** — Any man-made building which has special character, historic interest or value as part of the development, heritage or cultural characteristics of the City.

**§ 211-3. Powers and duties of Historic Preservation Committee; procedure for designation of sites, structures, landmarks and Districts.**

A. Composition.

- (1) The Common Council shall establish a five member Historic Preservation Committee vested with the authority and responsibility to propose action to safeguard and preserve the historic heritage of the City. In this role, the Historic Preservation Committee will act in an advisory capacity to the City Plan Commission in all matters concerning properties which are designated as historical sites, structures, landmarks and districts within the City. In the alternative to establishing a Historic Preservation Committee such duties may be assigned to the Plan Commission or another standing committee.
- (2) Members of the Historical Preservation Committee shall be chosen and appointed with consideration of one or more of the following qualities:
  - (a) Active interest in the historic preservation of the City of Princeton.
  - (b) Knowledge of the history of the City and its environs.
  - (c) Expertise and knowledge concerning architecture and archeology.
  - (d) Ability to utilize authoritative resources concerning historic preservation.
- (3) The initial five member committee shall be appointed to serve terms as follows: position number one, one year; position number two, two years; position number three, three years; position number four, four years; and, position number five, five years. As each term expires, a new appointment or reappointment shall be made by the Common Council for a term of five years. The Historic Preservation

Committee shall furnish recommendations to the Council for consideration for new appointments.

- (4) The Historic Preservation Committee shall elect a chairperson to serve a one year term. This chairperson may be reelected or a new chairperson may be elected annually.
  - (5) The Historic Preservation Committee shall hold meetings upon the call of its chairperson. Additional meetings shall be held as needed to perform the duties of the Committee. A quorum shall consist of three members.
  - (6) The Plan Commission and City Zoning Administrator shall be fully informed of the decisions and recommendations of the Historic Preservation Committee in order to distinguish and expedite actions to promote and safeguard the City's program of historic preservation.
- B. Inventory of cultural resources. The Common Council shall direct and empower the Historic Preservation Committee to establish and maintain a continuing inventory of cultural resources in the City for consideration for placement on the historic register of the City. Historic sites, structures, landmarks and districts shall be chosen for their eligibility as described under § 211-4 below.
- C. Nomination of properties. Property nominated by the Historic Preservation Committee to be designated as a historic site, structure, landmark or part of a district shall require a public hearing under the direction of the Plan Commission with the approval of the Common Council. Notice of the public hearing shall be published and also mailed to the owners of the property proposed.
- D. Notice to owners. The Historic Preservation Committee shall provide full information to the property owners of the civic advantages and responsibilities involved in accepting such designation. Approval of the property owners shall be obtained a prerequisite to official designation.
- E. Restrictive covenant. The owner of any historic site or structure may, at any time following such designation of this property, enter into a restrictive covenant on the subject property after negotiating with the Historic Preservation Committee. The Committee may assist the owner in preparing such covenant in the interest of preserving historic property. The owner shall record such covenant in the County Register of Deeds office and shall notify the City Assessor of such covenant and the conditions thereof.
- F. Assistance with other registrations. The Historic Preservation Committee shall provide encouragement, information and assistance to owners of City designated historic properties who show interest in seeking nomination to the National Register of Historic Places through the State Historical Society.
- G. Promotional activities. The Historic Preservation Committee shall promote interest in the community for designation of properties as historic sites, structures, landmarks or as part of a historic district, and assist property owners in submitting qualifications of their properties as historic sites for consideration of such designation.

- H. Subcommittees. The Historic Preservation Committee shall have the power to appoint subcommittees from the community and enlist the aid of area historical societies and other organizations for assistance in promoting the policy of the City in the interest of historic preservation.
- I. Funding. As it deems advisable, the Historic Preservation Committee is empowered to solicit and receive funds for the purpose of preservation of landmarks of the City. Funds for such purposes shall be placed in a special City account.

**§ 211-4. Criteria for determining eligibility.**

In determining the eligibility of any area, site, place, building, structure or district within the City as a historic landmark, the Historic Preservation Committee shall consider the following factors with respect to eligibility:

- A. Its character, interest or value as a part of the history or cultural heritage of the City, State or United States.
- B. Its association with the persons or events which have made a significant contribution to the cultural heritage.
- C. Its potential to yield information important in history or prehistory.
- D. Its embodiment of distinguishing characteristics of an architectural type or style, or element of design, detail, materials or craftsmanship.
- E. Its unique location or singular physical appearance representing an established and familiar feature of a neighborhood or community of the City.

**§ 211-5. Register of historic sites, structures, landmarks and districts.**

The City of Princeton shall maintain a register of historic sites, structures, landmarks and districts.

**§ 211-6. External alteration of designated property.**

The owner of designated property shall report any planned external alteration, including demolition, to the respective property to the Historic Preservation Committee for review and recommendation. The Historic Preservation Committee will base its recommendation according to the guidelines set forth in The Secretary of the Interior's Standards for Rehabilitation.

**§ 211-7. Transfer of historically designated property.**

- A. The City Assessor shall notify the Historic Preservation Committee when the ownership of any historically designated property is transferred.

- B. The Historic Preservation Committee shall inform the new owner of the importance of their property and their responsibilities under this section.

**§ 211-8. Review of permits.**

- A. Notification of every application for building, zoning or demolition permits for properties on the City register shall be given by the City Zoning Administrator or his/her designee to the Historic Preservation Committee for their review. The Committee shall make a recommendation to the Plan Commission concerning the proposed permit.
- B. Considering that time is of the essence, the Historic Preservation Committee shall act promptly in its consideration of an application for building, zoning or demolition permits in relation to designated properties. The review and recommendation shall be forwarded to the Plan Commission within 30 days. The Plan Commission shall consider this review and make their recommendations to the Common Council. The Common Council, will vote to decide if the permit will be issued or denied.
- C. The Plan Commission, in considering the recommendations of the Historic Preservation Committee, shall determine if the work to be performed adversely affects the designated historic property. In determining whether or not there is such an adverse affect, the Plan Commission shall consider the following factors:
- (1) Whether the work will significantly alter the appearance of the building or structure so as to remove features which distinguish the historic site, structure, landmark or district as a significant cultural resource.
  - (2) Whether the use of the property will destroy, disturb or endanger a known or suspected archeological feature.
- D. The Historic Preservation Committee may also recommend to the Plan Commission variations which are comparable to the proposed changes if the Plan Commission determines that such variations are necessary to alleviate financial hardship placed upon the owner of the property. The Historic Preservation Committee will be allowed another 30 days to determine such variations. The Committee's recommendation shall be considered by the Common Council before a vote is taken to determine if a building, zoning or demolition permit will be issued.
- E. Nothing contained in this section shall prohibit the construction, alteration or demolition of any improvement on a designated historic property, or in a historic district pursuant to any court judgment to remedy conditions determined to be dangerous to life, health or property. In such case, no approval from the Committee shall be required.

**§ 211-9. Designation of repository for documents.**

The office of the City Hall is designated as the repository for all studies, surveys, reports, programs and designations of all historic sites, structures, landmarks and districts.



## Chapter 217

### HOME OCCUPATIONS

§ 217-1. Purpose.

§ 217-6. Inspection.

§ 217-2. Definitions.

§ 217-7. Existing nonconforming occupations.

§ 217-3. Home occupation license required.

§ 217-8. Suspension, revocation, or denial of renewal of licenses.

§ 217-4. Application for owner's or operator's license.

§ 217-9. Violations and penalties.

§ 217-5. License fee.

[HISTORY: Adopted by the Common Council of the City of Princeton 11-14-2006 by Ord. No. 2006-25. Amendments noted where applicable.]

§ 217-1. Purpose.

The purpose of this chapter is to regulate the owners and operators of home occupations to ensure compliance of such businesses with this code.

*Include Entire Chapter with 430-46*

§ 217-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HOME OCCUPATIONS — Any business that is in compliance with the criteria as established in § 430-46 of Chapter 430, Zoning.

§ 217-3. Home occupation license required.

No person shall own or operate a home occupation without first obtaining a license to do so in accordance with the terms and provisions of this chapter.

§ 217-4. Application for owner's or operator's license.

Applications for home occupations licenses shall be made in writing to the Zoning Administrator upon forms furnished by him or her. The application shall include information sufficient to determine whether the home occupation qualifies under § 430-46 of Chapter 430, Zoning.

§ 217-5. License fee.

The annual fee for this license shall be as prescribed in Chapter 182, Fees.

**§ 217-6. Inspection.**

Prior to issuance of an initial license, the Zoning Administrator shall inspect the premises of the home occupation to ensure that the business complies with all municipal code requirements.

**§ 217-7. Existing nonconforming occupations.**

The lawful nonconforming occupation existing at the time of the adoption or amendment of this chapter may be issued a license and continued so long as a valid license is intact. If at any time the license lapses, the applicant is subject to the regulations and requirements currently in place for home occupations as established in § 430-46 of Chapter 430, Zoning.

**§ 217-8. Suspension, revocation, or denial of renewal of licenses.**

The Zoning Administrator shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any licensee has violated any of the provisions of this chapter, or any ordinance of the City, or law, rule or regulation of the State of Wisconsin, involving building codes or home occupations. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Common Council by filing a request within 10 days of such notice.

**§ 217-9. Violations and penalties.**

Any person violating this chapter or any part of § 430-46 of Chapter 430, Zoning, shall be subject to a forfeiture of not less than \$50 and not more than \$200. This section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from continuing to operate in violation.

## Chapter 246

### MINING

#### ARTICLE I Nonmetallic Mining

- § 246-1. Statutory provisions adopted.
- § 246-2. Definitions.
- § 246-3. Existing nonmetallic mining operations.
- § 246-4. Exempt activities.
- § 246-5. Permit required for nonmetallic mining.
- § 246-6. Permit revocation.

#### ARTICLE II Blasting and Rock Crushing

- § 246-7. Definitions.
- § 246-8. Operation.
- § 246-9. Permit.
- § 246-10. Renewals.
- § 246-11. Blasting procedures and controls.
- § 246-12. Permit fee.
- § 246-13. Penalty.
- § 246-14. Enforcement.

**[HISTORY: Adopted by the Common Council of the City of Princeton as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Nonmetallic Mining [Adopted as Title 7, Ch. 8, Secs. 7-8-1 through 7-8-6, of the City Code]

##### § 246-1. Statutory provisions adopted.

This article is adopted pursuant to applicable state statutory and Wisconsin Administrative Code regulations, which are adopted by reference and made a part of this article as if fully set forth herein.

##### § 246-2. Definitions.

As used in this article:

**ENVIRONMENTAL POLLUTION** — Has the meaning specified under § 144.01(3), Wis. Stats.

**NONMETALLIC MINING OR NONMETALLIC MINING OPERATION** — 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 operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.

**NONMETALLIC MINING REFUSE** — 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.

**NONMETALLIC MINING SITE OR SITE** — 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.

**OPERATOR** — 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.

**RECLAMATION** — 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 groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

**REPLACEMENT OF TOPSOIL** — 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.

### **§ 246-3. 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 article.

### **§ 246-4. Exempt activities.**

This nonmetallic mining reclamation article 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 §§ 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 §§ 144.435 to 144.445, Wis. Stats., or a hazardous waste disposal facility under §§ 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 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.

**§ 246-5. Permit required for nonmetallic mining.**

- A. Permit required. No person shall operate any nonmetallic mining site or operation within the City unless he/she obtains a nonmetallic mining permit from the Common Council. The fee for such permit shall be as prescribed in Chapter 182, Fees, plus any actual City administrative expenses, payable by certified check. Operators of existing nonmetallic mining operations shall apply for such permit within 30 days of the effective date of this article.
- 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;
  - (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;
  - (8) Maximum depth;
  - (9) Blasting procedures;
  - (10) Location and height of stockpiles; and
  - (11) Such other information the Common Council 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 to one 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 set back 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 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, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Common Council;
  - (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 City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk at least 60 days prior to the licensing period. The City Clerk shall immediately refer all applications for a license hereunder to the Common Council 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 Council. Modification of the application or reclamation plan may be permitted or additional conditions may be required upon application. The Council 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 Council may approve, approve conditionally or reject the application and reclamation plan.
- E. Financial assurance. Before a license and reclamation plan is approved by the Common Council, 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 Common Council.
  - (2) Guaranteed completion of the required reclamation within a period determined by the Council.
  - (3) Payment by the operator for all costs incurred by the City for review and inspection. This would include preparation and review of plans and specifications by the City Engineer and Attorney, as well as other costs of a similar nature.
  - (4) The City may elect to have stages of the reclamation plan performed under the terms of a cash escrow agreement.
  - (5) The required performance bond or cash escrow agreement shall be equal to 1 1/4 times the City 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 City 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 Common Council, 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 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 City 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 § 66.0119, Wis. Stats., in order to inspect those premises and to ascertain compliance with this nonmetallic mining reclamation article.
- H. Prohibitions and orders. Nonmetallic mining operations within the City are prohibited if the nonmetallic mining site cannot be reclaimed in compliance with the standards of this article or if other requirements of this article are not met.

**§ 246-6. Permit revocation.**

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

ARTICLE II  
**Blasting and Rock Crushing**  
[Adopted as Title 7, Ch. 8, Sec. 7-8-7, of the City Code]

**§ 246-7. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article:

**BLASTING** — A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for crushing, to prepare stone for building and/or ornamental use, or to prepare property for development.

**PERSON** — Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.

**ROCK CRUSHER** — Any device, machine, apparatus or equipment used either individually or in conjunction with any other device, machine, apparatus or equipment for the purpose of crushing, grinding, breaking or pulverizing rock or stone.

**§ 246-8. Operation.**

No person within the City shall operate a rock crusher or perform blasting in such a manner so that any dust, dirt or vibration from such operation shall, in any way, damage or injure any person or property within the City. All blasting within the City shall be performed according to the requirements of Ch. IND 5, Explosives and Blasting Agents, Wis. Adm. Code, and all subsequent amendments thereto.

**§ 246-9. Permit.**

- A. Permit required. No person within the City shall operate a rock crusher or perform blasting who does not possess a proper permit therefor from the City.
- B. Applications. All applications for permits hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk at least 60 days prior to the licensing period. The City Clerk shall immediately refer all applications for permits hereunder to the City Engineer. The City Clerk shall issue a permit hereunder only after first receiving the recommendation of the City Engineer, the duly executed certified check for the permit fee as hereinafter provided and the submittal of the Plan of Operation, if required, as approved by the City Engineer.
- C. Certified check. Each application for a permit hereunder shall be accompanied by a certified check in the sum of the required permit fee as hereinafter provided, or a renewal thereof, the same to be payable to the City.
- D. Plan of operation. Each application to permit a rock crusher hereunder or renewal thereof shall be accompanied by a Plan of Operation which shall include: methods of screening from adjacent properties, hours of operation, hours of blasting and operation of rock crusher, dust and noise control, blasting procedures, location and height of stock piles, whether a rock crusher will be needed and how often, water supply, drainage course, maximum depth, legal description of property in question and other information the City Engineer deems pertinent to the proposed operation. Such Plan of Reorganization shall be approved by the City Engineer.
- E. Insurance. Each application for a blasting permit shall be accompanied by a Certificate of Insurance identifying the City of Princeton as a party insured in the amount of \$500,000 for damage to property, and \$500,000 for injury to one person and \$1,000,000 for injury to more than one person caused by the blasting.

**§ 246-10. Renewals.**

All requests for renewals of permits hereunder shall be made at least 60 days prior to the expiration date of the permit and must comply with all requirements of § 246-9 above.

**§ 246-11. Blasting procedures and controls.**

- A. Energy ratio. The allowable vibration of any blast at the nearest occupied or used building off the subject premises shall not exceed an energy ratio of 0.5 or resultant particle velocity of 1.35 inches per second based on the following formula:

$$\text{Energy ratio} = 0.5 = 10.823 f^2 A^2$$

Where:

- f = frequency in cycles per second,  
A = amplitude or displacement in inches

$$\text{Energy ratio} = 0.274 V^2 \text{ (V = resultant particles velocity expressed in inches per second)}$$

- B. Measurement of blasts. The operator of the quarry operation, when requested to do so by the City Engineer, shall measure and submit data to substantiate compliance with the above formula and the operator of the quarry operation, when requested to do so by the City Engineer, shall measure air blast. This verification shall be performed by a seismological engineering firm acceptable to the City or by the City Engineer. Instrumentation shall be by seismograph similar to VME Seismolog Model "B" and approved seismograph sound measuring equipment or approved equivalents. All expenses for these tests shall be paid by the quarry operator.
- C. Blasting log. A log in duplicate shall be kept of each blast on forms similar to the one on file with the City Clerk. The original copy of this blasting log shall be filed with the City Clerk within 48 hours after the blast, and a copy shall be kept on file at the quarry office.
- D. Cover material. Operators of quarries for building and/or ornamental stone removal shall cover Primacord, other detonating cord or surface-laid blasting devices with at least one foot of dirt or other suitable cover material.

**§ 246-12. Permit fee.**

The permit fee for any permit issued pursuant to this article shall be as set forth below. No permit fee shall be prorated. All permits issued hereunder shall expire on December 31 following the date of issue:

- A. Quarries using blasting to supply buildings and/or ornamental stone: as prescribed in Chapter 182, Fees, per blasting period.
- B. Gravel crushing operations using portable or fixed crushing equipment less than 30 days per year: as prescribed in Chapter 182, Fees.

**§ 246-13. Penalty.**

Any person who shall violate any of the provisions of this article shall be subject to a penalty as provided in § 1-3 of Chapter 1, Article I, Construction and Penalties. However, upon conviction for the violation of any of the provisions of this article by the holder of a permit issued hereunder, and in addition to the forfeiture provided, such permit shall thereupon be cancelled, revoked, rescinded and terminated.

**§ 246-14. Enforcement.**

Before renewal of any license issued under this article is refused or any license is revoked, cancelled, rescinded or terminated, the licensee shall be given written notice of any charges or violations against him/her or the reasons proposed for nonrenewal or revocation and shall have an opportunity to be heard before the Common Council.

## Chapter 253

### MOBILE HOMES AND MOBILE HOME PARKS

§ 253-1. State statute adopted.

§ 253-2. Applicability.

§ 253-3. Monthly parking fee.

§ 253-4. License required.

§ 253-5. Information to be furnished.

§ 253-6. Mobile homes outside mobile home parks.

§ 253-7. Parking outside licensed mobile home parks restricted.

§ 253-8. Mobile home occupancy permits.

**[HISTORY: Adopted by the Common Council of the City of Princeton as Title 7, Ch. 5, of the City Code. Amendments noted where applicable.]**

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§ 253-1. State statute adopted.

The provisions of § 66.0435, Wis. Stats., and the definitions therein are hereby adopted by reference.

§ 253-2. Applicability.

This chapter shall apply only to mobile homes manufactured prior to June 15, 1976. All such types of homes manufactured after June 15, 1976 are classified as "manufactured homes" and are not subject to the provisions of this chapter.

§ 253-3. Monthly parking fee.

There is hereby imposed on each occupied, nonexempt mobile home located in the City a monthly parking fee as determined in accordance with § 66.0435, Wis. Stats. Such fees shall be paid to the City Treasurer on or before the 10th day of the month following the month for which such fees are due.

§ 253-4. License required.

No person shall establish or operate upon property owned or controlled by him/her within the City a mobile home park without having first secured a license therefor from the City Clerk. The application for such license shall be accompanied by the fee prescribed in Chapter 182, Fees. The license shall expire one year from the date of issuance. Such parks shall comply with the applicable provisions of the Wisconsin Administrative Code.

§ 253-5. Information to be furnished.

Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk and City Assessor on

such homes added to their park or land within five days after arrival of such home on forms furnished by the City Clerk in accordance with § 66.0435, Wis. Stats.

**§ 253-6. Mobile homes outside mobile home parks.**

Occupants or owners of nonexempt mobile homes parked outside of a mobile home park shall remit such fees directly to the City Treasurer as provided in § 253-3. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied, nonexempt mobile home therein and to remit such fees to the City Treasurer as provided in § 253-3.

**§ 253-7. Parking outside licensed mobile home parks restricted.**

- A. No person shall park, locate or place any mobile home outside of a licensed mobile home park in the City, except that the parking of only one unoccupied mobile home in an accessory private garage building or in a rear yard shall be permitted provided no living quarters shall be maintained or business practiced in such mobile home.
- B. No person shall stop, stand or park a mobile home on any street, alley or highway within the City in violation of Chs. 340 to 348, Wis. Stats., or the traffic ordinances and regulations of the City.

**§ 253-8. Mobile home occupancy permits.**

- A. Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the City Clerk within 60 days after the effective date of this chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and City. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for 12 consecutive months.
- B. Such mobile homes legally located and occupied on premises outside of a mobile home park prior to September 13, 1983, may be replaced with another mobile home at that location provided, in the opinion of the Zoning Administrator, such replacement would enhance the aesthetic beauty and value of the premises and that such use and occupancy is otherwise in conformity with the applicable laws, ordinances and regulations of the state and City.

## Chapter 200

### HAZARDOUS MATERIALS

**§ 200-1. Disclosure of hazardous materials and infectious agents; reimbursement for cleanup of spills.**

**§ 200-2. Recovery of costs of extinguishing and cleaning up fires involving hazardous materials.**

**[HISTORY: Adopted by the Common Council of the City of Princeton as Title 5, Ch. 3, Secs. 5-3-1 and 5-3-2, of the City Code. Amendments noted where applicable.]**

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**§ 200-1. Disclosure of hazardous materials and infectious agents; reimbursement for cleanup of spills.**

**A. Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire and Rescue Department as prescribed by this section.
- (2) The provisions of this section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this section.

**B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:**

**INFECTIOUS AGENT** — A bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.

**HAZARDOUS MATERIALS** — Those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

**C. Information required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire and Rescue Department the following information:
  - (a) Address, location of where hazardous materials are used, researched, stored or produced;
  - (b) The trade name of the hazardous material;

- (c) The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - (d) The exact locations on the premises where materials are used, researched, stored and/or produced;
  - (e) Amounts of hazardous materials on premises per exact location;
  - (f) The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - (g) The flashpoint and flammable limits of the hazardous substance;
  - (h) Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - (i) The stability of the hazardous substance;
  - (j) Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - (k) Any effect of overexposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - (l) Any condition or material which is incompatible with the hazardous material and must be avoided.
  - (m) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - (n) Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire and Rescue Department the following:
- (a) The name and any commonly used synonym of the infectious agent;
  - (b) Address/location where infectious agents are used, researched, stored and/or produced;
  - (c) The exact locations where infectious agents are used, researched, stored and/or produced;
  - (d) Amount of infectious agent on premises per exact locations;
  - (e) Any methods of route of transmission of the infectious agents;
  - (f) Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;

- (g) Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - (h) Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- D. Reimbursement for cleanup of spills. Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

**§ 200-2. Recovery of costs of extinguishing and cleaning up fires involving hazardous materials.**

- A. Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- B. Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the City for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.



## Chapter 205

### HEALTH AND SANITATION

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| § 205-1. Rules and regulations.                        | § 205-7. Compulsory connection to City sewer and water system.                      |
| § 205-2. Abatement of health nuisances.                | § 205-8. Unhealthy, hazardous or unsightly materials on public or private property. |
| § 205-3. Deposit of deleterious substances prohibited. | § 205-9. Rodent control.  |
| § 205-4. Destruction of noxious weeds.                 | § 205-10. Composting regulations.   |
| § 205-5. Regulation of natural landscapes.             | § 205-11. Discharge of clear waters.  |
| § 205-6. Regulation of length of lawn and grasses.     | § 205-12. Burial of animal carcasses.   |

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 8, Ch. 1, of the City Code. Amendments noted where applicable.]

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#### § 205-1. Rules and regulations.

The Common Council, acting as Board of Health, may make reasonable and general rules for the enforcement of the provisions of this chapter and for the prevention of the creation of health nuisances and the protection of the public health and welfare and may, where appropriate, require the issuance of licenses and permits. All such regulations shall have the same effect as ordinances, and any person violating any of such regulations and any lawful order of the Common Council shall be subject to the general penalty provided for in this Code.

#### § 205-2. Abatement of health nuisances.

- A. Defined. A health nuisance is any source of filth or cause of sickness.
- B. Duty to abate. The Common Council shall abate health nuisances pursuant to Chapter 823, Wis. Stats., which is adopted by reference and made a part of this section.

#### § 205-3. Deposit of deleterious substances prohibited.

No person shall deposit or cause to be deposited in any public street or on any public ground or on any private property not his/her own any refuse, garbage, litter, waste material or liquid or any other objectionable material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.

**§ 205-4. Destruction of noxious weeds.**

- A. The City Clerk shall annually on or before May 15th publish as required by state law a notice that every person is required by law to destroy all noxious weeds on lands in the City which he/she owns, occupies or controls. A joint notice with other towns or municipalities may be utilized.
- B. If the owner or occupant shall neglect to destroy any weeds as required by such notice, then the Weed Commissioner of the City shall give five days' written notice by mail to the owner or occupant of any lands upon which the weeds shall be growing to the effect that the said Weed Commissioner after the expiration of the five-day period will proceed to destroy or cause to be destroyed all such weeds growing upon said lands and that the cost thereof will be assessed as a tax upon the lands upon which such weeds are located under the provisions of §§ 66.0407 and 66.0627, Wis. Stats. In case the owner or occupant shall further neglect to comply within such five day notice, then the Weed Commissioner shall destroy such weeds or cause them to be destroyed in the manner deemed to be the most economical method and the expense thereof, including the cost of billing and other necessary administrative expenses, shall be charged against such lots and be collected as a special tax thereon.
- C. As provided for in §§ 66.0407 and 66.0627, Wis. Stats., the City shall require that all noxious weeds shall be destroyed prior to the time in which such plants would mature to the bloom or flower state. The growth of noxious weeds in excess of six inches in height from the ground surface shall be prohibited within the City of Princeton corporate limits. Noxious weeds shall include any weed, grass or similar plant growth which, if allowed to pollinate, would cause or produce hayfever in human beings or would cause a skin rash through contact with the skin.
- (1) Noxious weeds, as defined in this section and in § 205-6, shall include but not be limited to the following:

*Cirsium Arvense* (Canada Thistle)  
*Ambrosia artemisiifolia* (Common Ragweed)  
*Ambrosia trifida* (Great Ragweed)  
*Euphorbia esula* (Leafy Spurge)  
*Convolvulus arvensis* (Creeping Jenny) (Field Bind Weed)  
*Tragopogon dubius* (Goat's Beard)  
*Rhus radicans* (Poison Ivy)  
*Cirsium vulgaries* (Bull Thistle)  
*Pastinaca sativa* (Wild Parsnip)  
*Arctium minus* (Burdock)  
*Xanthium strumarium* (Cocklebur)  
*Amaranthus retroflexus* (Pigweed)  
*Chenopodium album* (Common Lambsquarter)  
*Rurnex Crispus* (Curled Dock)

Cannabis sativa (Hemp)

Plantago lanceolata (English Plantain)

- (2) Noxious grasses, as defined in this section and in § 205-6, shall include but not be limited to the following:

Agrostia alba (Redtop)

Sorghum halepense (Johnson)

Setaria (Foxtail)

- (3) Noxious weeds are also the following plants and other rank growth:

Ragweed

Thistles

Smartweed

Dandelions (over six inches in height)

**§ 205-5. Regulation of natural landscapes.**

- A. Natural lawns defined. "Natural landscape" as used in this section shall include common species of grass and wild flowers native to North America which are designed and purposely cultivated to exceed six inches in height from the ground. Specifically excluded in natural lawns are the noxious grasses and weeds identified in § 205-4 of this chapter. The growth of natural landscaping in excess of six inches in height from the ground surface shall be prohibited within the City of Princeton corporate limits unless a Natural Lawn Management Plan is approved and a permit is issued by the City as set forth in this section. Natural landscaping shall not contain litter or debris and shall not harbor undesirable wildlife.
- B. Natural landscape management plan defined.
- (1) Natural Landscape Management Plan as used in this section shall mean a written plan relating to the management and maintenance of a natural landscape which contains the street address or a legal description of the property where the proposed natural landscape is being requested, and which would exceed six weeks, a statement of intent and purpose for the lawn, a detailed description of the vegetational types, plants and plant succession involved, and the specific management and maintenance techniques to be employed.
- (2) Property owner to submit plan; City property excluded.
- (a) Property owners who wish to plant and cultivate a natural landscape must submit their written plan and related information to the City. "Property Owner" shall be defined to include the legal title holder and/or the beneficial

owner of any such lot according to most current City records. Natural Landscape Management Plans shall only indicate the planting and cultivating of natural landscapes on property legally owned by the property owner.

- (b) Applicants are strictly prohibited from developing a natural landscape on any City-owned property including street rights-of-way. This shall include at a minimum property located between the sidewalk and the street or a strip not less than 10 feet adjacent to the street where there is no sidewalk whether the area is under public or private ownership.
- (3) In addition, natural landscapes shall not be permitted within five feet of the abutting property owner's property unless waived in writing by the abutting property owner on the side so affected. Such waiver is to be affixed to the Lawn Management Plan. Such waiver may be revoked, in writing, by the abutting property owner at a later time, a copy to be filed with the permittee and the City Clerk.
- (4) Any subsequent property owner who abuts an approved natural landscape may revoke the waiver thereby requiring the owner of the natural landscape to remove the natural lawn that is located in the five foot section abutting the neighboring property owner. Such revocation shall be put in writing and presented to the City Clerk by the subsequent abutting property owner. Upon receiving the written request to revoke the original waiver, the Common Council shall contact the owner of the approved natural landscape and direct the owner to remove the natural landscape located in the ten foot section abutting the neighboring property owner. The Common Council shall revise the approved Natural Lawn Management Permit accordingly. The owner of the approved landscape lawn shall be required to remove the five foot section abutting the neighboring property owner within 20 days of receipt of the written notification from the City provided the notification is received sometime between May 1 and November 1. Property owners who receive notification from the City between November 1 and April 30 shall be required to remove the ten foot section abutting the neighboring property owner no later than May 20 following receipt of the notification.

C. Application process.

- (1) Property owners interested in applying for permission to establish a natural landscape shall file an application with the City Clerk. The completed application shall include a Natural Landscape Management Plan. Upon submitting a completed application, a non-refundable filing fee as prescribed in Chapter 182, Fees, will be assessed by the City. Upon receiving payment, copies of the completed application shall be mailed by the City to each of the owners of record, as listed in the Office of the City Assessor, who are owners of the property situated wholly or in part within 300 feet of the boundaries of the properties for which the application is made. If within 15 calendar days of mailing the copies of the complete application to the neighboring property owners the City receives written objections from 51% or more of the neighboring property owners, the City shall deny the application. Neighboring property owners shall be defined as all those property owners who are located within 300 feet of the proposed natural landscape site.

- (2) If the property owner's application is in full compliance with the Natural Landscape Management Plan requirements and less than 51% of the neighboring property owners provide written objections, the Common Council may issue permission to install a natural landscape. Such permit shall be valid for two years. Permit renewals shall follow the procedures in this section.
- D. Application for appeal. The property owner may appeal the Clerk's decision to deny the natural lawn permit request to the Common Council at an open meeting. All applications for appeal shall be submitted within 15 calendar days of the notice of denial of the Natural Lawn Management Plan. The decision rendered by the Common Council shall be final and binding.
- E. Prohibited plant species. The following noxious grasses or weeds will not be allowed in a natural landscape area:

<b>Common Name(s)</b>	<b>Latin Name(s)</b>
Buckthorn	Rhamnus Cathartica Rhamnus Frangula
Burdock (Yellowdock)	Artium Lappa
Field Bindweed (Wild Morning Glory)	Convolvulus Arvensis
Garlic Mustard	Alliaria Petiolata
Goatsbeard (Oyster Plant, Salsify)	Tragopogon Porrifolius
Leafy Spurge	Euphorbia Esula
Marijuana	Cannabis Sativa
Nettle	Urtica Dioica
Oxeye Daisy	Chrysanthemum Leucanthemu
Pigweed (Lambs Quarters)	Chenopodium Album
Pigweed (Amaranth)	Amaranthus Retroflexus
Poison Ivy	Rhus Radicans
Quackgrass	Bromus Brizaeformis
Ragweed (Common)	Ambrosia Artemisifoia
Ragweed (Great)	Ambrosia Trifida
Spotted Knapweed	Centaurea Maculosa
Thistle Bull	Cirsium Vulgare
Thistle Canada	Cirsium Arbense
Thistle Musk or Nodding	Carduus Nutans
Thistle Star (Caltrops)	Centaurea Calicitrappa
Thistle Sow (Field)	Sonchus Arvensis
Thistle Sow (Common)	Sonchus Oleraceus
Thistle Sow (Spiny Leaved)	Sonchus Asper
Sweet Clover (Yellow)	Melilotus Officinalis

<b>Common Name(s)</b>	<b>Latin Name(s)</b>
Sweet Clover (White)	Melilotus Alba
Yellow Mustard (Yellow Rocket) (Winter Cress)	Barbarea Vulgaris
Japanese Bamboo	
Wild Mustard	

F. Safety precautions for natural grass areas.

- (1) When, in the opinion of the Fire Chief of the Department serving the City of Princeton, the presence of a natural landscape may constitute a fire or safety hazard due to weather and/or other conditions, the Fire Chief may order the cutting of natural landscapes to a safe condition. As a condition of receiving approval of the natural landscapes permit, the property owner shall be required to cut the natural lawn within the three days upon receiving written direction from the Fire Chief.
- (2) Natural landscapes shall not be removed through the process of burning unless stated and approved as one of the management and maintenance techniques in the Landscape Management Plan, and appropriate City open burning permits have been obtained. The Fire Chief shall review all requests to burn natural landscapes and shall determine if circumstances are correct and all applicable requirements have been fulfilled to insure public safety. Burning of natural landscapes shall be strictly prohibited unless a written permit to burn is issued by the Fire Chief. The Fire Chief shall establish a written list of requirements for considering each request to burn natural landscapes, thereby insuring the public safety. In addition, the property owner requesting permission to burn the natural landscapes shall produce evidence of property damage and liability insurance identifying the City as a party insured. A minimum amount of acceptable insurance shall be \$300,000.

G. Revocation of an approved natural landscape management plan permit. The Weed Commissioner shall have the authority to revoke an approved Natural Landscape Management Plan Permit if the owner fails to maintain the natural landscape or comply with the provisions set forth in this section. Notice of intent to revoke an approved Natural Landscape Management Plan Permit shall be appealable to the Common Council. All applications for appeal shall be submitted within 15 calendar days of receipt of the written Notice of Intent to revoke the approved Natural Landscape Management Plan. Failure to file an application for appeal within the 15 calendar days shall result in the revoking of the Natural Landscape Management Plan Permit. All written applications for appeal filed within the 15 calendar day requirement shall be reviewed by the Common Council in an open meeting. The decision rendered by the Common Council shall be final and binding.

H. Public nuisance defined; abatement after notice.

- (1) The growth of a natural landscape as defined in this section shall be considered a public nuisance unless a Natural Landscape Management Plan has been filed and approved and a permit is issued by the City as set forth in this section. Violators

shall be served with a notice of public nuisance by certified mail to the last-known mailing address of the property owner.

- (2) If the person so served with a notice of public nuisance violation does not abate the nuisance within 10 days, the Enforcement Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such property owner. Notice of the bill for abatement of the public nuisance shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges onto the tax roll as a special tax as provided by state statute.
- (3) The failure of the City Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the public nuisance as provided for in this section.

I. Penalty.

- (1) Any person, firm or corporation which does not abate the nuisance within the required time period or who otherwise violates the provisions of this section shall be subject to the general penalty found in § 1-3 of Chapter 1, Article I, Construction and Penalties.
- (2) In addition to any penalties herein provided, the City may issue stop-work orders upon owners of lots where work is unfinished under a previously issued permit for any violation of this section.

**§ 205-6. Regulation of length of lawn and grasses.**

- A. Purpose. This section is adopted due to the unique nature of the problems associated with lawns, grasses and noxious weeds being allowed to grow to excessive length in the City of Princeton.
- B. Public nuisance declared. The Common Council finds that lawns, grasses and noxious weeds on non-agricultural lots or parcels of land, as classified under Chapter 430, Zoning, within the City of Princeton which exceed six inches in length adversely affect the public health and safety of the public in that they tend to emit pollen and other discomforting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land within the City. For that reason, any non-agricultural lawn, grass or weed on a lot or other parcel of land which exceeds six inches in length is hereby declared to be a public nuisance, except for property located in a designated floodplain area and/or wetland area or where the lawn, grass or weed is part of a natural lawn approved pursuant to § 205-5 above.
- C. Nuisances prohibited. No person, firm or corporation shall permit any public nuisance as defined in Subsection B above to remain on any premises owned or controlled by him/her within the City.

- D. Inspection. The Weed Commissioner or his/her designee shall inspect or cause to be inspected all premises and places within the City to determine whether any public nuisance as defined in Subsection B above exists.
- E. Abatement of nuisance. **[Amended 6-13-2006 by Ord. No. 2006-16]**
- (1) If the Common Council finds that the owner or occupant shall neglect to cut any lawns as required herein, then, upon the first offense, the City Administrator or his designee shall give five days' written notice by mail to the owner or occupant of any lands upon which the lawn is growing in violation herewith to the effect that the said Weed Commissioner, after the expiration of the five-day notice, will proceed to mow or have mown the lawn to meet the requirements of this section and that the cost of said mowing will be assessed as a tax upon the lands upon which said lawn is growing pursuant to the provisions of § 66.0627, Wis. Stats. Such notice shall be in writing and mailed by first class mail addressed to the landowner's last known address, as reflected in City records. The actual receipt of such notice is not a prerequisite to enforcement of this section. Written notice will not be sent for subsequent offenses within the same calendar year.
  - (2) In case the owner or occupant shall further neglect to comply with said five-day notice, then the Weed Commissioner shall mow or have mown said lawns to comply with this section in an economical method and shall include the cost of said mowing and the cost of billing and administrative expenses and shall charge said costs against the property and be collected as a special tax thereon. The property owner shall be charged a minimum rate of \$50 per hour or any part of an hour. The time charge for such mowing and cutting shall include time involved in loading and unloading equipment, and transportation to and from the site as well as any administrative fees. Subsequent offenses will result in this rate and will be subject to the standards of Chapter 261, Nuisances, Public.
- F. Due process hearing. If the owner believes that his/her grasses or weeds are not a nuisance, he/she may request a hearing before the Common Council. The request for said hearing must be made in writing to the City Clerk's office within the five days set forth in the Weed Commissioner's notice. Upon application for the hearing, the property owner must deposit a \$25 bond. If a decision is rendered in the property owner's favor, the \$25 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of City personnel abating the nuisance, if necessary. When a hearing is requested by the owner of the property, a hearing by the Common Council shall be held within seven days from the date of the owner's request. The property in question will not be mowed by the City until such time as the hearing is held by the Common Council. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his/her own behalf and may cross-examine witnesses presented by the City as well as subpoena witnesses for his/her own case. At the close of the hearing, the Common Council shall make its determination in writing specifying its findings, facts, and conclusions. If the Common Council determines that a public nuisance did exist, the Common Council shall order the Weed Commissioner to mow the property in question unless the property has been mowed by the owner within 48 hours of the Common Council's decision. If the owner does not abate the nuisance within the

described 48 hours, the Weed Commissioner shall cause the same nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

- G. City's option to abate nuisance. In any case where the owner, occupant or person in charge of the property shall fail to cut his/her lawn, grass or weeds as set forth above, then, and in that event, the City may elect to cut said lawn, grass or weeds as follows:
- (1) The written notice required in Subsection E shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the City shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
  - (2) The City shall cut or cause to be cut all grass and weeds from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Common Council. The charges shall be set forth in a statement to the City Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within 30 days thereafter, the City Clerk shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under § 66.615(3)(f), Wis. Stats.

**§ 205-7. Compulsory connection to City sewer and water system.**

- A. When required. Whenever a sewer or water main becomes available to any building used for human habitation, the owner of the property upon which the building is located shall connect the building to such main or mains in the manner prescribed by law, except the Common Council may defer connection to such water or sewer main or mains for those properties which have existing septic systems or wells whose construction was permitted by the City of Princeton, but such deferment shall not exceed one year from the date of installation of such main or mains.
- B. Notice. Whenever a sewer or water main becomes available to any building used for human habitation, the Building Inspector shall notify the owner or his/her agent in writing by registered mail addressed to the last known address of the owner or his/her agent.
- C. City may cause connection at expense of owner. If the owner or his/her agent fails to comply with the notice within 10 days of service or mailing thereof, the City may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.
- D. Privies, cesspools, etc., prohibited after connection with sewer. After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation.

**§ 205-8. Unhealthy, hazardous or unsightly materials on public or private property.**

- A. Inspections.

- (1) Whenever the Zoning Administrator, Fire Inspector, Chief of Police, or other authorized City official shall, upon inspection of any premises within the City of Princeton find that there is deposited, placed, stored or remaining on said premises any garbage, junk, rubbish, rubble, trash, abandoned, construction materials, rotting yard and orchard waste, merchandise or parts, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or any other unhealthy, hazardous or unsightly materials or thing which create a fire or health hazard, or which is detrimental to the appearance, neatness and cleanliness of the immediate neighborhood or the City of Princeton in general, such official shall issue his/her written order to the owner and/or occupant of the premises to remove said garbage, junk, rubbish, rubble or trash, abandoned, outmoded, or non-salable merchandise or parts, construction materials, rotting yard and orchard waste, accumulation of grease or food wastes in a grease trap or other place or depository which presents a risk of clogging or blocking a sewer system, or other unhealthy, hazardous or unsightly materials or things.
  - (2) Said written order shall provide that such removal shall be accomplished within 10 days after service of said order upon the owner or occupant of the premises involved. Such written order, in addition to specifying and describing the material or things to be removed, shall also set forth on the face thereof the provisions of Subsection B.
  - (3) Prosecution of violators under this section shall not preclude other enforcement actions allowed by law, including other actions under this Code of Ordinances.
- B. Appeal. Any person feeling himself/herself aggrieved by any order of a City official under this section may, within 10 days from the date of receipt of such order, appeal such order to the Common Council.
- C. Exceptions. Nothing contained in this section shall be construed to prohibit the depositing of rubbish, rubble, junk, trash, abandoned, outmoded or nonsalable merchandise or parts or unsightly materials or things which are:
- (1) Lawfully sited pursuant to Chapter 430, Zoning, and operated in a manner not constituting a nuisance; or
  - (2) Temporarily deposited due to an emergency; or
  - (3) Materials during construction; or
  - (4) Collected and piled for immediate pickup and disposal by the City or by private means.
- D. Nonconforming uses. It shall not be a defense to the provisions of this section that the owner or occupant of the premises involved has a nonconforming use under the provisions of Chapter 430, Zoning, but the provisions of this section shall be complied with notwithstanding that the owner or occupant of any given premises is using or occupying such premises under a valid nonconforming use.

**§ 205-9. Rodent control.**

## A. Definitions. The following definitions shall be applicable in this section:

**HARDWARE CLOTH** — Wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rodents.

**OWNER or MANAGER** — Whenever any person or persons shall be in actual possession of or have charge, care or control of any property within the City, as executor, administrator, trustee, guardian or agent, such person or persons shall be deemed and taken to be the owner or owners of such property within the true intent and meaning of this section and shall be bound to comply with the provisions of this section to the same extent as the owner, and notice to any such person of any order or decision of the Building Inspector or his/her designee shall be deemed and taken to be a good and sufficient notice, as if such person or persons were actually the owner or owners of such property, except that whenever an entire premises or building is occupied as a place of business, such as a store, factory, warehouse, rooming house, junkyard, lumber yard or any other business under a single management, the person, firm or corporation in charge of such business shall be considered the owner or manager.

**RODENT HARBORAGE** — Any place where rodents can live and nest without fear of frequent molestation or disturbance.

**RODENT-PROOF CONTAINER** — A container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rodents, and openings into the container such as doors shall be tight-fitting to prevent the entrance of rodents.

**RODENT-PROOFING** — Consists of closing openings in building foundations and openings under and around doors, windows, vents and other places which could provide means of entry for rodents, with concrete, sheet iron, hardware cloth or other types of rodent-proofing material approved by the City.

- B. Elimination of rodent harborages. Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rodent harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be removed or the materials shall be stored so as to eliminate the rodent harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after a reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal, or proper piling, of the materials.
- C. Elimination of rodent-feeding places. No person, firm or corporation shall place, or allow to accumulate, any materials that may serve as a food for rodents in a site accessible to rodents. Any waste material that may serve as food for rodents shall be stored in rodent-proof containers. Feed for birds shall be placed on raised platforms, or such feed shall be placed where it is not accessible to rodents.
- D. Extermination. Whenever rodent holes, burrows or other evidence of rodent infestation are found on any premises or in any building within the City, it shall be the duty of the owner or manager of such property to exterminate the rodents or to cause the rodents to

be exterminated. Within 10 days after extermination, the owner or manager shall cause all of the rodent holes or burrows in the ground to be filled with earth or other suitable material.

- E. Rodent-proofing. It shall be the duty of the owner or manager of any building in the City of Princeton to make such building reasonably rodent-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rodents from entering the building through such window openings.

**§ 205-10. Composting regulations.**

- A. Purpose and intent. The purpose of this section is to promote the recycling of yard wastes and certain kitchen wastes through composting and to establish minimum standards for proper compost maintenance.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMPOSTING — The organic waste produced from the growing, trimming, and removal of grass, branches (not exceeding one inch in diameter), bushes, shrubs, plants, leaves and garden debris.

KITCHEN WASTE — Any uncooked plant matter not contaminated by or containing meat, fish and/or dairy products.

- C. Maintenance. All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
- (1) All compost piles shall be enclosed in a free standing compost bin. Each compost bin shall be no larger in volume than 125 cubic feet, and shall be no taller than 42 inches.
  - (2) All compost bins shall be so maintained as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost bin shall be cause for the City to proceed under § 205-9.
  - (3) All compost bins shall be so maintained as to prevent unpleasant odors.
  - (4) No compost bin shall be allowed to deteriorate to such condition as to be a blighting influence on the surrounding property or neighborhood or the City in general.
  - (5) Setback requirements.
    - (a) All compost bins shall be located not less than three feet from a property line or principal building or dwelling and three feet from any detached accessory building.
    - (b) A variance from these setback requirements may be applied for if the property owner(s) can show a hardship exists which prohibits compliance. In

addition, any variance application must include a signed written approval of the variance request from the adjacent property owner(s). Variances can be granted by the Building Inspector on an annual basis upon the proper application being submitted by the property owner(s). Screening and/or fencing of compost bins may be required as a condition of a variance being granted.

- (6) No compost bin shall be located in any yard except a rear yard, as defined in Chapter 430, Zoning. A compost bin may be located in a side yard as defined in Chapter 430, Zoning, subject to the annual variance procedure contained in Subsections C(5)(b) and must be screened from view to the street.
- (7) Those composting bins which existed prior to the adoption of this section shall be given one year to comply with the requirements set forth herein.

D. Ingredients.

- (1) No compost bin shall contain any of the following:
  - (a) Lakeweeds;
  - (b) Cooked food scraps of any kind or type;
  - (c) Fish, meat or other animal products;
  - (d) Manures;
  - (e) Large items that will impede the composting process.
- (2) Permitted ingredients in a compost bin shall include the following:
  - (a) Yard waste;
  - (b) Coffee grounds and used tea leaves;
  - (c) Uncooked plant matter not contaminated by or containing meat, fish, and/or dairy products;
  - (d) Commercial compost additives.

- E. Owner responsibility. Every owner or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this section.
- F. Municipal exception. Any municipal composting site maintained by the City shall be exempt from the provisions of this section.

**§ 205-11. Discharge of clear waters.**

- A. Discharge. No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting,

diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.

- B. Nuisance. The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of the property.
- C. Groundwater. Where deemed necessary by the Common Council, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- D. Stormwater. All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- E. Storm sewer lateral. Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the City to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.
- F. Conducting tests. If a designated City agent suspects an illegal clear water discharge as defined by this chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he/she may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists. In addition, City inspectors may inspect for illegal clear water discharges as a part of a routine inspection without cause.

**§ 205-12. Burial of animal carcasses.**

- A. No person, firm or corporation shall bury or cause to be buried on or in any public street or on any public ground or on any private property belonging to said person, firm or corporation any dead animal, animal carcass or any parts thereof within the City of Princeton, except that a resident of the City of Princeton, upon receiving a permit from the Director of Public Works, may bury a domestic household pet on said person's, firm's or corporation's own private property.
- B. Any person, firm or corporation who violates this section shall be subject to the general forfeiture provisions of this Code of Ordinances. In addition, said person, firm or

corporation shall be required to remove any animal or animal carcass buried in violation of this section.



## Chapter 261

### NUISANCES, PUBLIC

§ 261-1. Public nuisances prohibited.

§ 261-2. Public nuisance defined.

§ 261-3. Public nuisances affecting health.

§ 261-4. Public nuisances offending morals and decency.

§ 261-5. Public nuisances affecting peace and safety.

§ 261-6. Abatement of public nuisances.

§ 261-7. Cost of abatement.

§ 261-8. Enforcement; penalty.

[HISTORY: Adopted by the Common Council of the City of Princeton as Title 11, Ch. 6, of the City Code. Amendments noted where applicable.]

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§ 261-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City of Princeton.

§ 261-2. Public nuisance defined.

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

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;
- D. Unlawfully and substantially interfere with, obstruct or tend 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.

§ 261-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 261-2:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

- C. Breeding places for vermin, etc. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water in which mosquitoes, flies or other insects can multiply.
- E. Garbage cans. Garbage cans which are not flytight.
- F. Noxious weeds. All noxious weeds and other rank growth of vegetation.
- G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. Noxious odors, etc. Any use of property, substances or things within the City or within 1 1/2 miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, 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 City.
- I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- J. Animals at large. All animals running at large.
- K. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood and other refuse.
- L. Air pollution. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the 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.

**§ 261-4. 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 § 261-2:

- A. Disorderly houses. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- B. Gambling devices. All gambling devices and slot machines, except as permitted by state law.

- C. Unlicensed sale of liquor and beer. 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 the ordinances of the City.
- D. Continuous violation of City ordinances. Any place or premises within the City where City ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- E. Illegal drinking. 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 ordinances of the City.

**§ 261-5. 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 definition of § 261-2:

- A. Signs, billboards, etc. 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.
- B. Illegal buildings. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the City relating to materials and manner of construction of buildings and structures within the City.
- C. Unauthorized traffic signs. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- D. Obstruction of intersections. 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.
- E. Tree limbs. All limbs of trees which project over a public sidewalk less than 10 feet above the surface thereof and all limbs which project over a public street less than 14 feet above the surface thereof.
- F. Dangerous trees. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- G. Fireworks. All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the City.
- H. Dilapidated buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- I. Wires over streets. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

- J. Noisy animals or fowl. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City.
- K. Obstructions of streets; excavations. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- L. Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- M. Abandoned refrigerators. All abandoned refrigerators, freezers, 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.
- N. Flammable liquids. Repeated or continuous violations of the ordinances of the City or laws of the State relating to the storage of flammable liquids.
- O. Unremoved snow. All snow and ice not removed shall be sprinkled with sand or other chemical removers, as provided in this Code.

**§ 261-6. Abatement of public nuisances.**

**A. Summary abatement.**

- (1) Notice to owner. If the inspecting officer determines that a public nuisance exists within the City and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than 24 hours or greater than seven days and shall state that unless such nuisance is so abated, the City will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.
- (2) Abatement by City. If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.

- B. Abatement by court action. If the inspecting officer determines 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, the inspector shall file a written report of such findings with the Mayor who, upon direction

of the Common Council, shall cause an action to abate such nuisance to be commenced in the name of the City in Green Lake County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.

- C. Court order. Except where necessary under Subsection A, no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

**§ 261-7. Cost of abatement.**

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

**§ 261-8. Enforcement; penalty.**

- A. Enforcement. The Chief of Police, Fire Inspector, Director of Public Works and Building Inspector shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under § 261-6 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- B. General penalty. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in § 1-3 of Chapter 1, Article I, Construction and Penalties.



## Chapter 300

### SEWERS

ARTICLE I  
Regulations and Rates

§ 300-1. Definitions.

§ 300-2. System management and operation.

§ 300-3. User rules and regulations.

§ 300-4. Regulations for licensed plumbers and sewer users.

§ 300-5. Sewer user charge system.

§ 300-6. Miscellaneous rules and regulations.

[HISTORY: Adopted by the Common Council of the City of Princeton as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I  
Regulations and Rates  
[Adopted as Title 9, Ch. 2, of the City Code]

§ 300-1. Definitions.

The following definitions are applicable to this article:

**BIOCHEMICAL OXYGEN DEMAND (BOD)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

**GARBAGE** — The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

**INDUSTRIAL WASTE** — The wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

**PERSON** — Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.

**pH** — The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of  $10^{-7}$ .

**SANITARY SEWER** — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

**SHOCK** — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

**STANDARD METHODS** — The examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

**STORM DRAIN (STORM SEWER)** — A drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

**SUSPENDED SOLIDS** — Solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods for Examination of Water and Wastewater and is referred to as nonfilterable residue.

**WASTEWATER** — The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions; together with any ground water, surface water, and stormwater that may be present, but not intentionally admitted.

**WASTEWATER TREATMENT WORKS** — An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment."

**WATERCOURSE** — A natural or artificial channel for the passage of water, either continuously or intermittently.

**WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT** — A document issued by the Wisconsin Department of Natural Resources which established effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

### **§ 300-2. System management and operation.**

- A. **Management.** The management, operation, and control of the sewer system for the City of Princeton is vested in the Common Council of the City of Princeton. All records, minutes, and all written proceedings thereof shall be kept by the City Clerk of the City of Princeton. The City Treasurer of the City of Princeton shall keep all of the financial records.
- B. **Authority.** The Sewer Utility of the City of Princeton shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the City of Princeton and generally, to do all such

work as may be found necessary or convenient in the management of the sewer system. The Common Council shall have the power, by themselves, their officers, agents or employees, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this article, without liability therefore. The Common Council shall have power to purchase and acquire for the City of Princeton all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

- C. Condemnation of real estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Common Council be necessary to the sewer system, and whenever for any cause an agreement for the purchase thereof cannot be made with the owner thereof, the Common Council shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal funds are used.
- D. Title to real estate and personalty. All property (real, personal and/or mixed), acquired for the construction of the sewer system, and all plans, specifications, diagrams papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said City of Princeton.

#### **§ 300-3. User rules and regulations.**

The rules, regulations, and sewer rates of the City of Princeton of Green Lake County, Wisconsin hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the sewer system of the City of Princeton and every such person, company or corporation by connecting with the sewer system shall be considered as expressing his/her or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the City of Princeton, Green Lake County, Wisconsin, may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection), and shall not be re-established except by order of the City of Princeton Common Council, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the City of Princeton may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the said City of Princeton furthermore, may declare any payment made for the service by the party on parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the City of Princeton to change the said rules, regulations, and sewer rates from time to time as they may deem advisable and to make special rates and contracts in all proper cases.

#### **§ 300-4. Regulations for licensed plumbers and sewer users.**

The following rules and regulations for the government of licensed plumbers, sewer users, and others, are hereby adopted and established:

- A. Plumbers. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.
- B. Users.
- (1) Application for service.
    - (a) Every person connecting with the sewer system shall file an application in writing to the City Clerk in such form as is prescribed for that purpose. Blank forms for such application will be furnished at the office of the City Clerk. The application must state fully and truly all the uses which will be allowed except upon further application and permission regularly obtained from said City of Princeton. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the City of Princeton are referred to as "users."
    - (b) The application may be for service to more than one building or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.
    - (c) If it appears that the service applied for will not provide adequate service for the contemplated use, the City of Princeton may reject the application. If the City of Princeton shall approve the application, it shall issue a permit for services as shown on the application.
  - (2) Costs included in connection. Prior to the issuance of any permit for connection, all users must agree to pay for all connection costs from the building or premises needing service to the main. These costs include all work done in accordance with the lateral construction, including but not limited to materials, trenching, connection, backfill, compaction, surfacing, etc. **[Amended 10-24-2006 by Ord. No. 2006-21]**
  - (3) Tap permits. After sewer connections have been introduced into any building or upon any premises, no plumbing shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the City of Princeton.
  - (4) User to keep in repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
  - (5) User use only. No user shall allow others or other services to connect the sewer system through his/her lateral.
  - (6) User to permit inspection. Every user shall permit the City of Princeton, or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.

- (7) Utility responsibility. It is expressly stipulated that no claim shall be made against said Sewer Utility or City of Princeton by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall be become necessary to shut off the sewer service within any district of the said City of Princeton, the City shall, if practicable, give notice to each and every consumer within such affected district of the time when such service will be so shut off.

C. Excavations.

- (1) Minimal inconvenience to public. In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (2) Excavation warning. No person shall leave any such excavation made in any street or highway open at any time without barricades, and, during the night, warning lights shall be maintained at such excavations.
- (3) Excavation restoration. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the City of Princeton. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

D. Tapping the mains.

- (1) Authorization. No person, except those having special permission from the City of Princeton, or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said City.
- (2) Pipe taps. Pipes should always be tapped on the top-half, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection.

E. Installation of house laterals.

- (1) Standards. All service pipes (laterals) on private property will be installed in accordance with Ch. H82, Wis. Adm. Code, "Design, Construction, Installation, Supervision and Inspection of Plumbing," specifically § H82.04 "Building Sewers."
- (2) Inspections. All building sewers under construction will be inspected by a designated representative of the City of Princeton. The building sewers and/or private interceptor main sewers shall be inspected upon completion of placement

of the pipe and before backfilling, and tested before or after backfilling. Any sewer that is backfilled prior to inspection shall be re-excavated to allow said inspection.

F. Septic tank and holding tank disposal.

- (1) Permit required. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the City of Princeton boundaries unless a permit for disposal has been first obtained from the City of Princeton. Written application for this permit shall be made to the City of Princeton and shall state the name and address of the applicant; the number of its disposal units; and the size, model, and license number of each unit. Permits shall be non-transferrable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of \$25 per calendar year. The City of Princeton may impose such conditions as it deems necessary on any permit granted.
- (2) Charges. Charges for a disposal shall be \$\_\_\_\_\_ per 1,000 gallons. Bills shall be mailed on a monthly basis and, if payments are not received within 30 days thereof, disposal privileges shall be suspended.
- (3) Insurance. Any person or party disposing of septic tank or holding tank sludge agrees to carry public liability insurance in an amount not less than \$100,000 to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his/her employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.
- (4) Materials to be disposed.
  - (a) Any materials dumped into the treatment system shall be of domestic origin only and any person holding a permit as provided by this section shall comply with the provisions of any and all applicable ordinances of the City of Princeton, and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole nor allow any earth, sand, or other solid material to pass into any part of the sewage system.
  - (b) The person(s) or party disposing waste agrees to indemnify and save harmless the City of Princeton from any and all liability and claims for damages arising out of or resulting from work and labor performed.
  - (c) The person(s) or party disposing waste shall furnish bond to the City of Princeton in an amount of \$1,000 to guarantee performance. Said performance bond shall be delivered to the City Clerk prior to the issuance of the permit hereunder.

**§ 300-5. Sewer user charge system.**

A. Revenue.

- (1) It shall be the policy of the City of Princeton to obtain sufficient revenues to pay the cost of:
  - (a) The annual debt retirement payment on any bonded indebtedness;
  - (b) Any required cash reserve account payment; and
  - (c) Operation and maintenance of the sewage works, including a replacement fund (i.e. a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewage works during the service life for which such works were designed and constructed), through a system of user charges as defined in this section. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.
- (2) Customer classification. All sewer users shall be classified by the Utility as:
  - (a) Residential/commercial (domestic strength), or
  - (b) Industrial customers.
- (3) User charges; billing.
  - (a) User charges shall consist of:
    - [1] A minimum monthly billing on the basis of user charge factors; and
    - [2] A unit price per volume of water utilized.
  - (b) The minimum monthly billing shall be sufficient to pay the annual debt retirement and FMHA Reserve Account Costs. A portion of the debt service and Reserve Account may be budgeted by levying an ad valorem tax in accordance with the Wisconsin Statutes. The unit price per volume shall be sufficient to pay the annual cost of operation and maintenance, including any replacement fund, of the sewage works. Users will be notified annually of the portion of user charges or ad valorem taxes attributable to wastewater treatment services. Water meter readings shall be used to determine the actual water volume used. ~~The unit price portion of the third quarter (i.e., July-September) sewer bill will be based on the average volume of water used during the previous second, first and fourth quarter, except that no "zero" usage quarter will be averaged. All other quarterly sewer bills will be based on actual water used.~~ If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service, provided a meter has been installed to measure such water. The customer must, at his/her cost, make necessary changes in the water piping and install couplings so that a meter can be set. A charge for the actual cost of providing a meter shall be paid by the customer.

- (4) Methodology. The methodology of determining the user charges is given in Appendix A, incorporated herein by reference.<sup>1</sup> The Utility shall provide the initial estimates of water volumes, number of meters, costs, etc., to calculate the first year's user charges. The user charges, and this article, shall be reviewed not less than biannually. Such review shall be performed by the City Clerk and City Treasurer. User charges shall be adjusted, as required, to reflect actual volumes of water used and actual costs.
- (5) Inability to read meters. Where it is not possible to obtain a water meter reading, or in cases where no water meter exists, the customer shall be assigned an average water volume by the City, based on previous meter readings, and this shall be so stated on the bill. The difference shall be adjusted when the meter is again read.
- (6) Sewer rates.

- (a) There shall be charged to each user of the sewer system a sewer charge as follows: **[Amended 2-27-2007 by Ord. No. 2007-03]**

[1] A minimum monthly charge based on the size of water meter in service as per the following schedule:

Size of Meter	Monthly Charge
5/8 inch and 3/4 inch meters	\$18.93
1 inch meters	\$47.33
1 1/2 inch meters	\$75.73
2 inch meters	\$113.60
4 inch meters	\$302.94

[2] A variable charge based on the amount of water consumed, as defined in Subsection A(3)(a)[2], of \$4.80 per 1,000 gallons per month.

- (b) All charges for sewerage service shall be made monthly and shall be payable on the first day of each month. A 3% penalty will be added to those bills not paid on or before the 20th day of the month, with a \$0.30 minimum penalty charge. A failure to receive a bill shall not excuse nonpayment. Sewerage service charges shall be a lien on the property served in accordance with the Wisconsin Statutes.
- (c) The rates fixed by this section shall be effective commencing March 15, 2007, and may be amended from time to time. **[Amended 2-27-2007 by Ord. No. 2007-03]**
- (7) Excess revenues. Excess revenues collected from a user class will be applied to operation, maintenance, and replacement costs attributable to that class for the next year.

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1. Editor's Note: Appendix A is on file in the City offices.

- (8) Preexisting agreements. The user charge system takes precedence over preexisting agreements inconsistent with the governing regulations of the Wisconsin Fund grant program.

**§ 300-6. Miscellaneous rules and regulations.**

**A. Mandatory connection.**

- (1) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 10 days of notice in writing from the City Clerk. Upon failure to do so the City of Princeton may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property, all pursuant to § 144.06, Wis. Stats., provided, however, that the owner may within 30 days after the completion of the work file a written opinion with the City Treasurer stating that he/she cannot pay such amount in one sum and ask that there be levied in not to exceed five equal annual installments and that the amount shall be so collected with interest at the rate of 15% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to § 144.06, Wis. Stats.
- (2) In lieu of the above, the City Treasurer, at his/her option, may impose a penalty for the period that the violation continues, after 10 days' written notice to any owner failing to make a connection to the sewer system in an amount of \$35 per month for each residential unit equivalent payable quarterly, for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to § 144.06, Wis. Stats.
- (3) This section ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the City of Princeton and fails to assure preservation of public health, comfort and safety of said City of Princeton.

**B. Maintenance of services.**

- (1) The utility shall maintain sewer service within the limits of the City of Princeton from the street main to the property line, and including controls between the same, without expenses to the property owner where it can be shown that the damage or blockage is the result of the sole negligence of the City of Princeton. If the sewer lateral is damaged as a result of negligence or carelessness on the part of the property owner, the sewer line will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. Nothing in this Subsection will require the City of Princeton to pay for routine cleaning of the sewer lateral between the sewer main and the property owner's residence or building.

- (2) When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

C. Penalty for improper use.

- (1) It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or, to willfully and without authority of the City of Princeton, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe, or other thing used in the system for holding, conveying or collecting sewage.
- (2) It shall be unlawful for any person to introduce sewage into the system which shows an excess of BOD or suspended solids concentration of over 200 mg/l (normal domestic sewage); a surcharge shall be based on the excess of BOD or suspended solids at a rate of \_\_\_\_\_/pound. The City of Princeton reserves the right to test the sewage at any point within the connection system of the user or consumer. A user may not use dilution as a means to achieve a lower concentration of BOD or suspended solids. Users discharging toxic pollutants shall pay for any increased operations and maintenance (O & M) or replacement costs caused by the toxic pollutants.
- (3) No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:
  - (a) Any stormwater, surface water, ground water, roof run-off or surface drainage.
  - (b) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (c) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.
  - (d) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans or animals or create any hazard in the receiving treatment facility.
  - (e) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
  - (f) Any noxious or malodorous gas or substance capable of creating a public nuisance.
  - (g) Any garbage that has not been properly shredded.
  - (h) Any liquid or vapor having a temperature higher than 150° F.

- (i) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease.
  - (j) Any water or wastes having pH lower than 5.5 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Damage recovery. In addition to any other penalty provided in this article or other law, the City of Princeton shall have the right of recovery from any responsible persons of any expense incurred by the City for penalties imposed on the City due to a violation of the City for penalties imposed on the City due to a violation of this article or other law, correction of conditions impairing the proper operation of the sewer system and the repair or replacement of any sewer pipe or other property of the sewer system damaged in any manner by any negligent or intended act or omission by such person or by others under their control.
- (5) Penalties. Any person who shall violate any of the provisions of this article or rules or regulation of the Water and Sewer Department of the City of Princeton; or who shall connect a service pipe without first having obtained a permit therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This, however, shall not bar the City from enforcing the connection duties set out in Subsection A above for mandatory connection.
- (6) Septic tanks prohibited. The maintenance and use of septic tanks and other private sewage disposal systems within the area of the City of Princeton serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after original publication of this article, the use of septic tanks or any private sewage disposal system within the City limits of the City of Princeton serviced by the sewerage system shall be prohibited.
- (7) Vacating of premises and discontinuance of service. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the system must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives or agents.
- (8) Charges are a lien on property. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October of any year shall be certified to the City Treasurer to be placed on the tax roll for collection as provided by the Wisconsin Statutes.
- (9) Unit of service definition.
- (a) A "unit of service" shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such

as a residence, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. Suites in houses, or apartments with complete housekeeping functions (such as cooking facilities), shall be classed as apartment houses. Thus, houses and apartments having suites of one, two or more rooms with toilet facilities, but without a kitchen for cooking, are classed as rooming houses.

- (b) When a consumer's premises has several buildings for which services are eligible and such buildings are used in the same business and connected by the user, the City shall set a separate rate for such complex.
- (10) Adoption of other rules. There is hereby adopted all the rules and regulations of the State Plumbing and Building Codes and the administrative rules of the Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations) and the Wisconsin Department of Natural Resources insofar as the same are applicable to the City of Princeton. All extensions of the system will comply with administrative rules NR 108 and NR 110, Wis. Adm. Code.

**Chapter 312**  
**SOLID WASTE**

**ARTICLE I**  
**Recycling**

- § 312-1. General provisions.
- § 312-2. Definitions.
- § 312-3. Separation or recyclable materials.
- § 312-4. Separation requirements exempted.
- § 312-5. Care of separated recyclable materials.
- § 312-6. Management of lead acid batteries, major appliances, waste oil and yard waste.
- § 312-7. Preparation and collection of recyclable materials.
- § 312-8. Responsibilities of owners or designated agents of multiple-family dwellings.
- § 312-9. Responsibilities of owners or designated agents of nonresidential facilities and properties.
- § 312-10. Prohibitions on disposal of recyclable materials separated for recycling.

- § 312-11. Enforcement.
- § 312-12. Recyclables hauler licensing.
- § 312-13. Use of recyclables.
- § 312-14. Antiscavenging; unlawful removal of items placed for collection.

**ARTICLE II**  
**Disposal and Storage of Waste and Refuse**

- § 312-15. No dumping.
- § 312-16. Nondisposable materials.
- § 312-17. Garbage from outside municipality.
- § 312-18. Hauler licensing.
- § 312-19. Fees.
- § 312-20. House treatment of combustible refuse.
- § 312-21. House treatment of noncombustible matter.
- § 312-22. Disposal of building waste.
- § 312-23. Storing of refuse.

**[HISTORY: Adopted by the Common Council of the City of Princeton as indicated in article histories. Amendments noted where applicable.]**

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**ARTICLE I**  
**Recycling**

**[Adopted as Title 8, Ch. 3, of the City Code]**

**§ 312-1. General provisions.**

- A. Title. The title of this article is the Recycling Ordinance for the City of Princeton.

- B. Purpose. The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in § 159.11, Wis. Stats., and Ch. NR 544, Wis. Adm. Code.
- C. Statutory authority. This article is adopted as authorized under § 159.09(3)(b), Wis. Stats.
- D. Abrogation and greater restrictions. It is not intended by this article 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 article imposes greater restrictions, the provisions of this article shall apply.
- E. Interpretation. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this article is required by Wisconsin Statutes, or by a standard in Ch. NR 544, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Ch. NR 544 standards in effect on the date of the adoption of this article, or in effect on the date of the most recent text amendment to this article.
- F. Applicability. The requirements of this article apply to all persons within the City of Princeton.
- G. Administration. The provisions of this article shall be administered by the City of Princeton Clerk's office.

### § 312-2. Definitions.

For the purpose of this article:

ALUMINUM CANS — Includes used beverage cans only.

BIMETAL CONTAINER — A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD — Corrugated paperboard used in the manufacture of shipping containers and related products.

CONTAINER GLASS — Includes container glass only. "Glass" does not include ceramic cups, dishes, ovenware, plate glass, safety and window glass, heat resistant glass such as pyrex, lead-based glass such as crystal, or TV tubes.

CORRUGATED CARDBOARD — Includes corrugated cardboard only; it does not include waxed cardboard or chipboard such as cereal boxes, shoe boxes, and similar materials.

FOAM POLYSTYRENE PACKAGING — Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- A. Is designed for serving food or beverages.

- B. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
- C. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE — High density polyethylene, labeled by the SPI Code #2.

LDPE — Low density polyethylene, labeled by the SPI Code #4.

MAGAZINES — Magazines and other materials printed on similar paper.

MAJOR APPLIANCE — A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, oven, refrigerator or stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters, and allowing the disposal of microwaves if the capacitor has been removed.

MIXED PAPERS — Includes all grades of papers, including: white, colored, ledger, shiny, coated, carbonless or NCR papers; envelopes, including windowed, labeled, and kraft; magazines, phone books, computer printout paper, glued pads and tablets, file folders, key punch cards, post-it notes, spiral notebooks, cereal boxes, shoe boxes, etc.; can include paper clips and staples; does not include hand towels or other paper products from rest rooms, or soiled napkins and paper plates; also does not include carbon paper, cellophane, or any waxed paper.

MULTIPLE-FAMILY DWELLING — A property containing five or more residential units, including those which are occupied seasonally.

NEWSPAPERS — Includes newspapers and newspaper advertisements, but does not include catalogues, magazines, cardboard, or other paper products.

NON-RESIDENTIAL FACILITIES AND PROPERTIES — Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER — High grade printing and writing papers from offices in nonresidential 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.

OTHER RESINS OR MULTIPLE RESINS — Plastic resins labeled by the SPI Code #7.

PERSON — Includes any individual, corporation, partnership, association, local governmental unit, as defined in § 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.

PETE — Polyethylene terephthalate, labeled by the SPI Code #1.

PLASTIC BOTTLES — Includes only plastic bottles clearly marked with the recycling emblem, encircling the #1 (PET or PETE) or the #2 (HDPE); does not include motor oil bottles, even if they are labeled #1 or #2.

POSTCONSUMER WASTE — Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in § 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in § 144.44(7)(a)1., Wis. Stats.

PP — Polypropylene, labeled by the SPI Code #5.

PS — Polystyrene, labeled by the SPI Code #6.

PVC — Polyvinyl chloride, labeled by the SPI Code #3.

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 and other materials printed on similar paper; newspaper and other materials printed on newsprint; office paper; rigid plastic containers; including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bimetal containers.

SOLID WASTE — Has the meaning specified in § 144.01(15), Wis. Stats.

SOLID WASTE FACILITY — Has the meaning specified in § 144.43(5), Wis. Stats.

SOLID WASTE TREATMENT — Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

TIN CANS — Includes tin coated metal cans, and steel containers.

WASTE TIRE — A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE — Leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

### § 312-3. Separation or recyclable materials.

Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from Postconsumer waste:

- A. Lead acid batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bimetal containers.

- G. Corrugated paper or other container board.
- H. Foam polystyrene packaging.
- I. Glass containers.
- J. Magazines.
- K. Newspapers.
- L. Office paper.
- M. Rigid plastic containers made of PETE (SPI Code 1), HDPE (SPI Code 2), PVC (SPI Code 3), LDPE (SPI Code 4), PP (SPI Code 5), PS (SPI Code 6) and other resins or multiple resins.
- N. Steel containers.
- O. Waste tires.

**§ 312-4. Separation requirements exempted.**

The separation requirements of § 312-3 do not apply to the following:

- A. Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties that send their Postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in § 312-3 from solid waste in as pure a form as is technically feasible.
- 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 § 312-3E through N for which a variance has been granted by the Department of Natural Resources under § 159.11(2m), Wis. Stats., or NR 544.14, Wis. Adm. Code.

**§ 312-5. Care of separated recyclable materials.**

To the greatest extent practicable, the recyclable materials separated in accordance with § 312-3 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable 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.

**§ 312-6. Management of lead acid batteries, major appliances, waste oil and yard waste.**

Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- A. Major appliances shall be recycled at a retail business that sells appliances and accepts used appliances for the purpose of recycling. The City Clerk may be contacted for names of possible disposal outlets. Any fee charged for collection by the City of Princeton shall be the responsibility of the generator.
- B. Lead acid batteries shall be recycled at a retail business that sells lead acid batteries and accepts used batteries for the purpose of recycling. Any fee imposed for the recycling of used batteries shall be the responsibility of the generator.
- C. Waste oil shall be recycled at a retail business that sells oil or automotive products and accepts oil for the purpose of recycling. A fee imposed for the recycling of used oil shall be the responsibility of the generator.
- D. Yard waste shall be either home composted using an effective backyard compost system, or placed at the curb or alleyway for collection by City of Princeton employees at designated times and dates. Any fee charged by the City shall be the responsibility of the generator.
- E. Waste tires shall be recycled at a retail business that sells tires or automotive products.

**§ 312-7. Preparation and collection of recyclable materials.**

Except as otherwise directed by the City Clerk's office, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in § 312-3E through O:

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- A. Aluminum containers shall be rinsed out and placed in the red recycling bin. Crushing cans is helpful to save space.
  - B. Bimetal containers shall be treated in the same manner as aluminum containers.
  - C. Corrugated paper or other container board shall be flattened, bundled and placed along side of recycling bin.
  - D. Foam polystyrene packaging shall be placed in the recycling bin.
  - E. Glass containers shall be rinsed out to prevent odor problems and spilling, covers removed and placed in the red bin. Removal of labels is encouraged.
  - F. Magazines shall be bundled and placed next to the recycling bin for collection.
  - G. Newspaper shall be bundled or bagged, and placed on top of or to the side of red bin.
  - H. Office paper shall be bundled and placed next to the recycling bin for collection.

- I. Rigid plastic containers shall be rinsed free of product residue, caps removed, and placed in the recycling bin for collection.
- J. Steel containers shall be placed in or next to the recycling bin for collection.
- K. Waste tires shall be taken to a firm which purchases such tires for disposal. Names of such firms may be obtained from the City Clerk's office.

**§ 312-8. Responsibilities of owners or designated agents of multiple-family dwellings.**

- A. Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 312-3E through O and § 312-4:
  - (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 semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
  - (4) Notify tenants of reason to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or site, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- B. The requirements specified in Subsection A do not apply to the owners or designated agents of multiple-family dwellings if the Postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in § 312-3E through O and § 312-4 from solid waste in as pure a form as is technically feasible.

**§ 312-9. Responsibilities of owners or designated agents of nonresidential facilities and properties.**

- A. Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in § 312-3E through O and § 312-4:
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
  - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
  - (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet the 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 Subsection A do not apply to the owners or designated agents of nonresidential facilities if the Postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in § 312-3E through O and § 312-4 from solid waste in as pure a form as is technically feasible.

**§ 312-10. Prohibitions on disposal of recyclable materials separated for recycling.**

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in § 312-3E through O and § 312-4 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**§ 312-11. Enforcement.**

- A. For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or representative of the City of Princeton, or Waste Management of Wisconsin-Tri-County or successor, may inspect recyclable materials separated for recycling, Postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the City of Princeton, or Waste Management of Wisconsin-Tri-County or successor, who requests access for purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- B. Any person who violates a provision of this article may be issued a citation by the City of Princeton, or Waste Management of Wisconsin-Tri-County or successor, to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this Subsection.
- C. Any person who violates this article may be assessed a penalty per § 1-3 of Chapter 1, Article I, Construction and Penalties.

**§ 312-12. Recyclables hauler licensing.**

No person or corporation shall engage in the business of hauling recyclables within the City of Princeton without being licensed by the Wisconsin Department of Natural Resources under NR 502.06, Wis. Adm. Code.

**§ 312-13. Use of recyclables.**

The City of Princeton shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. The City of Princeton shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single use disposable products and require purchase of multiple use durable products.

**§ 312-14. Antiscavenging; unlawful removal of items placed for collection.**

It shall be unlawful for any person, unless under contract with or licensed by the City of Princeton or with the express permission of the adjacent property owner who placed the item of refuse for collection, to collect or remove any such refuse that has been deposited or placed at the curb or any container adjacent to a home or nonresidential building for the purposes of collection. Recyclables placed for collection, however, may be removed without such express consent.

ARTICLE II  
**Disposal and Storage of Waste and Refuse**  
**[Adopted as Title 8, Ch. 4, of the City Code]**

**§ 312-15. No dumping.**

It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the City of Princeton, unless it is placed in bags or containers in the manner and at the time specified by this Code of Ordinances.

**§ 312-16. Nondisposable materials.**

It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic waste, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, or carcasses.

**§ 312-17. Garbage from outside municipality.**

It shall be unlawful to bring refuse for disposal and recyclables from outside the corporate limits into the City of Princeton unless authorized by agreement with the City.

**§ 312-18. Hauler licensing.**

For-profit haulers who collect solid waste or recyclables in the City of Princeton 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 City of Princeton.

**§ 312-19. Fees.**

The City may establish fees for service recipients for the payment of collection services for solid waste and recyclables.

**§ 312-20. House treatment of combustible refuse.**

- A. The owner of any property upon which trees or brush are cut or trimmed has the full responsibility for disposal of such wood, brush, or trimmings, personally or by private contract, within a reasonable time, and no later than seven days after receipt of notification to do so from the Street Commissioner.
- B. Such brush, tree trimmings, and wood, will be picked up by the City under the following conditions:
- (1) Only on the 1st and 3rd Wednesday of each month.
  - (2) All tree limbs shall be piled facing in the same direction. Small pieces shall be placed in suitable containers.
  - (3) Tree stumps and tree roots will not be picked up by the City.
  - (4) All piles shall be placed on the curb side no earlier than seven days prior to the scheduled pickup day. [Amended 6-13-2006 by Ord. No. 2006-17]
  - (5) City pick up shall be a maximum 1/2 load per residence per pickup. Any amount greater than 1/2 a truck load will be charged a \$25 service fee, and each subsequent load will be charged an additional \$50 fee. [Added 6-13-2006 by Ord. No. 2006-17]
- C. Leaves and grass trimmings shall be picked up by the City at no charge, but only if placed in suitable containers or piled by the street.

**§ 312-21. House treatment of noncombustible matter.**

No hot cinders or ashes or any smoldering embers shall be set out or placed in a refuse container of any kind on the day of collection. Portable receptacles for rubbish and ashes shall be of metal.

**§ 312-22. Disposal of building waste.**

All waste resulting from the remodeling or construction of a building, roadway or sidewalk shall be disposed of by the owner, builder or contractor.

**§ 312-23. Storing of refuse.**

Any accumulation of refuse, garbage or both on any premises in the City is hereby declared to be a nuisance and is prohibited. The owner is responsible for removal of same and upon failure to remove it after written notice by the Common Council, the Chief of Police or the

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Fire Chief, the City will cause the removal of accumulation of refuse or garbage and place the charges on the tax roll. Nothing in this section shall be construed to prevent the making of fills with rubbish or ashes when the same is done with the approval of the health and sanitary regulations.



## Chapter 322

### STREETS AND SIDEWALKS

#### ARTICLE I Grades

- § 322-1. Establishment of grades.
- § 322-2. Alteration of grade prohibited.
- § 322-3. Regulation of underground utilities.

#### ARTICLE II General Regulations

- § 322-4. Removal of rubbish and dirt from sidewalks.
- § 322-5. Construction and repair of sidewalks.
- § 322-6. Curb and gutter construction.
- § 322-7. Excavations of streets, alleys, public ways and grounds.
- § 322-8. Regulations governing excavations and openings.
- § 322-9. Obstructions and encroachments.
- § 322-10. Street privilege permit.
- § 322-11. Snow and ice removal; depositing and plowing snow upon public streets.
- § 322-12. Terrace areas.
- § 322-13. Vaults.
- § 322-14. Requests for improvements.
- § 322-15. Unlawful dumping on streets.
- § 322-16. Street numbers.
- § 322-17. Obstruction of public ditches.
- § 322-18. Use and/or lease of City equipment and services.
- § 322-19. Bidding of public construction projects.
- § 322-20. Dirt and debris on streets.

§ 322-21. Damages to streets and public property.

§ 322-22. Adoption of state statutes concerning roads.

§ 322-23. Grass clippings.

#### ARTICLE III Street Use Permits

- § 322-24. Purpose.
- § 322-25. Application.
- § 322-26. Representative at meeting.
- § 322-27. Mandatory denial of street use permit.
- § 322-28. Permit fee.
- § 322-29. Special community event exception.
- § 322-30. Consent to issuance of street use permit.
- § 322-31. Insurance.
- § 322-32. Cleanup requirements.
- § 322-33. Termination of a street use permit.

#### ARTICLE IV Parades, Races and Similar Nonvehicular Uses

- § 322-34. Purpose; definitions.
- § 322-35. Permit required.
- § 322-36. Exemptions from permit requirement.
- § 322-37. When application must be made.
- § 322-38. Information required in application.

§ 322-39. Recommendations of governmental agencies.

§ 322-40. Basis for discretionary denial of permit.

§ 322-41. Mandatory denial of permit.

§ 322-42. Permit issued unless threat to public safety.

§ 322-43. Grant or denial of permit.

§ 322-44. Permit fee.

§ 322-45. Charge for increased costs.

§ 322-46. Emergency revocation.

§ 322-47. Usage permit contents.

§ 322-48. Copies of usage permit distributed.

§ 322-49. Compliance with regulations.

§ 322-50. Insurance required.

[HISTORY: Adopted by the Common Council of the City of Princeton as indicated in article histories. Amendments noted where applicable.]

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ARTICLE I  
Grades

[Adopted as Title 6, Ch. 1, of the City Code]

§ 322-1. Establishment of grades.

- A. Grades to be established. The grade of all streets, alleys and sidewalks shall be established by resolution by the Common Council, upon the recommendation of the Director of Public Works, and the same recorded by the City Clerk in his/her office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed.
- B. Sidewalk grades. Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Common Council, or its designee, shall, upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established.

§ 322-2. Alteration of grade prohibited.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Princeton by any means whatsoever unless authorized or instructed to do so by the Common Council or Director of Public Works. All such alterations of grade shall be recorded in the office of the City Clerk.

**§ 322-3. Regulation of underground utilities.**

- A. Elevation. The grade or elevation of all underground construction in public terraces or other public property shall be a minimum of three feet below the established grade of the street, alley, park, public property or easement. The three feet shall be measured between the top of the established grade and the top of the underground construction.
- B. Approval of location. The location of any and all such underground construction must have the approval of the Director of Public Works.
- C. Filing plans. Complete plans for any such construction must be filed with and be approved by the Director of Public Works before construction can begin.
- D. Inspection. On request of the Director of Public Works, the utility company must provide opportunity for City officials to check any construction before it may be covered.
- E. Conflict with other utilities. If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction at the election of the Director of Public Works, and in accordance with its directions and specifications.
- F. Establishment of grade. At the request of the utility company, the Director of Public Works shall, at the City's expense, give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.
- G. Emergency. In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Director of Public Works as soon thereafter as is reasonably possible.
- H. Restoration of surface. In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure so to do, the City may proceed to place the surface of the ground or street in such condition at the utility company's expense. Such work shall comply with the provisions of §§ 322-7 and 322-8.
- I. Non-relief from obligations. Compliance with this section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travelway, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

ARTICLE II  
**General Regulations**  
[Adopted as Title 6, Ch. 2, of the City Code]

**§ 322-4. Removal of rubbish and dirt from sidewalks.**

No owner or occupant shall allow the sidewalk abutting on his/her premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Common Council, or its designee, the City may cause the same to be done and report the cost thereof to the City Clerk who shall enter the cost on the tax roll as a special tax against the premises, pursuant to § 66.0627, Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

**§ 322-5. Construction and repair of sidewalks.**

A. Construction and repair procedures.

- (1) Construction and repair regulated. No person, whether owner, builder or contractor, shall build any new sidewalk or repair or renew, or cause to be built, repaired or renewed any existing sidewalk contrary to the provisions of this article.
- (2) Standards. The Common Council may determine that sidewalks be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks pursuant to this section. The Common Council shall bid and award contracts for all sidewalk construction and reconstruction projects.

B. Cost of sidewalks and curb and gutter.

- (1) New sidewalks and curb and gutter. Sidewalks required in new subdivisions and developments shall be paid for by the land divider pursuant to Chapter 415, Subdivision of Land, of the Code of the City of Princeton. New sidewalks, curbs and gutters constructed in existing areas of the City shall be paid for by adjacent property owners.
- (2) Repair and reconstruction.
  - (a) The Public Works Committee and the Director of Public Works shall inspect the sidewalks within the City of Princeton and recommend repairs and construction to the Common Council by the 15th day of October of each year, so that approved construction and repair can be properly budgeted in the coming year's budget.
  - (b) When a decision is made to lay, remove, replace or repair a sidewalk, a copy of such Council action shall be served upon the owner or his/her agent of each parcel of land in front of which work is ordered pursuant to § 66.0907(3)(c), Wis. Stats., if the cost exceeds \$100.
  - (c) Payment for laying, removing, replacing or repairing a sidewalk shall:

- [1] Be made 1/2 by the City of Princeton and 1/2 by the landowner.
  - [2] If the cost exceeds \$100 the property owner shall have until December 31 of the following year to pay his/her share of the cost.
  - [3] If the cost of such repair is \$100 or less, the property owner's share must be paid in full within the same calendar year that the work is completed.
- (d) The City of Princeton shall keep an accurate account of the expenses of laying, removing, replacing or repairing of sidewalks in front of each parcel and shall mail a bill to such property owner upon completion of the work.
  - (e) Any cost not timely paid by the property owner as set forth in Subsection B(2)(c) above shall be entered on the tax roll as a special tax against such real estate pursuant to § 66.0907(3)(f), Wis. Stats.
- (3) Assessment a lien. Said special assessment shall remain a lien on the premises until paid in full and shall be entered on the tax roll as a special tax as above provided and failure to pay when due shall result in the whole balance being immediately due and payable and collectible as a delinquent tax against the above described property and that all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special assessment.
- C. Sidewalk permit required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the City of Princeton unless he/she is under contract with the City to do such work or has obtained a permit therefor from the Director of Public Works or his/her designee at least three days before work is proposed to be undertaken. A fee shall be charged for such permits. Denial of such permits may be appealed to the Common Council.
- D. Standard specifications for sidewalk.
- (1) General. Concrete sidewalk construction shall meet the specifications and provisions set forth in this section and shall be constructed in locations and to line and grade as established by the City. All sidewalks constructed in the City shall conform to the line and grade established by the ordinances or resolutions of the City. Where no grade has been established as ascertained by the records, the City Engineer shall prepare and report a grade for the approval of the Common Council, and, when the same has been established, the City Engineer shall stake out the sidewalk as ordered by the Common Council or Public Works Committee. No sidewalk shall be laid under the provisions of this section until a grade therefor has been established by the Common Council.
  - (2) Subgrade. All earth, dirt and material shall be removed to a depth, not less than eight inches, 10 inches across private driveways, below the grade line; and the space shall be filled with crushed stone, sand or gravel. The base shall be left four inches thick after being tamped, with the stone or gravel to be not larger than 1 1/2 inches in diameter and to be free from dirt, dust and foreign matter. Soft, porous

and unsuitable subgrade material shall be removed and replaced with sand, gravel, or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. On embankments, the subgrade shall extend at least one foot beyond each edge of the sidewalk.

- (3) Concrete. The minimum quantity of cement per cubic yard shall be six sacks of 94 pounds each. Concrete shall be mixed for at least one minute. Gravel shall be of good quality and washed. Concrete shall test 3,000 pounds compression in 28 days. (DOT 501, Wis. Adm. Code).
- (4) Forming. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden floats. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for 24 hours after pour.
- (5) Jointing, floating and finishing. Soon after screeding and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curbline, a 1/2 inch expansion joint shall be placed. Transverse expansion joints of 1/2 inch thick and four inches wide and four feet long or premolded material shall be located every 30 feet. Sidewalks must be marked off to make blocks five-foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have 1/2 by four-inch expansion joints of premolded material.
- (6) Slope. All forms must be approved by the Director of Public Works or his/her designee before concrete is poured. To provide adequate drainage the sidewalk shall slope toward the curb at a minimum rate of 1/2 inch per foot of width of sidewalk. All joints and edges shall be finished with a 1/4 inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a one foot strip of street property left between the property line and the edge of the sidewalk.
- (7) Width and thickness. Residential walks shall be a minimum of four feet in width and not less than four inches thick, or shall match existing sidewalk width in that block. However, in driveway approaches, the minimum sidewalk thickness shall be six inches. Such sidewalks shall have a grade one inch higher than the adjacent curb on the curb side of the sidewalk. In the case of a laydown type curb, the pitch shall be 1/2 inch per foot from the curb in the parkway to the sidewalk with a three-inch minimum. Sidewalks in front of commercial or industrial establishments shall have a width as determined by the Common Council and be five inches thick, except within driveway approaches where the minimum thickness shall be seven inches.

- (8) Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish in transverse direction. Edges and joints shall be given a finish with a 1/4 inch radius edging tool. Dry cement shall not be spread on a wet surface to take up excess water. Finishing operations shall be delayed until water has disappeared. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather [below 50° F.] for 96 hours.
  - (9) Curing and drying. As soon as any of the concrete work herein before mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Spec. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein.
  - (10) Cold weather requirements. When the temperature is less than 40° F., all concrete placed in the forms shall have a temperature between 50° F. and 70° F. and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.
  - (11) Minor repairs. Nothing in this section shall apply to minor repairs, the cost of which does not exceed \$500; such repairs may be made at the direction of the Director of Public Works without notice, and the cost thereof may be charged to the abutting property owner in the same manner as provided in this section for major repairs.
- E. Repair or replacement of defective or damaged sidewalks. The Common Council or Streets and Sidewalk Committee may order at any time repair or removal and replacement of any sidewalk which is unsafe or which is damaged by the acts of the property owner or his/her agents. The Common Council or its designee shall repair or construct such sidewalk and the City Clerk shall enter 50% of the total cost thereof upon the tax roll as a special tax against said lot or parcel of land pursuant to Subsection B above; the City shall be responsible for the remaining 50%. If an emergency situation exists which is caused by a sidewalk in need of repair, the Common Council or its designee shall immediately direct the property owner to immediately make repairs. The Common Council shall determine that any sidewalk which is unsafe, defective, or insufficient, be repaired or replaced with a sidewalk in accordance with this section. The existence of any one or more of the following characteristics shall determine whether a sidewalk is defective, in need of immediate maintenance, or insufficient:
- (1) One inch or more vertical differential at any point, between adjacent individual sidewalk sections.
  - (2) One and one-fourth inch horizontal distance between adjacent individual sidewalk sections.

- (3) Deterioration to the surface on any one single section of sidewalk to a vertical depth of one inch or more.
  - (4) Contains grass or other vegetation in cracks which is one inch or more in height.
- F. Illegal sidewalks. No sidewalk which shall be constructed contrary to the provisions of this section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

**§ 322-6. Curb and gutter construction.**

All cement curb and gutter hereafter rebuilt or constructed in the City of Princeton shall be constructed according to the following specifications:

- A. Establishment. No curb and gutter shall be worked until the grade thereof has been established according to the records on file in the office of the City Clerk. No person shall alter the grade of any curb and gutter within the City of Princeton by any means whatsoever, unless authorized or instructed to do so by the Common Council or the Director of Public Works.
- B. Cost. The cost of curb and gutter construction, reconstruction or repair shall be as prescribed in § 49-34 of Chapter 49, Article II, Special Assessments.
- C. Permit required. No person shall hereafter lay, remove, replace, or repair any curb and gutter within the City of Princeton unless he/she is under contract with the City to do such work or has obtained a permit therefor from the Director of Public Works at least three days prior to the proposed construction. No fee shall be charged for such permit.
- D. Specifications. All curb and gutter within the City of Princeton hereafter shall be repaired, rebuilt and constructed in accordance with § 322-5D. Curb ramping shall conform to the standards in § 66.0909, Wis. Stats.

**§ 322-7. Excavations of streets, alleys, public ways and grounds.**

- A. Permit required.
  - (1) Permit to be obtained. No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ditch, public ground, public sidewalk or City-owned easement within the City of Princeton without a permit therefor from the City Clerk or Director of Public Works.
  - (2) Fee. The fee each application for a street opening permit shall be as prescribed in Chapter 182, Fees, plus any actual City expenses. Applications may be made for multiple street openings on one application form; however, each opening must be listed at the time the application is submitted to the Director of Public Works for approval. Permit fees shall be paid to the Clerk who shall issue a receipt therefore.

If the street opening is made prior to the receipt of an approved street opening permit from the Director of Public Works, the application and review fee shall be \$75 plus any actual City expenses.

- (3) Execution of permit.
  - (a) Permits will show the exact location of the work as to street or house number and the direction and length the trench will run.
  - (b) Permits will be issued only for the date and time specified, should digging take place other than the time indicated, the permit must be re-issued so all utilities will know of the new time.
- (4) Permits for extensive digging. When any utility will be doing any extensive digging, a blanket permit may be issued; however, the party doing the work must notify all other utilities concerned as to the location and time that work will take place so that the others may locate their property.
- (5) Fee; emergency excavation. In the event of an emergency excavation for the protection of property, life, health, or safety, there shall be no permit fee (except any actual City expenses shall be charged to the permittee) provided the application for the street opening permit is filed with the Director of Public Works within two regular business days of the excavation in accordance with this subsection. If the permit application for the emergency excavation is not filed within two regular business days, the application and review fee shall be \$75 plus any actual City expenses.
- (6) Surcharge. In addition to any permit fees or City expenses, a surcharge shall be levied for any street opening which is in, or disturbs the paved portion (final surface) of any public street, public alley, public way, public ground, public sidewalk or City-owned easement within the City of Princeton. The surcharge shall be determined as follows:

<b>Age of the Final Paving</b>	<b>Surcharge</b>
New pavement to 1 year	5 times the permit fee
1 year to 2 years	4 times the permit fee
2 years to 3 years	3 times the permit fee
3 years to 4 years	2 times the permit fee
4 years to 5 years	1 times the permit fee
More than 5 years	No surcharge

B. Application for permit. The application for a permit shall be in writing and signed by the applicant or his/her agent. The applicant shall submit to the City Clerk or Director of Public Works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The City Clerk or Director of Public Works shall determine if sufficient information is submitted.

- C. City work excluded. The provisions of this section shall not apply to excavation work under the direction of City departments or employees or to contractors performing work under contract with the City necessitating openings or excavations in City streets.
- D. Validity of permit. Permits shall be valid for a period of 30 days from the date of approval, except as provided for under § 322-8H for pavement replacement.
- E. Renewal of permit. If operations have begun under an approved permit and will continue beyond the thirty-day validation period, the permittee shall apply for a thirty-day permit renewal by written request to the City Clerk or Director of Public Works. Permit renewals shall be issued at the discretion of the City Clerk or Director of Public Works.
- F. City standards.
- (1) All street work shall be performed in accordance with the current standard specifications for street openings found in this section and § 322-8. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
  - (2) No placement of utility lines is permitted within 10 feet of hydrants or valves.
  - (3) The City reserves the right, at any time during street excavation or construction, to require that utilities be moved or replaced at the owner's expense.
  - (4) All utility lines shall be a minimum of 36 inches in depth in City rights-of-way.
- G. Insurance required. A permit shall be issued only upon condition that the applicant submit to the City Clerk or Director of Public Works satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$500,000 per one person, \$500,000 for one accident and property damage coverage of not less than \$500,000.
- H. Bond.
- (1) Before a permit for excavating or opening any public street, sidewalk, ditch, alley or public right-of-way may be issued, the applicant may be required to execute and deposit with the City a bond in the amount of \$10,000, conditioned that he/she will indemnify and save harmless the City of Princeton and its officers from all liability for accidents and damage caused by any of the work covered by his/her permit, and that he/she will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of one year, and that he/she will pay all fines or forfeitures imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Common Council and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the City. Such bond shall also guarantee that, if the City shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violation of law during the period of excavation for which it is given.

- (2) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Director of Public Works as necessary to adequately protect the public and the City.
  - (3) Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one year revocation of the right to obtain a street opening permit. The Director of Public Works shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus 20% for administration.
  - (4) The person who does such restoration shall be responsible therefor for one year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the City in an amount determined by the Director of Public Works.
  - (5) Whenever the Common Council shall find that any such work has become defective within one year of the date of completion, it shall give written notice thereof to the contractor or to his/her surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Common Council to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the City for the cost of doing the work as set forth in the notice.
- I. Special tax. In the alternative to the procedures under Subsection H above, if any person shall open a street for the purpose of servicing a specific without first having obtained a permit, the Common Council of said City shall cause the same to be done at the expense of the lot owner, and the expense thereof shall be certified to the City Clerk by the Council, and if said expense is not paid, it shall be carried into the tax roll as a special tax against the lot for which said opening was made.
  - J. Public utilities. All public utilities as defined in §§ 66.0801 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this section and § 322-8, any and all subparagraphs thereunder, except that a public utility as defined within this section shall not be required to post the indemnity bond.

**§ 322-8. Regulations governing excavations and openings.**

- A. Frozen ground. Openings in the streets, alleys, sidewalks or public ways are discouraged between November 15th and May 1st except where it is determined by the Director of Public Works or his/her designee to be an emergency excavation.
- B. Election of City to perform work.

- (1) The present estimated cost to the City of replacing the street surfaces shall be determined under the following schedule which may be changed from time to time by resolution of the Common Council.
  - (a) Concrete with rebar replacement: \$75/square yard.
  - (b) Hot mix: \$50/square yard.
  - (c) Blacktop patch: \$50/square yard.
  - (d) Gravel: \$17/square yard.
  - (e) Seal coat: \$50/square yard.
  - (f) Curb and gutter: per City's bid price each construction season.
  - (g) Sidewalk: per City's bid price each construction season.
  - (h) Block corner resetting: per City's bid price each construction season.
- (2) Where the Common Council or its designee has reason to believe that the applicant has made adequate provisions for repair and restoration of said street, alley or highways, the Common Council may elect to have the applicant do said work and the City of Princeton to further be reimbursed for reasonable costs of supervision, said costs to be determined by the Common Council.

C. Protection of public.

- (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the City and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 500 feet from where pipe or conduit has been laid.
- (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the City in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (3) Unless otherwise approved, a minimum of one lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his/her project. In the event traffic is limited to less than one lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.

- (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Director of Public Works 24 hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Subsection I.
- (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least 12 hours prior to the loss of service, unless the operations are part of an emergency excavation.
- (6) Trenches adjacent to the roadway left open during non-working hours shall be protected with snow fence along the entire trench edge and shall be marked with flashing barricades at each end.
- (7) No equipment or construction materials may be stored during non-working hours within City roadway right-of-way.
- (8) No steel track construction equipment may be driven on or over paved City roadways.
- (9) Prior to beginning any work on City roadways, the City Clerk's office and Director of Public Works shall be given the names and telephone numbers of at least two contractor employees who may be contacted during non-working hours.
- (10) Construction materials spilled or tracked on pavement shall be immediately swept off by power broom equipment.
- (11) No excavated materials may be stored temporarily or permanently within City roadway right-of-way.
- (12) The City may elect to have the City or an outside contractor make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

D. Pavement removal.

- (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his/her work and in accordance with all applicable codes and regulations.
- (2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Director of

Public Works or his/her designee shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.

- (3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curblines or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
- (4) The Director of Public Works or his/her designee may order the permittee to remove and replace up to one full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.
- (5) Precautions shall be taken to prevent damage to road pavements. Sheathing and bracing or the use of a portable trench box should be used to prevent undermining of material below the existing pavement. If damage is done to the pavement, it shall be restored.

E. Excavation.

- (1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed. As little as possible of the trench must be dug until the slant of junction-piece of the sewer, water, gas main, electric cables, telephone lines or fuel line is found.
- (2) All conduits, sewers, pipes, wires or other means of transmission of utility services within the City, if to be placed underground, shall, in addition to all of the requirements of this section, be dug in at least 30 inches below the normal ground level whenever said utility service will cross under a highway, City street, sidewalk, alley or other public right-of-way within the City of Princeton.
- (3) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

F. Backfilling.

- (1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the Director of Public Works or his/her designee, is unsuitable. All noncompactable material will be placed, upon excavation, in an area where removal from site will be made readily possible.
- (2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Director of Public Works or his/her designee, hauled in.

- (3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
  - (4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (twelve-inch maximum) shall be uniformly compacted. Compaction or consolidation by flooding shall not be permitted. Earth must be puddled or laid in layers not more than 12 inches in depth and each layer rammed and ramped to prevent settling. The Public Works Department will test the fill to meet the City's specifications. Contractors will be instructed by the City's inspector, if he/she meets the specifications, to proceed to fill the opening.
  - (5) All excavations shall be subject to testing by the City. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.
  - (6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation. When caving occurs, all the street support thus disturbed must be restored in the same careful manner as though it was an excavation or a trench.
- G. Notice. It shall be the duty of the permittee to notify the Director of Public Works and all public and private individuals, firms and corporations affected by the work to be done at least one business day before such work is to commence. The Director of Public Works shall also be notified at least four hours prior to backfilling and/or restoring the surface.
- H. Pavement replacement and sidewalk, curb and gutter and driveway restoration.
- (1) Backfill material shall be left below the original surface to allow for five inches of three-inch crushed stone and four inches of 3/4 inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted 3/4 inch crushed stone.
  - (2) Bituminous pavement shall be placed the full depth of the existing pavement or three inches, whichever is greater. Bituminous pavement shall be placed in a maximum of 1 1/2 inch layers with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than 1/4 inch as measured with a ten-foot straight edge.
  - (3) Concrete pavement shall be placed to the full depth of the existing pavement or seven inches, whichever is greater. Concrete used shall not contain calcium

chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three days. Tie bars shall be installed as directed by the Director of Public Works or his/her designee.

- (4) All permanent restoration of street, curb and gutter shall be of the same type and thickness as the curb and gutter which abuts. The grade of the restored curb and gutter shall conform with the grade of the existing adjacent curb and gutter.
- (5) All permanent restoration of driveways and sidewalks shall conform to the manner of construction as originally placed and to the lines and grades as given by the City Engineer. No patching of concrete driveway areas will be allowed between joints or dummy joints.
- (6) Sidewalks shall be replaced the full width of the walk and minimum length shall be 60 inches. All replaced walk shall be four inches thick, except at driveways where it shall be six inches thick. The new walk shall slope to conform to existing construction across the width of the walk toward the street.
- (7) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of 3 1/2 inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within 60 days of the date of the permit.
- (8) When a street is reconstructed, utility laterals shall also be installed, including sump pump laterals, even if not immediately needed.

I. Emergency excavation.

- (1) In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his/her agents and employees make take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify City officials immediately.
- (2) In case of emergencies such as ruptured mains, cables or anything where digging must take place immediately, all utilities may be notified by telephone and informed as to the location of the work as an alternative to the procedure in § 322-7A.

J. Excavation in new streets limited. Whenever the City determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately

after such determination, the City shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five years after the date of improvement or repaving unless, in the opinion of the Common Council, or committee thereof, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

- K. Repair by City. The City may elect to make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening. In the event such charges are not paid within 90 days of actual notice of the same having been furnished the applicant and owner of the premises for which said permit was issued, it shall become a lien against said premises and thereafter be assessed and collected as a special tax.

**§ 322-9. Obstructions and encroachments.**

- A. Obstructions and encroachments prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he/she is the owner or occupant, except as provided in Subsections B and C.
- B. Exceptions. The prohibition of Subsection A shall not apply to the following:
- (1) Temporary encroachments or obstructions authorized by a street privilege permit under § 322-10 pursuant to § 66.0425, Wis. Stats.
  - (2) Building materials for the period authorized by the Common Council, Building Inspector, or authorized designee, which shall not obstruct more than 1/2 of the sidewalk or more than 1/3 of the traveled portion of the street and which do not interfere with the flow in the gutters.
  - (3) Excavations and openings permitted under §§ 322-7 and 322-8 of this article.
  - (4) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
  - (5) Public utility encroachments duly authorized by state law or the Common Council.
  - (6) Temporary obstructions authorized by permit pursuant to Subsection C.
  - (7) Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.

(8) Signs or clocks attached to buildings which project not extend further than permitted by the City Zoning Code from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.

(9) Storage of commercial items pursuant to Subsection C.

C. Storage or display of commercial items on sidewalks and rights-of-way.

(1) No person shall, without a permit, place, store or display or cause to be placed, stored or displayed on any sidewalk, as defined in Ch. 340, Wis. Stats., any objects for sale or rent nor any advertisement for such objects or for services nor any substance or material of any nature used or to be used by or on behalf of an adjacent retail establishment, which shall include, but is not limited to such items as signs, cafe tables and chairs, except as set forth below. **[Amended 3-14-2006 by Ord. No. 2006-01]**

(2) The City Clerk shall issue a permit to place items on a designated sidewalk pursuant to this section upon the following terms and conditions:

(a) Proof by the applicant of liability insurance in force for the permit period covering the premises supplied for with minimum limits of \$500,000 for property damage and \$500,000 for personal injury.

(b) Payment by the applicant of a fee as prescribed in Chapter 182, Fees.

(c) The permit shall be issued to the applicant for the specified premises and shall not be transferable either as to permittee or premises.

(d) The permit period shall be for one year from July 1 to June 30.

(3) Any goods, wares or merchandise may be stored, without a permit being required, for not more than two hours on not more than 1/2 the width of a sidewalk while said objects are in the process of delivery.

(4) Any items referred to Subsection C(1) may be placed, stored or displayed for not more than 12 hours per day while the adjacent retail establishment is open for business, provided at least 2/3 of the width of the sidewalk remains unobstructed. A permit for such display shall be required.

(5) "Portable signs", as defined in Chapter 430, Zoning, shall be permitted on sidewalks provided they comply with the requirements of this section and Chapter 430, Zoning. Portable signs not adjacent to the retail establishment to which the sign is related shall be permitted provided the owner or operator of the adjacent retail establishment shall jointly apply for the permit therefor.

(6) Neither governmental agencies nor vendors of newspapers shall be required to comply with the permit requirements or the time limitations set forth in this section, but that such vendors shall be required to comply with the setback requirements of Subsection C(4).

(7) No person shall place, store or display or cause to be placed, stored or displayed within the travel zone of any sidewalk as defined in Subsection G(1), any objects

for sale or rent nor any advertisement for such objects or for services nor any substance or material of any nature used or to be used by or on behalf of an adjacent retail establishment, which shall include, but is not limited to such items as signs, cafe tables and chairs. **[Added 3-14-2006 by Ord. No. 2006-01]**

- D. Removal by City for sidewalk obstructions and encroachments. In addition to any other penalty imposed, if any City enforcement official determines that a sidewalk is unlawfully obstructed in violation of this section, he/she shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within 24 hours.
- E. Removal by City for obstruction and encroachments located in the City streets, alleys, public grounds or lands dedicated for public use. In addition to any other penalty imposed, if the Chief of Police, Director of Public Works or Zoning Administrator determines that a City street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he/she shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within 24 hours.
- F. Failure to remove obstruction.
- (1) If the owner or occupant fails to remove the obstruction within the time period established in Subsection D or E, respectively, the Council shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within 10 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.
  - (2) The failure of the City Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.
- G. Travel and furnishing zone. **[Added 3-14-2006 by Ord. No. 2006-01; amended 5-22-2007 by Ord. No. 2007-06]**
- (1) Travel zone. In areas where the sidewalk abuts the property, a zone measuring five feet out from the established property line shall be designated for the purposes of pedestrian traffic.
  - (2) Furnishing zone. The area from the edge of the travel zone to the street shall be designated as the furnishing zone. This area may be used for the placement of items pursuant to Subsection C.
- H. Penalty. Any person who shall interfere with the enforcement of any of the provisions of this section and shall be found guilty thereof shall be subject to a penalty as provided in § 1-3 of Chapter 1, Article I, Construction and Penalties. **[Added 3-14-2006 by Ord. No. 2006-01]**

**§ 322-10. Street privilege permit.**

- A. When required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the City may be granted to applicants by the Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this section and has obtained a building permit if required by this Code of Ordinances. The Director of Public Works may request advisory recommendations from the Chief of Police and Zoning Administrator prior to issuance of the permit. City officials may attach conditions to the permit, including proof of liability insurance. Storage or display of commercial items on sidewalks and rights-of-way shall be governed by § 322-9C.
- B. Bond. No street privilege permit shall be issued until the applicant shall execute and file with the City Clerk a bond not exceeding \$10,000, conditioned that the applicant will indemnify and save harmless the City from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the City resulting from such building or moving operations. At such time, evidence of liability insurance as prescribed in § 322-7G shall also be filed.
- C. Fee. There shall be no fee for a street privilege permit, except that there shall be a fee as prescribed in Chapter 182, Fees, if the City must close a street.
- D. Conditions of occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Zoning Administrator, Chief of Police or Director of Public Works for violation thereof:
- (1) Such temporary obstruction shall cover not more than 1/3 of any street or alley.
  - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
  - (4) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (5) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.

- E. Termination. All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Common Council.
- F. Removal by City. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall not remove or neglect to remove such obstruction within 24 hours after such notice from the Common Council to do so, it shall be the duty of the City to remove such obstruction and make return of the costs and expenses thereof to the City Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

**§ 322-11. Snow and ice removal; depositing and plowing snow upon public streets.**

A. Snow and ice removal from sidewalks.

- (1) Definitions. As used in this section, the following terms shall have the meanings indicated:

SIDEWALK — The portion of the street right-of-way designed for pedestrian travel.

- (2) Owner's responsibility. Every person shall have 24 hours after the end of snowfall to remove all snow and ice from the entire length and width of the sidewalk in front of the premises owned or occupied by him/her provided that when ice is so formed on any sidewalk so that it cannot be removed, then the person owning or occupying such premises shall keep the same sprinkled with sand, grit or de-icer. It is the responsibility of the owner to ensure that the entire length and width of the sidewalk continuously remains clear of snow and ice following the twenty-four-hour grace period for snow and ice removal. In the event that snow has blown or melted onto the sidewalk the owner shall receive notification of said occurrence and shall have 24 hours after notification to remove all snow and ice from the sidewalk. **[Amended 3-14-2006 by Ord. No. 2006-08]**
- (3) Removal by the City and failure to clean. In the event the owner has not complied with Subsection A(2) above, such work may be performed by the City, and the cost thereof charged to the property owner at a rate of \$50 per hour or any part of an hour. The time charge for such snow and ice removal, or sprinkling with sand, grit or de-icer, shall include time involved in loading and unloading equipment and transportation to and from the site in addition to administrative time. In the event the property owner fails to pay the City of Princeton for such work by the 15th day of October of each year, such costs shall be entered on the tax roll as a special tax against such real estate. **[Amended 3-14-2006 by Ord. No. 2006-08; 6-13-2006 by Ord. No. 2006-15]**
- (4) Public nuisance declared. The Common Council finds that snow and ice left on public sidewalks adversely affects the public health and safety of the public. For that reason any subsequent offenses of this section as defined in Subsection A(3)

will further be subject to the standards of Chapter 261, Nuisances, Public. [Added 6-13-2006 by Ord. No. 2006-15]

B. Depositing and plowing snow upon public streets.

- (1) Improper deposit on sidewalks. No person, firm or corporation shall deposit, or cause to be deposited in or upon any public sidewalk in the City of Princeton, significant amounts of snow or ice taken or removed from property privately owned or occupied, or cause said actions to occur.
- (2) Improper deposit across streets. No person, firm or corporation shall plow, shovel, push, or blow across any public street or roadway, snow or ice taken or removed from property privately owned or occupied, or cause said actions to occur.
- (3) Improper deposit on streets. No person, firm or corporation shall deposit, or cause to be deposited, in or upon the traveled portion of any public alley, street or roadway in the City of Princeton, snow or ice taken or removed from property privately owned or occupied.
- (4) Deposit of snow near corners. No person, firm or corporation shall deposit, or cause to be deposited, in or upon any portion of any sidewalk or boulevard in the City of Princeton that lies within 25 feet of the corner of any street or avenue snow or ice taken or removed from property privately owned or occupied.
- (5) Prima facie violations. The existence of any deposit of snow or ice deposited by artificial means in the traveled portion of any public street, alley, roadway or sidewalk shall be prima facie evidence that the owner or occupant of the abutting property closest thereto placed or deposited said ice or snow therein, or plowed, shoveled, pushed, or blown, said snow or ice across said public street or roadway.
- (6) Penalties. In addition to any penalty imposed under § 1-3 of Chapter 1, Article I, Construction and Penalties, a person, firm or corporation convicted of a violation of this section shall reimburse the City of Princeton for any and all costs and expenses associated with removal of snow by City employees, which is necessitated by the said violation of this section.

**§ 322-12. Terrace areas.**

- A. Definition. The definition of "terrace" shall be as defined in § 348-2 of Chapter 348, Trees and Shrubs.
- B. Noxious weeds; paving. All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Common Council or its designee. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.
- C. Responsibility to maintain. Every owner of land in the City whose land abuts a terrace is required to maintain, or have maintained by his/her tenant, the terrace directly abutting

such land as provided in this section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

**§ 322-13. Vaults.**

All vaults and cisterns under sidewalks shall be prohibited.

**§ 322-14. Requests for improvements.**

Requests or petitions by City property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Common Council on or before September 15th to be considered for installation in the following year.

**§ 322-15. Unlawful dumping on streets.**

It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner or occupant thereof. Such unlawful material or obstruction may be removed by the City and the cost thereof billed to the violator pursuant to § 66.0627, Wis. Stats.

**§ 322-16. Street numbers.**

- A. Established. There is established a uniform system of numbering houses and buildings fronting on all streets, avenues and highways in the City of Princeton; and all houses and buildings shall be numbered in accordance therewith.
- B. Houses to bear numbers.
  - (1) The Common Council shall cause the necessary survey to be made, and there shall be assigned to each house and building located on any street, avenue, alley or highway in the City its respective number under the uniform system provided for in this section. When the survey has been completed and each house and building has been assigned its respective number or numbers, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him/her the number or numbers assigned within 60 days after the assigning of the proper number.
  - (2) Fulton Street shall constitute the base line for numbering along all streets running north and south, and Main Street shall constitute the base line for numbering all streets running east and west.
  - (3) The numbering for each street shall begin at the base line. The numbers in the first block shall be from 100 to 199, the second block 200 to 299, the third block 300 to 399, etc. There shall be assigned 100 numbers to each block, square or space that

would be one block or square, if streets each way were so extended as to intersect each other, and one number shall be assigned to each 20 feet of front.

- (4) The cost of the number or numbers shall be borne by the property owners. The numbers shall be procured from the City Clerk at the unit price for the same, such price to be the cost of such units to the City. Replacement numbers shall be procured and paid for by the owner. The numbers shall be not less than 2 1/2 inches in height.
  - (5) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that they can be plainly seen from the street. Whenever any building is more than 50 feet from the street line, the number of the building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon a gate post, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk. The numbers shall be not less than 2 1/2 inches in height, with dark lettering against a light background. Script numbers may not be used as the primary address numbers.
- C. Records. To facilitate correct numbering, a plat book of all the streets, avenues and public highways within the City showing the numbers of all lots or houses fronting thereon shall be kept on file in the office of the City Clerk. These plats shall be open to public inspection during the office hours of the City Clerk.
- D. City Clerk to assign numbers. The City Clerk shall inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any premises, the City Clerk shall determine the number of such premises.
- E. Number assignment as condition for building permit. Whenever any house, building or structure is erected or located in the City after the entire work of establishing a uniform system of house numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, the owner shall procure the correct number or numbers from the City Clerk for the property and shall immediately fasten such number or numbers so assigned upon such building as provided in this section. No building permit shall be issued for any house, building or structure until the owner has procured from the City Clerk the official number of the premises.
- F. Distinctive numbers for portions of buildings. Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any such house or building, or for any part of such house or building, fronting on any street, such owner, occupant or agent shall use the suffix "A", "B", "C", etc., as may be required.

#### **§ 322-17. Obstruction of public ditches.**

No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish,

dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain.

**§ 322-18. Use and/or lease of City equipment and services.**

- A. **Equipment.** The City of Princeton shall not permit any person to use and/or lease any City equipment for private purposes.
- B. **Services.** The City of Princeton shall not generally provide specialized services such as heavy equipment services, snowplowing, etc., for private parties, whether for a fee or no fee.

**§ 322-19. Bidding of public construction projects.**

- A. **Nonbid construction.** The following classes of public work, or any part thereof, may be done directly by the City without submitting the same for bids:
  - (1) Construction and repair of streets.
  - (2) Laying of sewer mains and laterals.
  - (3) Laying of water mains and laterals.
  - (4) Repair of sewer and water mains.
  - (5) All public construction of which the estimated cost is less than \$5,000.
- B. **Contracts, how let.** All public construction, the estimated cost of which exceeds \$10,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the Council shall direct. If the estimated cost of any public construction exceeds \$15,000, the Board of Public Works shall give a Class 1 notice under Chapter 985, Wis. Stats., of the proposed construction before the contract for construction is executed. The Council may also by a vote of 3/4 of all the members-elect provide by ordinance that any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.

**§ 322-20. Dirt and debris on streets.**

- A. In the interests of public safety, health and general welfare, community appearance, and efficiency of operation, it shall be unlawful to place, throw, leave, in any way deposit or permit to be deposited, or permit to remain any dirt, leaves, rubbish, litter, debris or material of any kind upon any street, sidewalk, alley, drainageway, or public ground in the City of Princeton.
- B. The owner, occupant, or person in charge of private premises, which places, causes or permits to remain, any of said materials upon any street, sidewalk, alley, drainageway or public ground in the City of Princeton shall immediately remove said materials at no cost to the City.

C. Deposits from motor vehicles.

- (1) The operator of any motor vehicle which tracks, drops, or places any materials upon any street, sidewalk, alley, drainageway or public ground in the City of Princeton shall immediately stop and remove said materials at no cost to the City.
- (2) In the event said operator is performing work under the control or authority of the owner, occupant, or person in charge of the work on private premises, and said operator causes the deposition of any materials upon any street, sidewalk, alley, drainageway, or public ground in the City of Princeton, and which said operator fails to remove said materials as required in Subsection C(1) above, the owner, occupant, or person in charge of said work on said private premises, shall remove said materials at no cost to the City.

D. In the event the materials are not removed from the street in accordance with Subsections B, C, and/or C(1) above, the City shall cause the removal of such materials and shall charge said operator, or said owner, occupant, or person in charge of said work the cost of the removal. In the event the person charged for said removal fails to pay such costs within 30 days, it shall be entered on the tax roll as a special tax against said property.

E. In addition to the costs of removal, said operator, or said owner, occupant, or person in charge of said property shall be subject to a penalty per occurrence as prescribed in § 1-3 of Chapter 1, Article I, Construction and Penalties. Each day that said materials are not removed, shall constitute a separate offense under this section.

**§ 322-21. Damages to streets and public property.**

A. In the interests of public safety, health, general welfare, community appearance, and efficiency of operation, it shall be unlawful in any way to cause damage, injury, or destruction, to any portion or any fixture of any street, sidewalk, alley, drainageway, or public ground in the City of Princeton.

B. The person which causes damage, injury, or destruction of any portion of any street, sidewalk, alley, drainageway, or public ground in the City of Princeton shall immediately stop and notify the Police Department that he/she has caused such damages and shall correct said damages within 10 days at no cost to the City.

C. Damage caused by vehicles or equipment.

- (1) In the event the operator of any motor vehicle or equipment which causes damage, injury, or destruction of any portion of any street, sidewalk, alley, drainageway, or public ground in the City of Princeton, fails to report such damage, it shall be considered a violation of this section.
- (2) In the event said operator is performing work under the control or authority of the owner, occupant, or person in charge of the work on private premises, and said operator causes the damage of any portion or fixture of any street, sidewalk, alley, drainageway, or public ground in the City of Princeton, and which said operator fails to correct said damages as required in Subsection C(1) above, the owner,

occupant, or person in charge of said work on said private premises, shall correct said damages at no cost to the City.

- D. In the event the damages are not corrected within 10 days, the City shall cause the correction of said damages and shall charge the operator, or owner, occupant, or person in charge of said property the cost of correcting the damage. In the event the said costs remain unpaid following 30 days, it shall be entered on the tax roll as a special tax against said property.
- E. In addition to the costs to correct damages, said operator, or said owner, occupant, or person in charge of said property shall be subject to a penalty per occurrence as prescribed in § 1-3 of Chapter 1, Article I, Construction and Penalties. Each day after said 10 days that the damages are not corrected, shall constitute a separate offense under this section.

**§ 322-22. Adoption of state statutes concerning roads.**

The statutory provisions in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and, by reference, made a part of this section. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions or modifications of the statutory regulations incorporated herein are intended to be made part of this section.

- A. Section 80.32, Highways, Discontinuance of.
- B. Section 80.47, Streets, Right of Abutting Owners.
- C. Section 81.15, Highways, Liability for Defects.
- D. Section 86.03, Trees On and Adjacent to Highways.
- E. Section 86.04, Highway Encroachments.
- F. Section 86.05, Highways, Duty to Restore Entrances.
- G. Section 86.06, Highways, Closing to Travel.
- H. Section 86.07, Highways, Depositing Rubbish or Digging In.
- I. Section 86.105, Driveways, Snow Removal.
- J. Section 86.19, Highway Signs, Regulation, Prohibition.
- K. Section 146.13, Highways and Surface Waters, Discharging Noxious Matter Into.

**§ 322-23. Grass clippings.**

All grass clippings from lawnmowing or other sources shall not be allowed to blow upon or accumulate in significant quantities upon any public street in the City of Princeton where such

grass clippings could wash into any storm sewer drainage inlet. Such grass clippings shall be considered a public nuisance.

ARTICLE III  
Street Use Permits  
[Adopted as Title 7, Ch. 7, of the City Code]

**§ 322-24. Purpose.**

The streets in possession of the City of Princeton are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Chief of Police, in consultation with the Director of Public Works, may grant a permit for street use, subject to reasonable municipal regulation and control. However, the Common Council shall review permits for street use when the event involves the consumption of alcoholic beverages. Therefore, this article 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 City can be protected and maintained.

**§ 322-25. 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 City Clerk and shall be filed with the City Clerk. The application shall set forth the following information regarding the proposed street use:

- A. The name, address and telephone number of the applicant or applicants.
- B. 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.
- C. The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
- D. The date and duration of time for which the requested use of the street is proposed to occur.
- E. An accurate description of that portion of the street proposed to be used.
- F. The approximate number of persons for whom use of the proposed street area is requested.
- G. The proposed use, described in detail, for which the Street Use Permit is requested.

**§ 322-26. Representative at meeting.**

The person or representative of the group making application for a Street Use Permit shall be present when the Chief of Police or Common Council 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. The Common Council

shall consider the effect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.

**§ 322-27. Mandatory denial of street use permit.**

An application for a Street Use Permit shall be denied if:

- A. Unless for an auction, the proposed street use is primarily for private or commercial economic gain, except for specific civic, special, or community events authorized by the Common Council.
- B. The proposed street use would violate any federal or state law or any Ordinance of the City.
- C. The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
- D. The application for a Street Use Permit does not contain the information required above.
- E. The application requests a period for the use of the street in excess of 48 hours.
- F. The proposed use could equally be better held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Council may deny a permit for any other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

**§ 322-28. Permit fee.**

Each application for a Street Use Permit shall be accompanied by a fee as prescribed by Chapter 182, Fees.

**§ 322-29. Special community event exception.**

The requirements of §§ 322-27 and 322-30 are not applicable to certain community events recognized by the Common Council as falling within this exception. Open consumption and/or sales of alcoholic beverages may be allowed for these limited community events.

**§ 322-30. Consent to issuance of street use permit.**

In addition to the fee required by the previous section, each application for a Street Use Permit, except for parades or races sponsored by civic, youth, or school, organizations which have been in existence for at least six months, 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 60% of the residents over 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 City of Princeton, hereby consent to the \_\_\_\_\_ recreational or business use of this street between the hours of \_\_\_\_\_ and \_\_\_\_\_ on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, for the purpose of \_\_\_\_\_ and do hereby consent to the City of Princeton to grant a Street Use Permit for use of the said portion of said street for said purpose and do hereby agree to abide by such conditions of such use as the City of Princeton shall attach to the granting of the requested Street Use Permit. We further understand that the permit will not be granted for longer than 12 hours on the date hereinabove specified, and agree to remove from the street prior to the end of said period all equipment, vehicles and other personal property placed or driven thereon during the event for which a permit is granted.

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

**§ 322-31. Insurance.**

The applicant for a Street Use Permit may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City 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 City of Princeton. The applicant may be required to furnish a performance bond prior to being granted the permit.

**§ 322-32. Cleanup requirements.**

The holder of any permit issued under this section shall return the street to the condition that existed prior to the use, by the time the permit expires. The City will make such restoration in the event that the permit holder for the cost incurred by the City in performing this work. Failure to make timely payment within a reasonable time after receiving the statement for cleaning work shall constitute grounds for refusal to grant the permit holder any other permit in the future.

**§ 322-33. Termination of a street use permit.**

A Street Use Permit for an event in progress may be terminated by the Mayor or Chief of Police 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 City of Princeton. The Mayor or Chief of Police have 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.

ARTICLE IV  
**Parades, Races and Similar Nonvehicular Uses**  
**[Adopted as Title 7, Ch. 9, of the City Code]**

**§ 322-34. Purpose; definitions.**

A. Purpose. The City of Princeton recognizes that City streets and highways are primarily for the use of vehicular travel. It further recognizes a need to use these public streets and highways for processions, parades, runs, walks, bicycle races, marathons, etc., which do not substantially interfere with the public's right to travel on such streets and highways. This article is intended to regulate and control nonvehicular use of the streets and highways and for protecting the general welfare and safety of the persons using the streets and highways within the City. Said authority to regulate is contained in § 349.185, Wis. Stats., and related sections.

B. Definitions. As used in this article:

HIGHWAYS OR STREETS — Have the meaning set forth in § 340.01, Wis. Stats., and also include areas owned by the City of Princeton which are used primarily for pedestrian or vehicular traffic.

PROCESSIONS, PARADES, RUNS, WALKS, MARATHONS, BICYCLE RACES, ETC. — Their usual and customary usage.

**§ 322-35. Permit required.**

No person shall form, direct, lead or participate in any procession, parade, run, walk, marathon, bicycle race, etc., on any street or highway under the jurisdiction of the City unless a permit has been obtained in advance as provided in this article.

**§ 322-36. Exemptions from permit requirement.**

A permit is not required for assembling or movement of a funeral procession or military convoy. Any parade, etc., sponsored by any agency of the school district, county, federal or state government, acting in its governmental capacity within the scope of its authority, shall be required to obtain a permit, however shall be exempt from the application deadlines, parade permit fee and insurance requirements contained herein.

**§ 322-37. When application must be made.**

A written application for a permit for any above-described function on the streets and highways under the jurisdiction of the City shall be made by one of the organizers or officers to the Chief of Police on a form provided by said Chief of Police no less than 30 days prior to the usage.

**§ 322-38. Information required in application.**

The application shall set forth the following information regarding the proposed usage:

- A. The name, address and telephone number of the applicant.
- B. If the usage is proposed 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 authorized and responsible heads of such organization.
- C. The name, address and telephone number of the person who will be responsible for conducting the usage.
- D. The date when the usage is to be conducted and its duration.
- E. The assembly area, the starting point, the route to be traveled and the termination point.
- F. The number and size of participants or units comprising the usage.
- G. If the usage is to be conducted by or for any person other than the applicant, the applicant for such permit shall file a communication in writing from the person proposing to hold the usage authorizing the applicant to apply for the permit on its behalf.
- H. Any additional information which the Chief of Police finds reasonably necessary for a fair determination as to whether a permit should be issued.

**§ 322-39. Recommendations of governmental agencies.**

The Chief of Police shall submit a copy of the application to the Fire Chief, Village Clerk and Director of Public Works.

**§ 322-40. Basis for discretionary denial of permit.**

The application may be denied:

- A. If it is for a usage that is to be held on a work day during hours when and at places where, in addition to the proposed usage, the flow of vehicular traffic is usually delayed by its own volume.
- B. If it is for a usage that is to be commenced between the hours of 9:00 p.m. and 9:00 a.m.
- C. If sufficient supervision would not be provided as to reasonably assure the orderly conduct of the usage.
- D. If the proposed route for conducting usage involves a street or highway under construction or detour route.

**§ 322-41. Mandatory denial of permit.**

The application shall be denied:

- A. If it is made less than 15 days in advance of the time the usage is scheduled to commence; or

- B. If it is for a usage that is primarily for private or commercial economic gain; or
- C. If it is for a usage which would involve violation of federal, state or local laws relating to use of highways or of other applicable regulations of the City; or
- D. If the granting of the permit would conflict with another permit already granted or for which application is already pending; or
- E. If the application does not contain the information required by § 332-38; or
- F. If more than one assembly area or more than one dispersal area is proposed; or
- G. Failure to receive permit under § 84.07(4), Wis. Stats.

**§ 322-42. Permit issued unless threat to public safety.**

The Chief of Police may issue a permit to the applicant subject to the foregoing requirements of this article, unless the Chief of Police concludes that:

- A. The policing of the usage will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the municipality; or
- B. The usage will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property; or
- C. The conduct of the usage will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
- D. The usage is so poorly organized that participants are likely to engage in aggressive or destructive activity.

**§ 322-43. Grant or denial of permit.**

- A. Time when required. The Chief of Police shall act as promptly as he/she reasonably can on all applications for permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed 45 days or more in advance shall be granted or denied not less than 30 days before the date of the usage stated in the application. Action on applications filed less than 45 days in advance shall be taken within 15 days after the application is filed, but in no case later than 48 hours in advance of the time applied for. The Chief of Police shall by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.
- B. Modification of requested permit. In lieu of denying a permit, the Chief of Police may authorize the changing of assembly areas or dispersal areas or the conducting of the usage at a date or time or over a route different than as applied for in the permit. The applicant or permittee may accept such modification by immediately notifying the Chief of Police in writing of such acceptance.

**§ 322-44. Permit fee.**

There shall be paid at the time of filing the application for a usage permit a fee as prescribed in Chapter 182, Fees. The fee may be waived at the discretion of the Common Council.

**§ 322-45. Charge for increased costs.**

Where the Chief of Police determines that the cost of municipal services incident to the staging of the usage will be increased substantially because of the usage, the Chief of Police may require the permittee to make an additional payment into the general fund of the City in an amount equal to the increased costs.

**§ 322-46. Emergency revocation.**

The Mayor or Chief of Police may revoke a permit already issued if the official deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City of Princeton and such third parties as may be injured or damaged, in a amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the municipality and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

**§ 322-47. Usage permit contents.**

Each usage permit shall state such information or conditions as the Chief of Police shall find necessary to the enforcement of this article.

**§ 322-48. Copies of usage permit distributed.**

Immediately upon the issuance of a usage permit, the Chief of Police shall send a copy thereof to the following:

- A. Each public transportation utility whose regular service will be affected by the usage.
- B. Village Clerk, Director of Public Works and Fire Chief.

**§ 322-49. Compliance with regulations.**

- A. Permittee. A permittee under this article shall comply with all permit directions and conditions and with all applicable laws, ordinances and other regulations of the state and City.
- B. Participants. No person who leads or participates in any usage shall disobey or encourage others to disobey this section after a law enforcement officer has directly and presently

informed him or her of any of the provisions of this section or the terms of the applicable usage permit.

**§ 322-50. Insurance required.**

Prior to issuance of the permit, the Chief of Police may require each permittee to furnish evidence of a liability insurance policy in amounts of not less than \$100,000 for one person and \$500,000 for any one accident and shall be in force and effect at the time such usage is to take place. Said evidence of insurance shall include a certificate of insurance naming the City of Princeton as an additional insured in connection with said usage.



## Chapter 380

### WATER

**§ 380-1. Public Service Commission regulations adopted.**

**§ 380-2. Cross-connection control.**

**§ 380-3. Private well abandonment.**

**[HISTORY: Adopted by the Common Council of the City of Princeton as Title 9, Ch. 1, of the City Code. Amendments noted where applicable.]**

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**§ 380-1. Public Service Commission regulations adopted.**

The current water service regulations and rate orders promulgated by the Wisconsin Public Service Commission for the City of Princeton Water and Electric Utility are adopted and incorporated herein by reference.

**§ 380-2. Cross-connection control.**

A. Definition. As used in this chapter, the following terms shall have the meanings indicated:

**CROSS-CONNECTION** — Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

B. Cross-connections prohibited. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Water and Electric Utility and by the Wisconsin Department of Natural Resources in accordance with § NR 111.25(3), Wis. Admin. Code.

C. Inspections. It shall be the duty of the Water and Electric Utility to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Water and Electric Utility and as approved by the Wisconsin Department of Natural Resources.

D. Right to inspect. Upon presentation of credentials, the representative of the Water and Electric Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City for

cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wis. Stats. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

- E. Discontinuation of service. The Water and Electric Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wis. Stats., except as provided in Subsection F. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section.
- F. Immediate discontinuation. If it is determined by the Water and Electric Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the City Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wis. Stats., within 10 days of such emergency discontinuance.
- G. State Code adopted. The City adopts by reference the State Plumbing Code of Wisconsin being Chapter H 82, Wisconsin Administrative Code.
- H. Section not to supersede other ordinances. This section does not supersede the State Plumbing Code and any City plumbing ordinances but it supplementary to them.

**§ 380-3. Private well abandonment.**

- A. Purpose. The purpose of this section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- B. Applicability. This section applies to all wells located on any premises served by the City of Princeton Water and Electric Utility.
- C. Definitions. The following definitions shall be applicable in this section:

**MUNICIPAL WATER SYSTEM** — A system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in § 49.10(12)(f)1., Wis. Stats., or a privately owned water utility serving any of the above.

**NONCOMPLYING** — A well or pump installation which does not comply with the provisions of Ch. NR 112, Wis. Adm. Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

**PUMP INSTALLATION** — The pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

**UNSAFE** — A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards or § NR 812.06, Wis. Adm. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

**UNUSED** — A well or pump installation which is not in use or does not have a functional pumping system.

**WELL** — An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

**WELL ABANDONMENT** — The filling and sealing of a well according to the provisions of § NR 812.26, Wis. Adm. Code.

D. Abandonment required.

- (1) Requirement. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this section and Ch. NR 112, Wis. Adm. Code, by \_\_\_\_\_ or no later than one year from the date of connection to the municipal water system becomes available, whichever occurs last, unless a well operation permit has been obtained by the well owner from the City of Princeton Water and Electric Utility.

E. Well operation permit. The City of Princeton Water and Electric Utility may grant a permit to a private well owner to operate a well for a period not to exceed five years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The City of Princeton Water and Electric Utility, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the City Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Ch. NR 112, Wis. Adm. Code.
- (2) The well has a history of producing bacteriologically safe water and presently produces bacteriologically safe water as demonstrated by providing a copy of the results of a waste sample analyzed at a state-certified laboratory within three months preceding the request for the well operation permit or permit renewal. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued used of the well.
- (3) There are no cross-connections between the well and pump installation and the municipal water system.

- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

F. Abandonment procedures.

- (1) All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and methods of Ch. NR 812.26, Wis. Adm. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (2) The owner of the well, or the owner's agent, shall notify the City Clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Utilities Superintendent or his/her agent.
- (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the City Clerk and the Department of Natural Resources within 10 days of the completion of the well abandonment.

G. Penalties. Any person, firm, or well owner, violating any provision of this section shall, upon conviction, be punished by forfeiture as prescribed in § 1-3 of Chapter 1, Article I, Construction and Penalties, and the cost of prosecution. Each twenty-four-hour period during which a violation exists shall be deemed and constitute a separate offense. If any person fails to comply with this section for more than 10 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.