



Preserving Yesterday's Heritage for Tomorrow.

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

ORDINANCE NO. 2026-1

An Ordinance to Amend Chapters: 112 Outdoor Wood-Fired Furnaces; 136 Dumping; 142 Entertainment, Public; 223 Nuisances; 237 Peace and Good Order; 273 Solid Waste; 279 Streets and Public Ways; 290 Taxicabs and Limousines; 301 Vehicles, Abandoned; and 305 Vehicles and Traffic, in regard to enforcement of ordinances of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin.

WHEREAS, The Town of Cedarburg is a body corporate and politic that exercises village powers by Ch. 61, Wis. Stats.; and

WHEREAS, The Town Board of the Town of Cedarburg has determined that is in the best interest of the health, safety and general welfare of the Town and its residents to update ordinances regarding code enforcement provisions to align with current staffing and resources for investigative, prosecutorial, and enforcement of such regulations for violations.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapters 112 Outdoor Wood-Fired Furnaces; 136 Dumping; 142 Entertainment, Public; 223 Nuisances; 237 Peace and Good Order; 273 Solid Waste; 279 Streets and Public Ways; 290 Taxicabs and Limousines; 301 Vehicles, Abandoned; and 305 Vehicles and Traffic, in regard to enforcement of ordinances, of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).
(Sections shall be renumbered upon passage).**

Chapter 112 Outdoor Wood-Fired Furnaces

§ 112-11 Nuisances.

The regulation and enforcement of outdoor wood-fired furnaces through this chapter shall not preclude the Town from proceedings related to the same under Chapter 223, Nuisances.

§ 112-12 Enforcement; violations and penalties.

The Town Building Inspector, Constable, or other person authorized appointed by the Town Board of the Town of Cedarburg shall serve as the enforcement officer who shall be responsible for enforcing the terms of this chapter.

A. Duties of enforcement officer.

(1) Inspection. The enforcement officer, and any other individual representing the Town of Cedarburg whose presence is necessary to complete the inspection, may inspect any premises, building or structure in accordance with

Subsection B of this section to determine whether or not a violation of this chapter exists.

(2) Action. Whenever an inspection discloses a violation of this chapter, the enforcement officer shall prepare a report detailing the violation and a recommendation regarding how the violation can be corrected. The Enforcement Officer, upon authorization by the Town Board Administrator, shall issue a written notice to the owner and/or the occupant of the premises as set forth in Subsection C, along with a copy of the report.

(3) Hearing appearance. The enforcement officer shall appear at all hearings conducted in accordance with Subsection E and testify as to the violation.

C. Notice of violation. Whenever an inspection discloses that a violation of this chapter exists, the enforcement officer shall, upon authorization by the Town Board Administrator, issue a notice of violation to the owner and/or occupant of the premises.

(1) The notice shall:

(a) Be in writing.

(b) Include a statement of the reasons why the notice is being issued.

(c) Contain a copy of the enforcement officer's inspection report detailing the conditions constituting the violation, contain an outline of the remedial action required to come into compliance with the chapter and state a reasonable time to rectify the violation.

(d) Inform the owner of the right to request a hearing before the Town Board as set forth in Subsection E.

(e) Inform the owner/occupant that should there be a failure to comply with the notice or request a hearing; the individual(s) will be subject to the penalties set forth in Subsection F of this section, and the costs and expenses, including attorney's fees, of enforcing the terms of the chapter.

F. Remedies and penalties. Any person who has violated or permitted the violation of any provisions of this chapter may, upon authorization by the Town Board to collect forfeitures or any other penalties permitted by law, be issued a citation by the enforcement officer, Town Constable in conjunction with the, or Town Attorney Administrator at his/her discretion 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 and shall not preclude the issuance of a citation under this subsection. Any person who violates any of the terms of this chapter and is found guilty thereof shall be subject to a penalty as provided in Chapter 1, § 1-3.

Chapter 136. Dumping

§ 136-4. Dumping permit required.

A. No person, firm or corporation shall dump material on any property in the Town of Cedarburg without first obtaining a permit for dumping unless the material to be dumped is strictly soil, sand or gravel. Application for said permit shall be made on a form prescribed by the Town Director of Public Works Administrator, which shall, among other things, list the property on which said material is to be dumped; the exact location on the property where the material is to be dumped; the material to be dumped; the amount of material to be dumped; the elevation of the land before and after the dumping; the period of time over which said dumping is to take place; the individual, firm or corporation doing the dumping; and a plan to restore the property after the material has been dumped.^[1]

[1]Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. The Town Board shall consider the material to be dumped; the final restoration; the impact on the environment; the appearance of the property before and after the dumping; and the effect on the surrounding properties.
 - C. The dumping shall not be contrary to any rules, laws or regulations of Ozaukee County, the Wisconsin Department of Natural Resources, or the Corps of Engineers, Department of Defense.
 - D. The permit shall be issued upon the affirmative vote of a majority of the Town Board.
-

Chapter 142. Entertainment, Public

§ 142-7. Revocation of license.

Any license granted by the Town Board under the provisions of this chapter may be revoked by the Town Chairperson, Town Board, Town Constable, or ~~Town~~ law enforcement officer, provided that such carnival shall not be maintained if the person who maintains, owns, controls or operates such carnival shall permit the violation of any provisions of this Code or state laws or where, in the opinion of the Town Chairperson, the carnival is deemed undesirable. Revocations or suspensions may be appealed to the Town Board.

Chapter 223. Nuisances

§ 223-1. Rules and regulations.

The Town Board, 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 Board shall be subject to the general penalty provided for in Chapter 1, § 1-3 of this Code.

§ 223-2. Abatement of health nuisances.

A health nuisance is any source of filth or cause of sickness. The Town Board shall abate health nuisances pursuant to § 254.59, Wis. Stats., which is adopted by reference and made a part of this section.

§ 223-3. Deposit of deleterious substances.

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 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.

§ 223-4. Public nuisances prohibited.

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

§ 223-5. 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.

§ 223-6. 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 § 223-5:

- 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 food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin. 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.~~

~~E.F. Noxious weeds. All noxious weeds and other rank growth of vegetation.~~

~~E.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.~~

~~G.H. Noxious odors. Any use of property, substances or things within the Town or within four miles thereof 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 Town.~~

~~H.I. Street pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, highway, ditch, sidewalk or public place within the Town.~~

~~J. Animals. All animals running at large, including:~~

~~(1) The enticing, baiting or feeding of any migratory birds or fowl so as to cause them to abandon their migration habit and become semi-domestic in any area zoned residential within said Town.~~

~~(2) The keeping or raising of doves or pigeons, except in a dove cote maintained in a clean, sanitary condition, devoid of all rodents and vermin and free from all odors. The interior walls, ceilings, floors, partitions and appurtenances of all such structures shall be whitewashed or painted annually.^[1]~~

~~[1]Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).~~

~~L.K. Accumulations of refuse. Accumulations of old cans, lumber, elm firewood, concrete, brick and asphalt construction and paving materials, and other refuse.~~

~~J.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.^[2]~~

~~[2]Editor's Note: Original § 9-3-7(m), Excess number of dogs, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Ch. 95, Animals, § 95-22, Limitation on number of dogs.~~

§ 223-7. 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 § 223-5:

- 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.
- 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 in the ordinances of the Town.
- D. Continuous violation of Town ordinances. Any place or premises within the Town where Town 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 Town.

§ 223-8. 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 § 223-5:

- A. Signs, billboards and awnings. 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 Town relating to materials and manner of construction of buildings and structures within the Town.
- 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 their color, location, brilliance or manner of operation, interfere 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 Town.
- 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 Town.~~

~~J.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 Town, 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.

~~K.L.~~ Open excavations. All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

~~L.M.~~ Abandoned refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

~~M.N.~~ Flammable liquids. Repeated or continuous violations of the ordinances of the Town or laws of the state relating to the storage of flammable liquids.

§ 223-9. Abatement of public nuisances.

A. Enforcement. ~~The Town Administrator, Town Constable, and the Building Inspector, and Director of Public Works or their designee~~ shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon written and signed complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the applicable officer(s) (Town Constable, Building Inspector, Director of Public Works or their designee) shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied himself themselves that a nuisance does in fact exist.

B. Summary abatement. If the inspecting officer(s) shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson, upon the recommendation of the Town Constable, Building Inspector, and/or Director of Public Works or their designee appropriate department head, may direct the Town Attorney proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

C. Abatement after notice. If the inspecting Town Constable, Building Inspector, Director of Public Works or their designee officer shall determine that a public nuisance likely 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, they shall present findings to the Town Board, who upon deliberation with legal counsel, may authorize the Town Constable and Town Attorney to take action to abate such nuisance to be commenced in the name of the Town in Circuit Court in accordance with the provisions of Ch. 823, Wis. Stats. he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within such 10 days, the proper officer shall cause the nuisance to be removed as provided in Subsection B.

D. Other methods not excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

§ 223-10. Recovery of costs.

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 Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost to be assessed against the real estate as a special charge.

Chapter 237. Peace and Good Order

§ 237-2. Firearms and explosives.

[Amended 1-2-2002 by Ord. No. 2002-01]

A. Definition. For the purpose of this section, the following definitions shall apply:

FIREARMS

Includes all weapons used for the purpose of propelling bullets, shot or other missiles, whether from cartridge, shell or other container, by explosives or compressed air, and shall include, without limitation because of specific enumeration, all forms of shotguns, rifles, revolvers and other similar types of equipment whereby such bullets, shot or missiles are propelled through the air by reason of discharge therefrom by explosives, caps or compressed air.

B. Discharge of firearms restricted.

(1) No person, except a property owner or his or her designee and when the property owner is present, shall discharge any firearm as above defined within the Town of Cedarburg, except when he or she has in his/her possession a copy of a written permit (upon forms provided and available in the office of the Town Clerk), signed by the owner of the land, permitting the discharge of firearms upon the premises actually owned or occupied. This subsection does not apply and may not be enforced if the person's conduct was justified, or had it been subject to a criminal penalty, would have been subject to a defense described in § 939.45, Wis. Stats.

[Amended 6-1-2005 by Ord. No. 2005-4; 11-7-2007 by Ord. No. 2007-15; 11-2-2011 by Ord. No. 2011-8]

(2) The discharge of firearms shall be so controlled that the bullet, shot or missile propelled therefrom does not enter or pass over the premises of another or upon public highways or other public grounds.

(3) Firearms shall not be used in such manner as to be in reckless disregard of the lives or property of persons upon the public highways or public grounds of the Town or property of others.

(4) The discharge of firearms shall not interfere with the peace, quiet and enjoyment of their property by any neighboring residents.

(5) No person, except a Sheriff, Town Constable or law enforcement officer, shall fire or discharge any firearm, rifle, or spring or air gun of any description within the limits of any subdivision within the Town of Cedarburg, or within 150 yards of any residence dwelling, or have any firearm, rifle, or spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed in a carrying case or other suitable container within the above-described area.

C. The discharge of firearm restrictions stated under the above Subsection B do not apply to persons who are hunting on private lands which are designated open to public access under Wisconsin Forest Tax Law programs.

[Added 9-4-2013 by Ord. No. 2013-12⁽¹⁾]

[1] *Editor's Note: This ordinance also provided for the redesignation of former Subsections C and D as Subsections D and E, respectively.*

D. Shooting ranges. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Town Board, after an advisory recommendation from the Town Constable (who may consult with the Sheriff) and Town Administrator, where proper safety precautions are taken.

E. Any person who shall violate any of the above provisions of this section shall, upon conviction thereof, be subject to a forfeiture of not less than \$200 for each offense together with the costs of prosecution and, in default of payment of such forfeiture and

costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
[Added 11-7-2007 by Ord. No. 2007-15]

Chapter 273. Solid Waste
Article III. Recycling

§ 273-19. Administration.

The provisions of this article shall be administered by the Director of Public Works Town Administrator of the Town of Cedarburg.

§ 273-34. Inspections; violations and penalties.

A. For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee or designated representative of the Town of Cedarburg may inspect recyclable materials separated for recycling, post-consumer 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 designated representative of Town of Cedarburg who requests access for purposes 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, upon recommendation by the Director of Public Works and authorization by the Town Board, be issued a citation by the ~~Town Administrator or a~~ Town Constable in conjunction with the Town Attorney at his their discretion to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or 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. Penalties for violating this article may be assessed as follows:

(1) Any person who violates § 273-33 may be required to forfeit \$50 for the first violation, \$200 for a second violation, and not more than \$2,000 for a third or subsequent violation.

(2) Any person who violates a provision of this article except § 273-33 may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

Chapter 279. Streets and Public Ways

§ 279-1. Permit required for excavations; fee, insurance and bond.

A. Permit required.

(1) No person, partnership, utility or corporation, or his or its agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public road, public alley, public way, public ground, public sidewalk or Town-owned easement or fill or alter any culvert or construct or install additions or extensions to his or its existing facilities within the Town of Cedarburg without a permit therefor from the Town Director of Public Works.
[Amended 10-4-2006 by Ord. No. 2006-11]

[Amended 10-4-2006 by Ord. No. 2006-11]

(2) The utility or contractor shall submit to the Town a written request for a utility construction/street excavation permit and a plan of the proposed alteration, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open cut or augering, provisions of

restoration and whatever the Town would deem necessary for review and consideration. In being issued a permit, the utility or contractor agrees to be bound by the regulations of this section and § 279-2.

B. Fee. The fee amount for an excavation or opening permit shall be determined by resolution of the Town Board and set forth in the Town schedule of fees. The fee shall be paid at the time of application.

[Amended 10-4-2006 by Ord. No. 2006-11]

C. Insurance required. A permit shall be issued only upon condition that the applicant submit to the Director of Public Works ~~Town Administrator~~ satisfactory written evidence that the applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$100,000 per one person and \$300,000 for one accident and property damage coverage of not less than \$50,000. The Town shall be listed as a third party insured on the policy.

§ 279-2. Regulations governing excavations and openings.

E. Notice. It shall be the duty of the permittee to notify the Director of Public Works, ~~Town Administrator~~, Cedarburg Fire Department, Ozaukee County Sheriff's Department and all private individuals, firms and corporations affected by the work to be done at least 24 hours before such work is to commence. The Director of Public Works ~~Administrator~~ shall also be notified at least four hours prior to backfilling and/or restoring the surface.^[3]

§ 279-3. Obstruction of intersections or signs; trees and fences.

C. Abatement procedure. Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the Director of Public Works ~~Town Administrator~~ shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof may be assessed to the owner.^[1]

Article II. Street Use Permits

§ 279-10. Purpose.

The streets in possession of the Town are primarily for the use of the public in the ordinary way. However, under proper circumstances, the Town Clerk may grant a permit for street use, subject to reasonable municipal regulation and control. 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 Town can be protected and maintained.

§ 279-11. Application for permit.

A written application for a street use permit by persons or groups desiring the same shall be made on a form provided by the Town Clerk and shall be filed with the Town 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.

§ 279-12. Representative at meeting.

The person or representative of the group making application for a street use permit shall be present when the Town Board gives consideration to the granting of said street use permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.

§ 279-13. Review by Director of Public Works and Cedarburg Fire Department Administrator.
[Amended 6-6-2007 by Ord. No. 2007-7]

The application shall be reviewed by the Director of Public Works and the Cedarburg Fire Department, Town Administrator as to 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. The Director of Public Works will take into account comment from the Cedarburg Fire Department Town Administrator and shall make a recommendation to the Town Board ~~has the authority to approve or deny an application.~~

§ 279-14. Denial of permit.

[Amended 6-6-2007 by Ord. No. 2007-7]

A. An application for a street use permit shall be denied if:

- (1) The proposed street use is primarily for private or commercial gain.
- (2) The proposed street use would violate any federal or state law or any ordinance of the Town.
- (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
- (4) The application for a street use permit does not contain the information required above.
- (5) The application requests a period for the use of the street in excess of eight hours.

B. In addition, the Town ~~Board Administrator~~ may deny a permit for any other reason or reasons if the Town ~~Board Administrator~~ concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted. ~~If the Town Administrator denies the permit, the person or representative of the group making application for a street use permit may appeal the denial to the Town Board. Said applicant shall be present when the Town Board gives consideration to the granting of said street use permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.~~

§ 279-15. Deposit required.

Each application for a street use permit shall be accompanied by a deposit as set by the Town Board for use of barricades.

§ 279-16. Petition signed by residents.

[Amended 10-4-2006 by Ord. No. 2006-11]

In addition to the fee required by § 279-15, each application for a street use permit, except for parades or races sponsored by civic, youth or scout 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 the time for said proposed use, said petition to be signed by not less than 75% 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 on a form provided by the Town Clerk.

§ 279-17. Insurance.

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

§ 279-18. Termination of permit.

A street use permit for an event in progress may be terminated by law enforcement officers, Cedarburg Fire Department, Director of Public Works, or Town Constable if the health, safety and welfare of the public appear 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 Town of Cedarburg. The Director of Public Works, Town Constable, Cedarburg Fire Department or Law enforcement officers 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.

Chapter 290. Taxicabs and Limousines

§ 290-6. Revocation of license; appeals.

A. Revocation. Licenses granted under §§ 290-1 through 290-4 may be suspended or revoked at any time by the Town Constable ~~Town Administrator~~ or law enforcement officer for any violation of this chapter. When a taxicab or limousine license is revoked or canceled as herein provided, the Town Constable ~~Town Administrator~~ or law enforcement officer shall immediately notify the owner to cease at once to operate the vehicle for which the license has been revoked as a taxicab or limousine.

B. Appeals. Any person who receives a revocation of license and objects to all or part thereof may appeal to the Town Board within seven days of the receipt of the order and the Town Board shall hear such appeal within 30 days of receipt of such written notice of the appeal. After such hearing, the Town Board may reverse, affirm or modify the order or determination.

Chapter 301. Vehicles, Abandoned

§ 301-1. Abandonment of vehicles prohibited.

No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any Town public street or Town highway or private or Town public property in the Town of Cedarburg for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any Town street or Town highway in the Town of Cedarburg or upon private or Town public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than 72 hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.

§ 301-2. Definitions.

For purposes of this chapter, the following definitions shall be applicable:

STREET

Any Town public highway or Town alley and shall mean the entire width between the boundary lines of any Town public way where any part thereof is open to the public for purposes of vehicular traffic.

UNATTENDED

Unmoved from its location with no obvious sign of continuous human use.

VEHICLE

A motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin law.

§ 301-3. Presumptions.

For purposes of this chapter, the following irrebuttable presumptions shall apply:

A. A vehicle shall be presumed unattended if it is found in the same position 72 hours after ~~a Town notice issuance of a traffic ticket or citation and if such traffic ticket or citation~~ remains placed upon the windshield during said 72 hours.

B. Any vehicle left unattended for more than 72 hours on any Town public street or Town public ground or left unattended for more than 72 hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance, provided that the vehicle shall not be deemed abandoned under this subsection if left unattended on private property outside of public view and enclosed within a building, or if designated as not abandoned by the Town Constable or Director of Public Works.

§ 301-4. Exceptions.

This chapter shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with Town zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

§ 301-5. Removal and impoundment of vehicles.

Any vehicle in violation of this chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of § 301-6.

§ 301-6. Procedure for removal, storage and reclaiming of vehicles.

A. Applicability. The provisions of this chapter shall apply to the removal, storage, notice, reclaiming or disposal of abandoned vehicles as defined in this chapter.

B. Removal.

(1) ~~Any police officer~~ The Town Constable or Director of Public Works who discovers any motor vehicle, trailer, semitrailer or mobile home on any Town public street or Town highway or private or Town public property in the Town of Cedarburg which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.

(2) Upon removal of the vehicle, the Town Constable or their designee ~~police officer~~ shall ~~notify the Town Constable or their~~ his designee make record of the abandonment and of the location of the impounded vehicle.

C. Storage and reclaiming. Any abandoned vehicle which is determined by the Town Constable or their ~~his~~ designee to be abandoned shall be retained in storage for a period of 14 days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Division of Motor Vehicles, except that if the Town Constable or their ~~his~~ designee determines an abandoned vehicle to have a value of less than \$100, or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked

or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of 10 days and after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Division of Motor Vehicles, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be deemed as having value in excess of \$100. Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges, and upon presentation of the vehicle title or other satisfactory evidence to the Town Constable or their his designee to prove an ownership or secured party interest in said vehicle.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

D. Notice to owner or secured party. Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Division of Motor Vehicles, if any, of the following:

(1) That the vehicle has been deemed abandoned and impounded by the Town of Cedarburg;

(2) The determined value of the abandoned vehicle;

(3) If the cost of towing and storage costs will exceed the determined value of the vehicle;

(4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within 14 days of the date of notice, unless the vehicle has been determined to have a value less than \$100 or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within 10 days upon the payment of the aforesaid charges; and^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicle may be reclaimed.

§ 301-7. Sale of vehicles.

Any abandoned vehicle impounded by the Town which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class 1 notice including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

§ 301-8. Report of sale or disposal.

Within five days after the direct sale or disposal of a vehicle as provided for herein, the Town Constable or their his designee shall advise the State of Wisconsin Department of Transportation, Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have 10 days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the Town for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the Town shall be made available to any interested person or

organization who or which makes a written request for such list to the Town Constable. The Town Constable may charge a reasonable fee for the list.

§ 301-9. Owner responsible for abandonment and costs.

A. Owner responsible. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the Town against the owner.

B. Law enforcement exception. Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of a law enforcement investigation.

§ 301-10. Conflicts with other provisions.

In the event of any conflict between this chapter and any other provisions of this Code, this chapter shall control.

Chapter 305. Vehicles and Traffic

Article I. General Provisions

§ 305-1. State traffic laws adopted.

A. Statutes adopted. Except as otherwise specifically provided in this Code, the statutory provisions in Chs. 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, excluding penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutory regulations in Chs. 340 to 348, Wis. Stats., incorporated herein are intended to be made part of this chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the Town of Cedarburg, Wisconsin, violate any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.

B. Other state laws adopted. There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chs. 340 to 348, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this chapter:

(1) Section 346.935, Intoxicants in motor vehicles.

(2) Section 941.01, Negligent operation of vehicle off highway.

C. Statutes specifically incorporated by reference. Whenever this chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes as from time to time amended, repealed or modified by the Wisconsin Legislature.

D. General references. General references in this chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authority.

§ 305-2. State Administrative Code provisions adopted.

A. Administrative regulations adopted. The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the

penalties to be imposed, are hereby adopted by reference and made part of this chapter as if fully set forth herein:

(1) Chapter Trans 300, Transportation of School Children.

(2) Chapter Trans 305, Standards for Motor Vehicle Equipment.

B. Noncompliance prohibited. No person shall operate or allow to be operated on any highway, street or alley within the Town of Cedarburg a vehicle that is not in conformity with the requirements of Subsection A or the provisions of § 110.075 and Ch. 347, Wis. Stats., incorporated by reference in § 305-1 of this chapter.

C. Owner's liability. Any owner of a vehicle not equipped as required by this section who knowingly causes or permits such vehicle to be operated on a highway in violation of this section is guilty of the violation the same as if he or she had operated the vehicle. The provisions of § 347.04, Wis. Stats., relating to nonapplicability of demerit points shall apply to owners convicted of a violation of this section.

D. Safety checks:

~~(1) Operators to submit to inspection. When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.~~

~~(2) Authority of officer. Any law enforcement officer of the Town is hereby empowered, whenever he or she shall have reason to believe that any provision of this section is being violated, to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.~~

~~(3) Vehicle to be removed from highway. Whenever, after inspection as provided by this section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the Secretary of the Department of Transportation under § 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of compliance with the repair order to the department of the issuing officer within the time specified in the order.~~

D.E. Penalty. Penalty for violation of any provision of this section, including the provisions of the Wisconsin Administrative Code incorporated herein by reference, shall be as provided in Subsection C of this section, together with the costs of prosecution and applicable penalty assessment.

§ 305-3. Official traffic signs and control devices.

A. Duty of Director of Public Works ~~Town Administrator~~ to erect and install uniform traffic control devices. Whenever traffic regulations created by this chapter, including a State of Wisconsin traffic regulation adopted by reference in § 305-1, require the erection of traffic control devices for enforcement, the Director of Public Works ~~Town Administrator~~ shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever state law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Director of Public Works ~~Town Administrator~~ or their ~~his~~ designee, will carry out the purposes of this

chapter and give adequate warning to users of the streets and highways of the Town of Cedarburg.

B. Code numbers to be affixed to official traffic control devices. The Director of Public Works Town Administrator or ~~their~~ his designee shall cause to be placed on each official traffic control sign, guide board, milepost, signal or marker erected under Subsection A a code number assigned by the Wisconsin Department of Transportation and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.

C. Prohibited signs and markers in highways. No person other than an officer authorized by this chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Director of Public Works Town Administrator or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Subsection D.

D. Removal of unofficial signs, markers, signals and traffic control devices. The Director of Public Works Town Administrator or designee may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Director of Public Works Town Administrator or his designee to the Town Board for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

§ 305-4. Registration record of vehicle as evidence.

When any vehicle is found upon a Town street or Town highway in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and specifically § 305-1 and shall be subject to the applicable forfeiture penalty, provided that the defenses defined and described in § 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

§ 305-5. School bus warning lights.

Notwithstanding the provisions of § 346.48(2)(b)2, Wis. Stats., adopted by reference in § 305-1 to the contrary, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalks or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.

§ 305-6. Official Traffic Map.

A. Official traffic map established. There is hereby established an Official Traffic Map for the Town of Cedarburg upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this chapter, as from time to time amended or modified by the Town Board, when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

B. Violations prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this chapter.

C. Map to be maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Director of Public Works ~~Town Administrator~~.

D. Additions to map. The Town Board may from time to time make additions to or deletions from the Official Traffic Map, and the Director of Public Works ~~Town Administrator~~ shall keep such Official Traffic Map current.

§ 305-9 Through streets designated.

In the interest of public safety and pursuant to § 349.07, Wis. Stats., the streets or portions thereof set forth in this section are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Director of Public Works ~~Town Administrator~~ or his designee in accordance with § 305-3.

§ 305-10 Heavy traffic routes; weight limits.

D. Administration. The Town Director of Public Works, in cooperation with the ~~Town Administrator~~ and the Town Constable, shall administer this section. Administration shall include the following:

§ 305-12 Authority to restrict parking.

A. Parking restricted. The Town Board may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of § 349.13, Wis. Stats.

B. Obedience. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited, except physicians on emergency calls or as permitted by state law or elsewhere by this Code.

C. Director of Public Works ~~Town Administrator~~. The Director of Public Works ~~Town Administrator~~ is hereby granted the authority, within the reasonable exercise of police power, to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Ch. 346, Wis. Stats. The Director of Public Works ~~Town Administrator~~ shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.

D. Devices required. No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

E. One-space move. After the parking limitations on any given street have expired, any change of location of not more than one stall following expiration of the parking period allowed shall be and constitute a violation of this chapter.

§ 305-13 Parking during street maintenance or special events.

A. Street maintenance. Whenever it is necessary to clear or repair a Town roadway or any part thereof, the ~~Director of Public Works~~ ~~Town Administrator~~ may post such highways or parts thereof with signs bearing the words "No Parking - Street Maintenance Work." Such signs shall be erected at least two hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.

B. Temporary parking restrictions for special events. Pursuant to the provisions of § 349.13, Wis. Stats., the ~~Director of Public Works~~ ~~Town Administrator~~ is authorized to direct that temporary "No Parking" signs be erected during parades, festivals and other authorized events that require the regulating of vehicle stopping, standing or parking on Town roadways. The temporary regulation shall be limited to the time the event exists or is likely to exist.⁽¹⁾

§ 305-21 Parking during snow emergency.

B. Enforcement. A Constable of the Town of Cedarburg or any other traffic officer may issue a citation for a forfeiture penalty in violation of this section. A Constable of the Town, Director of Public Works, or any other traffic officer is authorized and empowered to remove or have such vehicle removed to a position where parking is permitted.

(The above text modified with a strikethrough shall be deleted).
(The above text modified with an underline shall be added).
(Sections shall be renumbered upon passage).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 4th day of February, 2026.



Sara Jacoby
Asst. Admin./Town Clerk



David Salvaggio
Town Chairman