

NOTICE IS HEREBY GIVEN that the monthly meeting of the Village Board of the Village of Neosho shall be held on **THURSDAY, September 7, 6:30 p.m.**, at the Neosho Village Hall, 210 S. Schuyler Street, Neosho WI.

The village hall is handicapped accessible.

AGENDA

- Call to Order/ Pledge of Allegiance to the Flag.
- Roll Call.
- Adoption of minutes of August 9 and August 28.
- Public Comment – Any person recognized to speak under Public Comments limited to a period of 3 minutes, unless otherwise authorized by the Village President or presiding officer.
Please complete the public comment card.
- President Report.
- Approval of Financial Report with Comparisons and Payment of Bills.
- Fire & EMS Report.
Statistical Report with Incidents including Training Exercises.
Status of Equipment.
- Police Dept. Report.
Statistical Report.
- Cemetery Sexton Report.
- Property Maintenance / Weed Commission Village Board Report.
 - 124 E Lehman Street.
- Clerk-Treasurer's Report.
Budget Update.
Election Update.
DPW Report - Activity Report, including equipment update.
- Park Rentals.
- Approve Operator's Licenses for the following:
None.

Discuss and/or ACT on the Following:

- An Ordinance Repealing and Replacing Possession and Use of Firearms and other Dangerous Weapons.
- Related Attorney fees for the Ordinance of Repealing and Replacing Possession and Use of Firearms and other Dangerous Weapons.
- Dam Repair and Maintenance Update.
- Millpond Dam Committee Appointments:
Chair Liz Desmore, Tr. Rodriguez, Martin Reynolds, Chad Mintzlaff, Joe Spudich.
- Fire Department Surplus Equipment: Sale of 3162 engine and purchase of Fire Department SUV.
- Ballpark on Hale Road as Surplus Property: Sale of Ballpark on Hale Road.
- Motion for Public Hearing from Comprehensive Plan Land Use Map Amendment, change of use.
- Schedule of fees.
- Certified Survey Map, Combining of 161-1017-2922-029 and 161-1017-2922-066, Theresa Gallagher, 114 Rubicon Street.
- DPW Items, curb painting and mowing of hill by pond.
- Snowplow Bid / Quote.
- Dodge County Amendments to Sanitary Ordinance.

Adjournment.

Trick or Treat, October 28th 2-5 pm.

Any person who has a qualifying disability as defined by the American's With Disabilities Act, that requires the meeting or materials at the meeting to be in an accessible location or format must contact the Clerk-Treasurer at the village hall at 920-625-3086 at least one day prior to the meeting so that any necessary arrangements can be made to accommodate each request.

MEETING OF THE VILLAGE BOARD OF NEOSHO

August 9, 2023

President Oldenhoff called the regular meeting of the Village Board of the Village of Neosho to order at 6:30 p.m. Present were President Oldenhoff, Tr. Lastovich, Rodriguez, Desmore, and Tr. Weynand.

Adoption of the July 13, 2023, and June 5, 2023, minutes.

Motion (Rodriguez/Desmore) to approve the minutes. Motion Carried unanimously.

Public Appearance and Comments.

Mary Weynand of Lehman Street commented on painting on the crosswalks and gazebo. President Oldenhoff commented it would have to be outsourced or hiring someone for a short term. On Center Street hill was cleaned up and now needs to be mowed. The Village used to mow that.

Kevin Culver of Hale Road commented against the discharge of firearms in the Village.

Chad Mintzlaff of Meadow Lane commented on Pond Road traffic speed and the need for enforcement. The Police Chief commented that he has sent officers over for coverage on Pond Road, MM, and other roads due to the detour. President Oldenhoff commented that conversations with contractor and Dodge County about the detours. Riverview and Pond Road repair yet to be completed due to the road detours.

Trustee Weynand commented on future Hwy 60 projects.

President Report.

President Oldenhoff attended a grant meeting. He is looking at road grants such as LRIP grants for sub surfacing.

President Oldenhoff commented on upcoming dam repair and maintenance updates for grants.

President Oldenhoff commented that the flagpole by the museum is secure and does not need to be replaced there is slight surface rust. President Oldenhoff will discuss with Ken Chapman and Mary Beth Gehl.

President Oldenhoff commented he talked to Mark Hoepner for Snow and Ice clearing.

Approval of Financial Report with Comparisons and Payment of Bills.

Motion (Rodriguez/Weynand) to approve the financial report with bills. Motion carried unanimously.

Fire & EMS Report

Trustee Rodriuez read the Fire and EMS Report.

Police Department Report.

The Police Statistics Report was reported on by the Police Chief. He is working on the tracks transitions.

Records requests taking a lot of time.

Cemetery Sexton Report.

Trustee Desmore reported on the Cemetery activity. A large branch fell with recent storms. Trustee Desmore requested Ken Chapman to move the large branch. No monuments were damaged.

Property Maintenance / Weed Commission Village Board Report.

124 E Lehman Street. Trustee Desmore reported that she will remind Mr. Chapman of the weed cutting and the cemetery clean up.

Clerk – Treasurer Report.

Clerk reported that she is working Budget preparation and has attended training that includes the 2024 election year. Look at setting the NRA meeting.

DPW Report.

Pres Oldenhoff commented that Ken Chapman is handling the mowing.

President Oldenhoff commented that the hitch needs to be installed on the SCAG Mower.

Trustee Desmore commented that Wes Braunschweig emptied the barrels at the park.

Approve Operator’s Licenses for the following:

None.

Dodge County Letter of Intent, Extraterritorial Area, Siegmann Family Farms LLC, W2194 State Road 60, Rubicon, proposed use of Single Family Residential, from Current Vacant Property.

Motion (Rodriguez/Weynand) to approve Extraterritorial Area, Siegmann Family Farms LLC, W2194 State Road 60, Rubicon, proposed use of Single Family Residential, from Current Vacant Property.

Motion Carried Unanimously.

Temporary Class B, fermented malt beverage license, September 9, rain date of September 10, Neosho Garden Tractor Pull, Woodlawn Park and Pavilion, Paul Whelan.

Motion (Rodriguez/Desmore) Temporary Class B, fermented malt beverage license, September 9, rain date of September 10, Neosho Garden Tractor Pull, Woodlawn Park and Pavilion, Paul Whelan. Motion Carried Unanimously.

An Ordinance Repealing and Replacing Possession and Use of Firearms and other Dangerous Weapons.

President Oldenhoff reviewed the ordinances. Police Chief advised the application to come before the Village Board for approval. Trustee Desmore commented on the property size. Discussion ensued of the denseness of the Village and the closeness of the properties. Discussion ensued of the liability and the issue of the liability. Discussion ensued of the application and permitting process.

The number of individuals on one property are a concern. Discussion ensued of the trespass issue. Discussion ensued of discussions with Rubicon on buffer areas in the Town of Rubicon. President Oldenhoff commented that someone on Riverview was shooting into Tannerite; Trustee Desmore and Trustee Rodriguez also heard the shooting. President Oldenhoff commented on maps and application and archery only. There needs to be maps that show allowable hunting areas. President Oldenhoff reviewed each draft.

Option #3 No motions

Option #2 No Motions

Option #1 No Motions

President Oldenhoff commented that the Heinrich are on the hook for this or does the Village want to assist.

President Oldenhoff commented on Rubicon is able to hunt and the need for a buffer zone for archery only.

President Oldenhoff commented that member attend a Rubicon meeting and request a buffer hunting zone for archery only. No motions were made.

Snowplow Bidding.

Discussion ensued of options for snow bidding. The Clerk had prepared a draft snow bidding notice.

Discussion ensued of contracting for the snow clearing and the Village does own a walk behind snow blower.

Discussion ensued of continuing with Indian Road. This item will be on the next agenda. No motions were made.

Fire Department Surplus Equipment: Sale of 3162 engine and replace with SUV.

There were documents on the table for selling the engine and buying an SUV for carting people back and forth. There was an additional picture of a pumper truck. There was an additional truck picture at Brindle Mountain. More detail and specific information is needed for the paperwork provided. This item will be on the next agenda. No motions were made.

Road Repair and Maintenance Update, including increase of Meadow Lane Ditch Repair cost from \$2,000 to \$2,500 with Norby Neu.

Motion (Desmore / Rodriguez) increase Meadow Lane Ditch Repair cost from \$2,000 to \$2,500 with Norby Neu. Motion carried unanimously.

Schedule of Fees.

The schedule of fees and building permit fees were included. The Clerk had supplied area community park fees as included in the packet. The Village Board reviewed the fees. The building permit fees will come back to a future meeting.

Discussion ensued of the ball park. The fencing, dugouts etc. were installed by the ball team. The building is the Village's; however, the contents of the concession are the Rockets. Discussion ensued of sponsorships and advertising at the ballpark. Discussion ensued that the Village should sell the ballpark. Discussion ensued that the Village pays for the ballpark but does not gain anything from the ballpark. Trustee Desmore commented that she researched selling Village Property and the Village does not have to get an appraiser. Trustee Desmore continued that the Village needs to redo the Park Pavilion at Woodlawn Park. Discussion ensued of the ballpark fees of other communities. Discussion ensued of who is using the ballpark. Discussion ensued of the ball team paying for the dumpster, electricity, port a potties, mowing.

Discussion ensued that the nucleus of the team is a handful of area old timers and the recruits from college that are out of town. Trustee Desmore commented to contact a realtor and the Rockets.

Discussion ensued of increasing the park pavilion fee and the Village Board may waive the pavilion fee.

Discussion ensued to discuss the Sale of Ballpark on Hale Road further at the September meeting.

Motion (Rodriguez/Weynand) to increase park pavilion to \$75 per day, January 1, 2024. Motion carried unanimously.

Motion (Rodriguez/Desmore) to increase special assessment fee to \$45, January 1, 2024. Motion carried unanimously.

Motion (Rodriguez/Weynand) to increase Class B Liquor License to \$350 as of January 1, 2024. Motion carried unanimously.

Motion (Weynand/ Rodriguez) to increase Class A Liquor License to \$350 as of January 1, 2024. Motion carried unanimously.

Motion (Desmore/Weynand) to increase Class A Fermented Malt Beverage to \$200 as of January 1, 2024. Motion carried unanimously.

Halloween Trick or Treat, to be held on October 28th.

Motion (Rodriguez/Lastovich) Halloween Trick or Treat, to be held on October 28th, 2-5 pm. Motion carried unanimously.

September meeting date will remain on September 7th.

Dam Repair and Maintenance Update.

Trustee Desmore reported that a committee has been formed and Martin Reynolds has joined Trustee Desmore and Trustee Rodriguez on a committee for the dam. Discussion ensued to have an appointed committee for the dam to be agendized for September. The committee will include a technical advisor, Chad Mintzloff. The committee will include representatives from the pond association, Joe Spudich. The committee will include Martin Reynolds. The committee will meet monthly. Trustee Desmore advised that there will be a timeline and task list monthly. They need an emergency action plan. There is an emergency action plan in place. There needs to be a preliminary estimate of when the budget will be completed. The 2024 budget will be completed in November. Trustee Desmore advised that Wondra put her in contact with Drax Inc. of Madison. Drax Inc. came out and reviewed the report from Kunkel Engineering and the dam itself. Trustee Desmore reported that the Kunkel report is incomplete and non-compliant. The Trunnion Pins are in question. Chad Mintzloff is going to send pictures of the trunnion pins to Andy Langum of Drax to review. Andy Langum of Drax will give the Village project estimates. Andy Langum of Drax inspected the dam and reported that there is severe spalling located at the trunnion pins and needs to be reviewed as soon as possible. This was not on Kunkel Engineering's report. Drax is a construction company and have done a number of dam repairs. Drax has also completed expansions with GE healthcare. Andy Langum received the email and was at the dam on the same day taking pictures. If the tainter gate fails, there will be flooding down stream. The trunnion pins are attached to the tainter gate. The Village does not have stop logs. The short-term fix is to put in stop logs but then cannot lower or raise the water level. There needs to be a steel wall for the pillings. Large plate steel would be inserted into the dam. The trunnion pins are eight-inch diameter pins that are mounted into the concrete. This could be all concrete repair. The concrete is spalled out. Andy Langum advised to contact the DNR. President Oldenhoff reported that he will contact Kunkel Engineering and report the second opinion. Ask Kunkel to review their report and Kunkel did not get back to us. Andy Langum of Drax is not an engineer. Discussion ensued that we have not had the amount of rain this year and the last winter was not harsh. It appeared the Kunkel did not go into the dam for photographs where Drax did get into the dam for the pictures. The downstream safety analysis was never completed. President Oldenhoff commented that the dam is very custom. The repairs could be over \$300,000. President Oldenhoff commented that the Village needs a contractor.

Discussion ensued of the impacts of the area road construction.

Trustee Desmore reported that the dam could be sold, similar to in Monches as the dam was sold to North Lake.

Discussion ensued that an engineer needs to do the analysis and run the report.

President Oldenhoff will communicate with Don Neitzel at Kunkel and request a verbal conversation. The dam failure analysis report was never received. Was the dam failure analysis report completed? President Oldenhoff reported that the DNR has the Kunkel reported as filed by Kunkel. The DNR is aware that the Village is not in compliance.

Andy Langum's letter of Drax was read.

At the request of Ms. Liz Desmore (Neosho Board Member) I was asked to provide a budgetary dollar amount for the repairs to the Neosho Dam. I agreed to provide a budgetary number as a courtesy to the Village of Neosho, WI. I received the Neosho Dam inspection report on Monday August 7th, 2023. The report was completed by Kunkel Engineering Group, dated September 14, 2021.

After reviewing the inspection report, I was not able to provide a budgetary dollar amount for the repairs to the Neosho Dam, the report lacked certain details that are needed to prepare costs. I decided to drive out to the Dam on August 7th 2023. I once again reviewed the Kunkel report, I then walked around the structure, and attempted to view the typical problem areas. Specifically, I wanted to view the Trunnion Arms and Pins.

Due to the location of the single Tainter gate the Trunnion pins/arms are difficult to see, I was not able to see the Pin location until I backed my pickup truck into the S/W fence, climbed up into the bed of the truck and started taking photos. The N/E Trunnion Pin concrete has severely spalled out and exposed the Pin. (see photos)

I would highly recommend this single Tainter gate be bulkheaded off using stop logs, stop log slots are located on the upstream side of the piers. The Tainter gate can then be inspected, and emergency repairs can be completed. It should also be noted that both concrete piers have significant concrete spalling and that affects the integrity of the Dam.

Feel free to contact me directly regarding the situation.

Andrew Langum IV

President

Drax Inc.

The Kunkel Engineering report was reviewed. Kunkel Engineering did not review or look at the taintor gate. Kunkel was to assist with grants but never got back to the Village.

Discussion ensued of history including the Mill Road deterioration. President Oldenhoff reported the plum was redone in 2000s. There is spam concrete. The plum is redone by Eddie and Billy Wagner did the concrete work. The concrete work looks good to this day.

Last from Kunkel Engineering was that the taintor gate needs to be sandblasted and epoxy applied.

Trustee Rodriguez commented that she would like to contact the WI DOT for assistance as well.

An official sub-committee will be created in September.

Motion (Rodriguez/Desmore) to adjourn at 9:10 pm. Motion carried unanimously.

Respectfully Submitted,
Deanna Braunschweig, Clerk-Treasurer

MEETING OF THE VILLAGE BOARD OF NEOSHO

August 28, 2023

President Oldenhoff called the special meeting of the Village Board of the Village of Neosho to order at 6:00 p.m. Present were President Oldenhoff, Tr. Lastovich, Rodriguez, Desmore, and Tr. Weynand.

The air conditioning stopped working at the Village Hall, on Monday, August 21 and was confirmed on Tuesday. Carew came to the Village Hall on Wednesday, August 23, and inspected the unit. Carew has advised that the Air Conditioning unit needs to be replaced. Carew has is a local licensed HVAC out of Watertown.

In addition to Carew, a quote was requested from Chad Mintzlaff, as he is a local HVAC contractor; however, most customers are much larger than the Village.

Options for the Board:

Option 1: Act on the quote from Carew in an amount not to exceed \$9,885.

Option 2: Sealed Bid process or open bid process and act on September 7.

Option 3: Act on repair / replacement in an amount not to exceed.

Desmore questioned if the thermostat would need to be replaced and the timing. It was indicated from Carew that the unit is in stock.

Discussion ensued to bring up to \$10,000. Not to exceed \$10,250.

Discussion ensued of the temperature and weather.

Weynand commented that \$10,000 is enough, let Carew know not to exceed \$10,000 and include a thermostat.

Motion (Desmore/Weynand) approve quote from Carew in an amount not to exceed \$10,000 as approved by the Board and include a non-wifi thermostat. Motion carried unanimously.

Motion (Rodriguez/Desmore) to adjourn at 6:15 p.m. Motion carried.

Respectfully Submitted,

Deanna Braunschweig, Clerk-Treasurer

NEOSHO/RUBICON/ASHIPPUN POLICE DEPARTMENT

210 South Schuyler Street PO Box 208 Neosho, WI 53059 (920) 625-3284 Fax: (920) 625-2716 E-Mail: department@neoshopolice.org

September, 2023 BOARD REPORT

For the month of August our enforcement consisted of traffic warnings, speed citations, ordinance violations and building/bar checks.

In addition, some of the complaints we responded to consisted of:

- **Death investigation**
- **Trespass**
- **Vandalism**
- **Theft**
- **Traffic complaints**
- **Intoxicated driver**
- **Ordinance violation**
- **Family trouble complaint**
- **Paper service**

Thank you.

Chief Linzenmeyer

Neosho/Rubicon/Ashippun Police Department

2024 Budget – The known budget items are listed below.

-Shared Revenue \$111,578, this is an increase of \$39,916.

-Levy. Allowable increase of \$2,398.

-Recycle Grant. \$1,900.

-Debt Payments.

The Fire Truck Tanker Loan, Fire Truck, and Hale Road Park Loans will be completed this year, 2023. The Debt Payments in 2024 include the following projects: West Lehman Street, East Lehman Street, Air Packs, North Shore/Hale Road, and Riverview/Pond/Hillside Terrace project. These payment total just over \$130,000.

Garbage and Recycle fees will come in just under \$50,000. These fees have been charged back to the residents as separate special charges on the Village Tax bills for the past four years. The garbage fee is backed out of the levy limit.

The NRA meetings will start with a meeting of the Municipal Chairs and Chief of Police at end of September. The NRA meeting with the full boards will follow more than likely in October. In order to meet the deadlines for tax bills, the budget hearing will need to take place the week of November 13.

-There four elections in 2024. The election cycle will start with the Caucus, (scheduled at the December meeting to be held in January between January 2 and January 21).

The 2024 election schedule is listed below:

February 20, 2024 Possible Spring Primary

April 2, 2024 Spring Election and Presidential Preference

August 13, 2024 Partisan Primary Election

November 5, 2024 Fall Presidential Election

Estimated Election Expense of \$2,200.

Park Rentals as of September 2

September 9th (Tractor Pull), September 17th, September 23rd, September 24th (Neosho Nomads)

And February 10th, 2024 Snowmobile Races.

- An Ordinance Repealing and Replacing Possession and Use of Firearms and other Dangerous Weapons.
- Related Attorney fees for the Ordinance of Repealing and Replacing Possession and Use of Firearms and other Dangerous Weapons.

At the August 9, 2023 meeting the Village Board did not take action on any of the three ordinances.

The property owner of 123 Hale Road requested the items be placed back on the agenda and he will bring his own attorney for the board.

The ordinances are attached again.

#1 – This version does not allow for the issuance of a “discharge permit,” and it requires that bow hunters notify the Village of their intent to bow hunt. (most restrictive)

#2 – This version allows for a person to be issued a “discharge permit” for the use of firearms, and requires that bow hunters notify the Village of their intent to bow hunt. (middle approach)

#3 – This version allows for a person to be issued a “discharge permit” and does not require that bow hunters notify the Village of their intent to bow hunt. (least restrictive)

municipalities may not “prohibit[] a person from hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit.” Wis. Stat. 29.038(3)(b). The law allows for the basic restrictions that I’ve included in the ordinance, but we would need to be careful about any rules that further restrict bow hunting in the Village.

A few other notes:

- The ordinance calls for the permits to be issued by the Village’s Police Department.
- If the Board would like to use a permit/notification process, we should prepare standard application forms.
- Some of the specifics in the ordinance can be modified. For example, we could change the distance from another property from which a person may not bow hunt (up to 100 yards). We could also revise the specific items that need to be included on a discharge permit application. Please let me know if there are any items the Board would like to revise.

#1 – This version does not allow for the issuance of a “discharge permit,” and it requires that bow hunters notify the Village of their intent to bow hunt. (most restrictive)

ORDINANCE NO. XXXX-XX-2023

AN ORDINANCE REPEALING AND REPLACING THE ORDINANCE ENTITLED “POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS,” SECTION 11-1-2 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF NEOSHO

The Village Board of the Village of Neosho, Dodge County, Wisconsin, with quorum present and voting, do ordain as follows:

Section I: The current Section 11-1-2, “Possession and Use of Firearms and Other Dangerous Weapons,” Village of Neosho Code of Ordinances, is hereby repealed.

Section II: The Village Board of the Village of Neosho, Dodge County, Wisconsin, adopts this ordinance for the purpose of furthering public health and safety, and pursuant to §§ 29.038 and 66.0409, Wis. Stats.

Section III: Section 11-1-2, “Discharge of Firearms and Other Dangerous Weapons” of the Village of Neosho Code of Ordinances is hereby created to read as follows:

11-1-2 “DISCHARGE OF FIREARMS AND OTHER DANGEROUS WEAPONS”

(a) **Purpose.** The purpose of this section is to protect and further the health and safety of persons in the Village of Neosho.

(b) **Definitions.**

(1) “Firearm” – Any weapon from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.

(2) “Other Dangerous Weapon” - Includes bow and arrow, crossbow, sling shot, blow gun, and similar weapons.

(c) **Possession of firearms and other dangerous weapons in public buildings.** No person except duly-authorized law enforcement officers specifically authorized by law to carry firearms, shall carry a firearm or other dangerous weapon while in any building that is owned, occupied, or controlled by the Village.

(d) **Discharge of firearms and other dangerous weapons prohibited.**

(1) No person, except a sheriff, constable, police officer, or their deputies, shall discharge any firearm or other dangerous weapon within the Village, except as provided in subsection (2).

(2) Subsection (1) shall not apply to any of the following:

- a. The maintenance and use of duly-supervised rifle or pistol ranges, shooting galleries, or archery ranges authorized by the Village Board.
- b. Hunting with a bow and arrow or crossbow if the person satisfies the following conditions:
 - i. A person shall not hunt with a bow and arrow or crossbow within a distance of three hundred (300) feet from any building located on another person's land that is a permanent structure used for human occupancy and includes a manufactured home as defined in section 101.91(2) of the Wisconsin Statutes. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or cross bow within the specified distance of the building. Hunting does not include target practice.
 - ii. A person hunting with a bow and arrow or crossbow shall discharge the arrow or bolt toward the ground.
 - iii. No person shall discharge an arrow or bolt on or across any portion of Village-owned or Village-leased land.
 - iv. The person must possess a current, valid permit or license issued by the Wisconsin Department of Natural Resources and comply with all applicable state laws, rules, and regulations pertaining to bow hunting.

v. The person has notified the Village in writing of his/her intent to hunt with a bow and arrow or crossbow within the Village, and has certified his/her compliance with parts (i)-(iv) of this subsection. Notice shall be provided on a form to be provided by the Village's Police Department.

(3) This section does not apply and may not be enforced if the discharge is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stats. §939.45.

(4) This section does not apply to the honorary discharge of a firearm that involves the use of only blanks.

(e) **Penalty.** The penalty for violation of this ordinance shall be \$100.00, plus costs of prosecution, for the first offense and \$500, plus costs of prosecution, for each additional offense committed within one (1) year of the initial offense.

* * *

Section IV -- All other provisions of the Village of Neosho Code of Ordinances remain in full force and effect.

Section V -- This ordinance shall take effect and be in full force upon its passage and the day after posting.

Section VI -- The Village Clerk and Village Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Date Adopted: _____

Vote: Ayes: ____ Nays: ____

Signed:

Chris Oldenhoff
Village President

Attest:

Deanna Braunschweig
Village Clerk

#2 – This version allows for a person to be issued a “discharge permit” for the use of firearms, and requires that bow hunters notify the Village of their intent to bow hunt. (middle approach)

ORDINANCE NO. XXXX-XX-2023

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(1) “Firearm” – Any weapon from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.

(2) “Other Dangerous Weapon” - Includes bow and arrow, crossbow, sling shot, blow gun, and similar weapons.

(c) **Possession of firearms and other dangerous weapons in public buildings.** No person except duly-authorized law enforcement officers specifically authorized by law to carry firearms, shall carry a firearm or other dangerous weapon while in any building that is owned, occupied, or controlled by the Village.

(d) **Discharge of firearms and other dangerous weapons prohibited.**

(1) No person, except a sheriff, constable, police officer, or their deputies, shall discharge any firearm or other dangerous weapon within the Village, except as provided in subsection (2).

(2) Subsection (1) shall not apply to any of the following:

- a. The maintenance and use of duly-supervised rifle or pistol ranges, shooting galleries, or archery ranges authorized by the Village Board.
- b. The discharge of a firearm or other dangerous weapon in accordance with a discharge permit issued by the Village's Police Department.
 - i. A person seeking a discharge permit shall submit an application that includes his or her name, date of birth, address, telephone number, and date(s) and location of the intended discharge. Application forms will be available from the Village Police Department.
 - ii. Upon receipt of the application, the Village Police Department will assess the safety of the proposed discharge based on the location identified in the application, the total number of persons seeking a permit for the particular dates/location, and any other factor deemed relevant to this determination. The Village Police Department may deny a discharge permit application when it determines that the proposed discharge creates an unacceptable risk to public health or safety.
 - iii. The discharge permit shall identify the person who is authorized to make a discharge, the location of the discharge, and date(s) of the discharge. Each person making a discharge shall have a permit.
- c. Hunting with a bow and arrow or crossbow if the person satisfies the following conditions:

- i. A person shall not hunt with a bow and arrow or crossbow within a distance of three hundred (300) feet from any building located on another person's land that is a permanent structure used for human occupancy and includes a manufactured home as defined in section 101.91(2) of the Wisconsin Statutes. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or cross bow within the specified distance of the building. Hunting does not include target practice.
- ii. A person hunting with a bow and arrow or crossbow shall discharge the arrow or bolt toward the ground.
- iii. No person shall discharge an arrow or bolt on or across any portion of Village-owned or Village-leased land.
- iv. The person must possess a current, valid permit or license issued by the Wisconsin Department of Natural Resources and comply with all applicable state laws, rules, and regulations pertaining to bow hunting.
- v. The person has notified the Village in writing of his/her intent to hunt with a bow and arrow or crossbow within the Village, and has certified his/her compliance with parts (i)-(iv) of this subsection. Notice shall be provided on a form to be provided by the Village's Police Department.

(3) This section does not apply and may not be enforced if the discharge is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stats. §939.45.

(4) This section does not apply to the honorary discharge of a firearm that involves the use of only blanks.

(e) **Penalty.** The penalty for violation of this ordinance shall be \$100.00, plus costs of prosecution, for the first offense and \$500, plus costs of prosecution, for each additional offense committed within one (1) year of the initial offense.

* * *

Section IV -- All other provisions of the Village of Neosho Code of Ordinances remain in full force and effect.

Section V -- This ordinance shall take effect and be in full force upon its passage and the day after posting.

Section VI -- The Village Clerk and Village Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Date Adopted: _____

Vote: Ayes: ____ Nays: ____

Signed:

Chris Oldenhoff
Village President

Attest:

Deanna Braunschweig
Village Clerk

#3 – This version allows for a person to be issued a “discharge permit” and does not require that bow hunters notify the Village of their intent to bow hunt. (least restrictive)

ORDINANCE NO. XXXX-XX-2023

AN ORDINANCE REPEALING AND REPLACING THE ORDINANCE ENTITLED “POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS,” SECTION 11-1-2 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF NEOSHO

The Village Board of the Village of Neosho, Dodge County, Wisconsin, with quorum present and voting, do ordain as follows:

Section I: The current Section 11-1-2, “Possession and Use of Firearms and Other Dangerous Weapons,” Village of Neosho Code of Ordinances, is hereby repealed.

Section II: The Village Board of the Village of Neosho, Dodge County, Wisconsin, adopts this ordinance for the purpose of furthering public health and safety, and pursuant to §§ 29.038 and 66.0409, Wis. Stats.

Section III: Section 11-1-2, “Discharge of Firearms and Other Dangerous Weapons” of the Village of Neosho Code of Ordinances is hereby created to read as follows:

11-1-2 “DISCHARGE OF FIREARMS AND OTHER DANGEROUS WEAPONS”

(a) **Purpose.** The purpose of this section is to protect and further the health and safety of persons in the Village of Neosho.

(b) **Definitions.**

(1) “Firearm” – Any weapon from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.

(2) “Other Dangerous Weapon” - Includes bow and arrow, crossbow, sling shot, blow gun, and similar weapons.

(c) **Possession of firearms and other dangerous weapons in public buildings.** No person except duly-authorized law enforcement officers specifically authorized by law to carry firearms, shall carry a firearm or other dangerous weapon while in any building that is owned, occupied, or controlled by the Village.

(d) **Discharge of firearms and other dangerous weapons prohibited.**

(1) No person, except a sheriff, constable, police officer, or their deputies, shall discharge any firearm or other dangerous weapon within the Village, except as provided in subsection (2).

(2) Subsection (1) shall not apply to any of the following:

- a. The maintenance and use of duly-supervised rifle or pistol ranges, shooting galleries, or archery ranges authorized by the Village Board.
- b. The discharge of a firearm or other dangerous weapon in accordance with a discharge permit issued by the Village's Police Department.
 - i. A person seeking a discharge permit shall submit an application that includes his or her name, date of birth, address, telephone number, and date(s) and location of the intended discharge. Application forms will be available from the Village Police Department.
 - ii. Upon receipt of the application, the Village Police Department will assess the safety of the proposed discharge based on the location identified in the application, the total number of persons seeking a permit for the particular dates/location, and any other factor deemed relevant to this determination. The Village Police Department may deny a discharge permit application when it determines that the proposed discharge creates an unacceptable risk to public health or safety.
 - iii. The discharge permit shall identify the person who is authorized to make a discharge, the location of the discharge, and date(s) of the discharge. Each person making a discharge shall have a permit.
- c. Hunting with a bow and arrow or crossbow if the person satisfies the following conditions:

- i. A person shall not hunt with a bow and arrow or crossbow within a distance of three hundred (300) feet from any building located on another person's land that is a permanent structure used for human occupancy and includes a manufactured home as defined in section 101.91(2) of the Wisconsin Statutes. This restriction shall not apply if the person who owns the land on which the building is located allows the hunter to hunt with a bow and arrow or cross bow within the specified distance of the building. Hunting does not include target practice.
- ii. A person hunting with a bow and arrow or crossbow shall discharge the arrow or bolt toward the ground.
- iii. No person shall discharge an arrow or bolt on or across any portion of Village-owned or Village-leased land.
- iv. The person must possess a current, valid permit or license issued by the Wisconsin Department of Natural Resources and comply with all applicable state laws, rules, and regulations pertaining to bow hunting.

(3) This section does not apply and may not be enforced if the discharge is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stats. §939.45.

(4) This section does not apply to the honorary discharge of a firearm that involves the use of only blanks.

(e) **Penalty.** The penalty for violation of this ordinance shall be \$100.00, plus costs of prosecution, for the first offense and \$500, plus costs of prosecution, for each additional offense committed within one (1) year of the initial offense.

* * *

Section IV -- All other provisions of the Village of Neosho Code of Ordinances remain in full force and effect.

Section V – This ordinance shall take effect and be in full force upon its passage and the day after posting.

Section VI -- The Village Clerk and Village Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Date Adopted: _____

Vote: Ayes: ____ Nays: ____

Signed:

Chris Oldenhoff
Village President

Attest:

Deanna Braunschweig
Village Clerk

At the August 9, 2023, Village Board meeting, it was discussed that a Committee for the Dam will be formed.

- Millpond Dam Committee Appointments:

Chair Liz Desmore, Tr. Rodriguez, Martin Reynolds, Chad Mintzlaff, Joe Spudich

Trustee Desmore reported that a committee has been formed and Martin Reynolds has joined Trustee Desmore and Trustee Rodriguez on a committee for the dam. Discussion ensued to have an appointed committee for the dam to be agendized for September. The committee will include a technical advisor, Chad Mintzlaff. The committee will include representatives from the pond association, Joe Spudich. The committee will include Martin Reynolds. The committee will meet monthly. Trustee Desmore advised that there will be a timeline and task list monthly.

Quorum for this committee is three based on a five person appointment.

Quorum for the Village Board is also three based on five person board.

Two dam committee members and one Village Board member is quorum.

The Clerk will need to be communicated of the meetings at least 48 hours in advance for proper posting.

Ballpark on Hale Road as Surplus Property: Sale of Ballpark on Hale Road.

At the August 9, 2023, Village Board meeting, it was discussed to agendaize the sale of the ballpark on Hale Road.

Prior to the Village purchase, the park was under a 30-year lease agreement between the Catholic Church and the Village. In 2016, the Village purchased the ballpark for \$70,000. Payments are \$961.66 per month, \$11,539 annually. The amount remaining on the loan is \$2,941.35.

The Village insures the ballpark, and property in the open. The Village has predominately maintained the mowing of the field, the dumpster, and some of the costs for the metros.

The property is zoned residential.

The Comprehensive Plan Land Use Map lists the property as park.

Motion to approve the Sale of Hale Road Ballpark to include:

Motion to deem the ballpark surplus property. Sale of the ballpark and if an appraisal of the ballpark will be completed and to call for a public hearing to address the comprehensive plan land use map amendment if there is a land use change.

If considered surplus and to continue with the sale, the public hearing for the land use amendment would follow at a future meeting, as well as the approval of the appraiser. The appraisal and sale would follow subsequent meetings.

At the August 9, 2023, Village Board meeting, the Village Board made several amendments to the schedule of fees for the 2024 year.

I have requested information from the building inspector but to date of this writing have not received a response of change.

Additionally, the request has been made to park a post office truck at the park during the winter before / after pick ups and to use the electricity as needed.

Question for the board, does the board want to entertain this? Charge a per day fee? Monthly fee that shows the difference in the electrical?

- Certified Survey Map, Combining of 161-1017-2922-029 and 161-1017-2922-066, Theresa Gallagher, 114 Rubicon Street.

This is a combination of lots for property at 114 Rubicon Street.

A motion to combine the lots will allow the property owner to continue with the combining of the lots.

Dodge County Certified Survey Map

Lot Eight (8) and Nine (9), Block Five (5) in Original Plat of Neosho, and part of the Northwest 1/4 of the Northwest 1/4, all in Section 29, Township 10 North, Range 17 East, Village of Neosho, Dodge County, Wisconsin.

Site Address:
114 Rubicon Street
Neosho, WI 53059

Northwest corner
Sec. 29-10-17
conc.mon/alum. cap found
N:670565.710
E:932301.670
(Dodge County Coordinates)

(P.O.B.) - means "point of beginning"

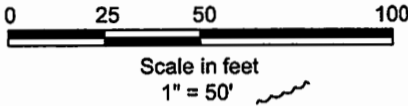
(r.a.) - means "recorded as"

○ - indicates a 1.3" x 18" iron pipe weighing 1.68 lbs./ft. set.

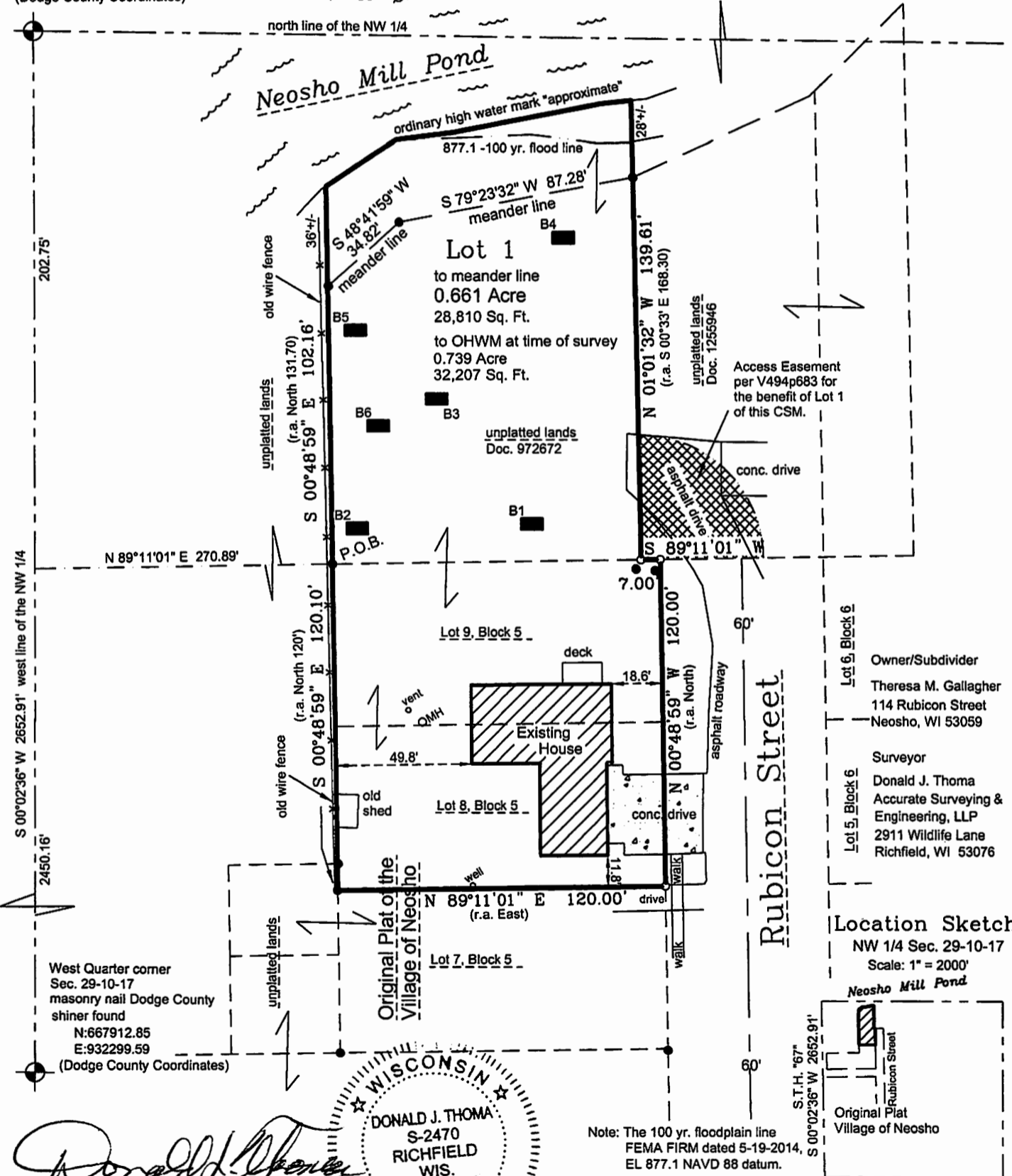
● - indicates a 1.3"od iron pipe found unless noted.

■ - indicates a soil test boring by others.

Bearings are referenced to the Dodge County Coordinate System. The west line of the NW 1/4 of Sec. 29-10-17 has a grid bearing of S 00°02'36" W.



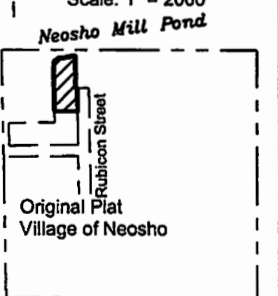
Sheet 1 of 3



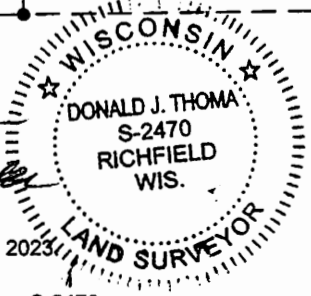
Owner/Subdivider
Theresa M. Gallagher
114 Rubicon Street
Neosho, WI 53059

Surveyor
Donald J. Thoma
Accurate Surveying & Engineering, LLP
2911 Wildlife Lane
Richfield, WI 53076

Location Sketch
NW 1/4 Sec. 29-10-17
Scale: 1" = 2000'



West Quarter corner
Sec. 29-10-17
masonry nail Dodge County
shiner found
N:667912.85
E:932299.59
(Dodge County Coordinates)



Donald J. Thoma S-2470
Dated this 30 day of August, 2023

Note: The 100 yr. floodplain line
FEMA FIRM dated 5-19-2014,
EL 877.1 NAVD 88 datum.

Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under Article IX, Section 1 of the State Constitution.

This instrument was drafted by Donald J. Thoma, S-2470

Dodge County Certified Survey Map

Lot Eight (8) and Nine (9), Block Five (5) in Original Plat of Neosho, and part of the Northwest 1/4 of the Northwest 1/4, all in Section 29, Township 10 North, Range 17 East, Village of Neosho, Dodge County, Wisconsin.

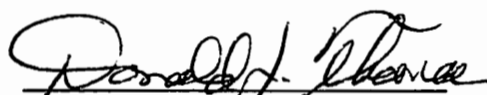
Surveyor's Certificate:

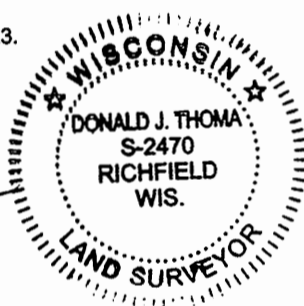
I, Donald J. Thoma, Professional Land Surveyor, hereby certify that by the direction of Theresa Gallagher, I have surveyed, divided and mapped the land shown and described hereon, being Lot Eight (8) and Nine (9), Block Five (5) in Original Plat of Neosho, and part of the Northwest 1/4 of the Northwest 1/4, all in Section 29, Township 10 North, Range 17 East, Village of Neosho, Dodge County, Wisconsin, which is bounded and described as follows:
Commencing at the Northwest corner of said Section 29; thence S 00°02'36" W, along the west line of said NW 1/4, 202.75 feet; thence N 89°11'01" E, 270.89 feet, to a 1.3 inch od iron pipe found marking the northwest corner of said Lot 9, being the point of beginning of lands herein described; thence S 00°48'59" E, along the monumented west line of said Lots 9 and 8, 120.10 feet, to a 1.3 inch od iron pipe found; thence N 89°11'01" E, along the monumented south line of said Lot 9, 120.00 feet, to a point in the west right-of-way line of Rubicon Street; thence N 00°48'59" W, along said west right-of-way line, 120.00 feet, to the northeast corner of said Lot 9; thence S 89°11'01" W, along the north line of said Lot 9, 7.00 feet, to the southeast corner of lands described Document No. 972672 as recorded in the Dodge County Registry; thence N 01°01'32" W, along the east line of said Document No. 972672, 139.61 feet, to a 1.3 inch od iron pipe found marking a meander line on the southerly shore of the Neosho Mill Pond; thence S 79°23'32" W, along said meander line, 87.28 feet, to a 1.3 od iron pipe found; thence S 48°41'59" W, continuing along said meander line, 34.82 feet, to the intersection of the northerly extension of said west line of Lot 9; thence S 00°48'59" E, along said northerly extension, 102.16 feet, to the point of beginning. INCLUDING THOSE LANDS lying between said meander line and the shore of said Neosho Mill Pond.

Containing 0.661 acre (28,810 square feet) more or less to meander line and 0.739 acre (32,207) to the shore of the Neosho Mill Pond at the time of this survey.

I further certify that I have fully complied with the provisions of sec. 236.34 of Wisconsin Statutes and the Village of Neosho Land Division Ordinance in surveying, dividing and mapping said land, and that this map is a correct representation of the exterior boundaries of the land surveyed and the division of said lands.

Dated this 3rd day of August, 2023.


Donald J. Thoma, S-2470



Owner's Certificate:

As Owner, I hereby certify that I caused the land shown and described herein to be surveyed, divided and mapped as represented on this Certified Survey Map.
I also certify that this Certified Survey Map is required to be submitted to the following for approval.

Village of Neosho Village Board

Theresa M. Gallagher - Owner

STATE OF WISCONSIN)
DODGE COUNTY)s.s.

Personally came before me this ____ day of _____, 202__, the above named owner is to me known to be the same person who executed the foregoing instrument and acknowledge the same.

(Notary Seal) _____, Notary Public, _____, Wisconsin.

My commission expires _____

Dodge County Certified Survey Map

Lot Eight (8) and Nine (9), Block Five (5) in Original Plat of Neosho, and part of the Northwest 1/4 of the Northwest 1/4, all in Section 29, Township 10 North, Range 17 East, Village of Neosho, Dodge County, Wisconsin.

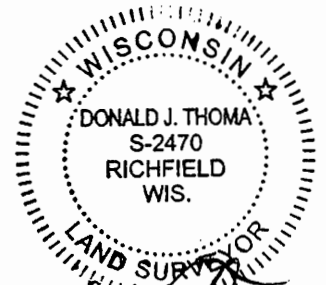
Village of Neosho Board Approval:

This land division is hereby approved, and accepted by the Village of Neosho,

Village Board, this ____ day of _____, 201__.

CHRIS OLDENHOFF - President

DEANNA BRAUNSCHWEIG - Clerk/Treasurer



Donald J. Thoma
Donald J. Thoma, S-2470

Dated this 30 day of August, 2023.

Snowplow Bid / Quote.

Discussion ensued of options for snow bidding at the August 9th meeting. The Clerk had prepared a draft snow bidding notice. Discussion ensued of contracting for the snow clearing and the Village does own a walk behind snow blower. Discussion ensued of continuing with Indian Road. This item will be on the next agenda. No motions were made.

**Village of Neosho Wisconsin
Advertisement for Bids
Snow and Ice Clearing on Village owned Streets**

The Village of Neosho is accepting sealed bids primarily for the snow clearing and snow removal and ice clearing and ice removal. This is for the 2023-2024 season. Bids should be marked BID for snow and ice removal. Include price per snow event, as well as price per ton of salt and or sand. This is for 4.11 miles of roadway, plus the municipal buildings, historical society and cemetery. Also include separately, clearing of Village sidewalks in front of Municipal Building, Fire Department, Veteran's Park, and Bridge per snow event. Priority clearing to Public Safety, Municipal and Fire Department Buildings. Also include, property maintenance clearing as requested. Bids will be accepted until 6:00 pm September 7, 2023. Bids will be opened and read aloud on September 7, 2023, Village Board meeting at or approximately after 6:30 pm. Sealed Bids can be mailed to PO Box 178, Neosho, Placed in the drop box at Village Hall, or Hand delivered to the Village Hall by 6:00 pm on September 7. The Village Hall is located at 210 S Schuyler Street, Neosho.

Bids will include an insurance policy, per occurrence.

The Village Board will not be obligated to accept the lowest proposal. The acceptance of the proposal will reflect on the dependability and the manner in which each contractor has performed in the past or from references provided by the contractor in the proposal.

Any and all questions should be directed to the Village President.



Dodge County Land Resources and Parks Department

127 East Oak Street · Juneau, WI 53039-1329
PHONE: (920) 386-3700 · FAX: (920) 386-3979
EMAIL: landresources@co.dodge.wi.us

NOTICE OF AMENDMENTS TO THE DODGE COUNTY SANITARY ORDINANCE

DATE SENT to MUNICIPALITY: August 18, 2023

PUBLIC HEARING DATE: September 25, 2023

Hearing Notice:

Notice is hereby given that a public hearing will be held by the **Dodge County Land Resources and Parks Committee** on Monday, September 25, 2023 at 7:05 P.M. or shortly thereafter on the First Floor (Meeting Rooms 1H and 1I) of the Administration Building, Juneau, Wisconsin on the petition of the Dodge County Land Resources and Parks Committee to amend the Sanitary Ordinance, Dodge County, Wisconsin. The petition includes a series of amendments that are intended to clarify the maintenance, reporting and maintenance fee requirements for private onsite wastewater treatment systems and its components, for holding tanks and for alternative sanitation systems. The petition also includes definitions of certain terms used within the Ordinance. A copy of the proposed amendment is enclosed and is available for review in the County Land Resources and Parks Department between the hours of 8:00 a.m. and 4:30 p.m., Monday-Friday (920-386-3700).

All persons interested are invited to attend and be heard. Written comments may be sent to the Dodge County Land Resources and Parks Department at 127 E Oak Street, Juneau, WI 53039 or by e-mail to jgiebel@co.dodge.wi.us no later than September 22, 2023.

Dated August 16, 2023

Dodge County Land Resources and Parks Committee
by Mary Bobholz, Chair

If you have any questions, please feel free to contact our office.

Joseph Giebel
Manager – Code Administration
Dodge County Land Resources and Parks Department
(920) 386-3711
jgiebel@co.dodge.wi.us

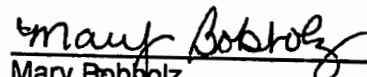
PETITION TO AMEND THE SANITARY ORDINANCE OF DODGE COUNTY, WISCONSIN

We, the Dodge County Land Resources and Parks Committee, petition to amend the Sanitary Ordinance, Dodge County Wisconsin as shown in "Exhibit A"

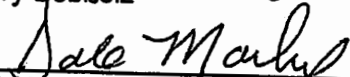
The petition includes a series of amendments that are intended to clarify the maintenance, reporting and maintenance fee requirements for the maintenance and management of a private onsite wastewater treatment system and its components, a holding tank and an alternative sanitation system. The petition also includes definitions of certain terms used within the Ordinance.

Respectfully submitted this _____ day of _____, 2023.

Dodge County Land Resources and Parks Committee:

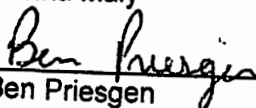


Mary Bobholz



Dale Macheel

Donna Maly



Ben Priesgen

Dan Siegmann

Exhibit A

Proposed changes:
Additions in text are indicated by underline; deletions by ~~single strikethrough~~.

1. Amend Section 2.3.6 of the Dodge County Sanitary Ordinance as follows:

2.3.6 POWTS and Alternative Sanitation System Maintenance Requirements

All POWTS, POWTS components, holding tanks and alternative sanitation systems, including a POWTS, a holding tank and an alternative sanitation system existing prior to July 1, 2000, shall be maintained at all times so as not to create a human health hazard. Failure to maintain a POWTS a POWTS Component, a holding tank and/or an alternative sanitation system in accord with the following maintenance requirements shall be considered a human health hazard and a violation of this code and shall be subject to the remedies and penalties provided for in Section 2.3.10.D of this Code.

2.3.6.A Responsibilities

The owner of a POWTS, a POWTS component, a holding tank and/or an alternative sanitation system shall be responsible for ensuring that the operation, ~~and~~ maintenance and the reporting of the inspection, maintenance and servicing events of the POWTS, the POWTS components, the holding tanks and/or the alternative sanitation system occur in accordance with the provisions of this section, and in accordance with the applicable provisions of Wisconsin Administrative Code, Chapters SPS 381, 382, 383, 384, ~~and 385~~ and 391, ~~and or~~ as specified in a maintenance plan that was approved at the time of the issuance of a sanitary permit.

2.3.6.B Maintenance

~~POWTS Treatment components shall be maintained in accord with the servicing requirements listed in Wisconsin Administrative Code Chapter SPS 383.54(3) and (4), or as specified in a maintenance agreement that has been approved at the time of the issuance of the sanitary permit.~~

All POWTS, POWTS components, holding tanks and alternative sanitation systems shall be serviced in accordance with SPS 383, 384 and 391 of the Wisconsin Administrative Code, the Dodge County Sanitary Ordinance, or as specified in a maintenance agreement that was approved at the time the sanitary permit was issued.

2.3.6.C Reporting and Maintenance Fee Requirements

~~The owner of a POWTS or the owner's agent shall comply with the reporting requirements of SPS 383.55 Wis. Adm. Code.~~ The owner of a POWTS, a POWTS Component, a holding tank, and/or an alternative sanitation system, or the owner's agent, shall report to the Department at the completion of each inspection, maintenance or servicing event, in accordance with the following requirements:

2.3.6.C.1 All POWTS inspections, maintenance, or servicing shall be completed within 90 days from the date the owner is notified by the code enforcement office unless a more restrictive time frame for compliance is specified in the notice.

2.3.6.C.2 Reports shall include all applicable inspection, servicing, certification and maintenance information required in SPS 383, 384 and 391 of the Wisconsin

Administrative Code. Inspection, maintenance and servicing reports required under this subsection shall be submitted to the Department with the maintenance fee required under Subsection 2.3.6.C.3. The Department shall not be authorized to accept such reports without payment of the maintenance fee.

2.3.6.C.3 A fee shall be assessed by this Department for the inspection, maintenance or servicing of a POWTS, POWTS component, holding tank or an alternative sanitation system. The fee shall be established by ordinance and may be amended from time to time. A fee schedule ordinance shall be kept by the Department. The owner of a POWTS, POWTS component, holding tank or alternative sanitation system, is responsible for submitting the required maintenance fee to the Department with the inspection, maintenance and servicing reports required by section 2.3.6 of this Ordinance.

2.3.6.C.4 A POWTS, POWTS component, holding tank and/or an alternative sanitation system that is not maintained in accordance with SPS 383, 384 and 391 of the Wisconsin Administrative Code, Section 2.3.6 of this Ordinance, or as specified in a maintenance agreement, shall be considered a human health hazard and a violation of the Dodge County Sanitary Ordinance and shall be subject to the enforcement and penalty provisions of Section 2.3.10 of this Ordinance.

2.3.6.D Maintenance Fee Requirement

~~A fee shall be assessed by this Department for each inspection, maintenance or servicing of a POWTS. The fee shall be established by ordinance and may be amended from time to time. A fee schedule ordinance shall be kept by the Department.~~

2.3.6.E Report Filing

~~Inspection, maintenance or servicing reports required under this section shall be submitted to the Department with the appropriate maintenance fee. The Department shall not be authorized to accept such reports without payment of the required maintenance fee.~~

2.3.6.F 2.3.6.D Department Notification Procedures

The Department shall transmit a notice by United States 1st Class mail, or post said notice on the property or deliver said notice in person to the owner of the property which contains a POWTS at 3 year intervals, or as specified in a maintenance plan that was approved at the time of the issuance of a sanitary permit, which requires the following certification:

2.3.6.F.1 2.3.6.D.1 That the POWTS is in proper operating condition at the time of inspection, and

2.3.6.F.2 2.3.6.D.2 That the septic tank, and pump chamber if applicable, was recently pumped and/or that it was inspected and was less than one third full of sludge and scum at the time of inspection and that any sludge or scum present was removed.

2.3.6.F.3 2.3.6.D.3 That no effluent from the septic system was ponding on the ground surface.

2.3.6.G 2.3.6.E Certification

Such certification shall be made by a licensed Master/Journeyman Plumber or Master/Journeyman Plumber Restricted Service, a certified POWTS inspector, a

certified septage servicing operator under ch. NR 114 or a registered POWTS maintainer.

2.3.6.H 2.3.6.F Limits

A 90 day period from the time of mailing of the form to the owner shall be allowed for return of the certification to the Department unless a more restrictive time frame for compliance is specified in the notice. An additional 30 days may be granted by the Department because of unusual circumstances.

2.3.6.I 2.3.6.G Testing

The Department shall prepare and keep updated a list of persons who are certified to perform required tests.

2.3.6.J 2.3.6.H Servicing of POWTS, Holding Tanks and/or Alternative Sanitation Systems

Septic tanks, holding tanks, pump chambers or tanks, POWTS treatment components, and other disposal facilities, and alternative sanitation systems shall be serviced in accordance with the applicable provisions of the Wisconsin Statutes and the Wisconsin Administrative Code.

2.3.6.K 2.3.6.I Posted Notice

When the provisions of this Code require that a notice be posted on the subject property, the department shall (1) post the notice in a weatherproof container; (2) place the notice on the property that is the subject of the notice; and (3) place the notice in a manner that makes the notice clearly visible to the owner/occupant of the property.

2. Amend Section 3.2 Terms Defined as follows:

Add the following definition:

Alternative Sanitation System

Systems and devices which are alternatives to water-carried waste plumbing fixtures and drain systems as defined in SPS 391.03 Wis. Stats. Alternative Sanitation Systems include but are not limited to composting toilet systems, incinerating toilets, pit privies, vault privies and portable restrooms.

Private Onsite Wastewater Treatment System (POWTS)

Private Onsite Wastewater Treatment System means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Safety and Professional Services including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A POWTS may be owned by the property owner or by a special purpose district.

Wastewater

Wastewater means clear water, stormwater, domestic wastewater, industrial wastewater, sewage or any combinations of these.

3. Modify the definition of "Sewage" and "POWTS" as follows:

Sewage

Sewage means the water-carried wastes containing fecal coliform bacteria exceeding 200 CFU, colony forming units, per 100 ml, created in and to be conducted away from residences, accessory buildings, industrial establishments, commercial establishments, and public buildings as defined in s. 101.01(12) Wis. Stats., with such surface water or ground water as may be present

POWTS

"POWTS" means a private onsite wastewater treatment system.

~~A Private Onsite Wastewater Treatment System has the meaning given for "private sewage system" under s. 145.01 (12) Stats.~~

Note: Section 145.01 (12) reads:

~~"Private sewage system" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Commerce including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.~~