

Regular Meeting of the Village of Somerset Board of Trustees
Village Hall, 110 Spring Street Somerset, WI 54025 | Tuesday, December 17, 2024

Village President Pro Tem, Ryan Sicard called the meeting to order at 6:01 p.m. Present were Ryan Sicard, Caleb Garn, Chris Moreno, Brandon Krohn, Chris Duback and Donnie Kern (Zoom). Also present at Village Hall - Village Attorney, Paul Mahler; Director of Public Works, Bob Gunther; and Village Engineer, Chuck Schwartz

Public Comment

- Jamie Johnson - Candidate for judge in St. Croix County

Approval of Agenda

- *Motion by Garn, second by Krohn to approve the agenda as presented and motion carried unanimously.*

Consent Agenda

- *Motion by Krohn, second by Garn to approve the Consent Agenda including the following:*
 - *Minutes of November 19, 2024 and December 11, 2024*
 - *Village Bills*
 - *Plan Commission*
 - *Final Plat PID #181-4141-01-000 - Village of Somerset*
 - *Site Plan Review - Capital Investments Group/Latitude 45*
 - *Site Plan Review - Olson Sanitation Transfer Station (Shay Street)*
 - *Certified Survey Map - Olson Sanitation*
 - *Conditional Use Permit: Requesting in C-3 zoning district located at parcel #181-4057-20-445 & #181-4057-20-448 for a Conditional Use Permit to allow a two-story, 60-unit elderly housing facility with underground parking. Applicant: Paul Gerrard; Gerrard Development, LLC*
 - *Fire/Rescue Report*

Motion to approve the above consent agenda carried unanimously.

New Business

- **Discussion/Possible Approval - Appointment of Clerk/Deputy Treasurer**
 - *Motion by Kern, second by Garn to approve 2-year term and motion carried unanimously.*
- **Discussion/Possible Approval - Appointment of Treasurer/Deputy Clerk**
 - *Motion by Kern, second by Dubak to approve 2-year term and motion carried unanimously.*
- **Discussion/Possible Approval - Zoning Ordinance Amendment to allow residential dwelling as a conditional use in the Professional Office District**
 - *Motion by Krohn, second by Dubak to approve and motion carried unanimously.*
- **Discussion/Possible Approval - Zoning Amendment - Rezone part of PID #181-4141-01-000 from A-1 to R-3. Applicant: Village of Somerset**
 - *Motion by Kern, second by Krohn to approve and motion carried unanimously.*
- **Discussion/Possible Approval - Main Street Bridge Utility and Expansion Joint Replacement Final Application #7**
 - *Motion by Krohn, second by Dubak to approve payment of \$109,164.06 and motion carried unanimously.*
- **Discussion/Possible Approval - Line of Credit Reduction Request - Capstone Homes - Pine Vale Development-Initial Phase**
 - *Motion by Kern, second by Krohn to approve reduction to \$440,000 and motion carried unanimously.*
- **Discussion/Possible Approval - 2025 Budgets; TID 3, TID 5, TID 6, Water, Sewer**
 - *Motion by Kern, second by Krohn to approve the Water and Sewer budgets and motion carried unanimously.*
 - *Motion by Garn, second by Krohn to approve TID 3, 4, and 6 budgets and motion carried unanimously.*

Kappers joined via Zoom at 6:40 p.m.

- **Discussion/Possible Approval - Amendments to provisions of Chapter 15, Building Code updating references to reflect current Wisconsin Administrative Code citations**
 - *Motion by Krohn, second by Dubak to approve and motion carried unanimously.*

- **Discussion/Possible Approval - Attorney billing for special counsel**
 - *Motion by Kern, second by Dubak to have billing from Weld Riley to be itemized to specific trustees or individual and subject matter and limit to a total of \$2500; additional would require board approval. Roll call vote requested by Kern. Kern and Dubak - yes. Sicard, Garn, Moreno, and Krohn - no. Kappers abstained. Motion fails 2-4.*
- **Discussion/Possible Approval - Water & Sewer Bills**
 - *Motion by Krohn, second by Kern to approve and motion carried unanimously.*

Adjourn

- *Motion by Kern, second by Krohn to adjourn and motion carried unanimously. Meeting adjourned at 6:51 p.m.*

Tasia Berger, Village Clerk

1/17/2025 10:55 AM

In Progress Checks - Quick Report - ALL

Page: 1

Accounting Checks by Payee

ACCT

GENERAL CHECKING - FIRST NATL

Dated From: 1/01/2025

From Account:

Thru: 1/22/2025

Thru Account:

Voucher Nbr	Check Date	Payee	Amount
	1/22/2025	AG SOURCE COOP SERVICES SU/LAB TESTING	259.50
Previous Year Expense	1/22/2025	B & J HARDWARE LLC DECEMBER CHARGES	944.16
Previous Year Expense	1/22/2025	CINTAS GEN/FLOOR MAT SERVICE	123.95
Previous Year Expense	1/22/2025	DAREL L. HALL DECEMBER SERVICES	95.20
	1/22/2025	ENVISIONWARE INC LIB/ANNUAL FEE	1,460.24
	1/22/2025	GLATFELTER SPECIALTY BENEFITS/VFIS 2024 FIRE/RESCUE CONTRIBUTIONS	18,140.00
	1/22/2025	GUARDIAN SUPPLY POL/UNIFORM ALLOWANCE-WEISKE	273.98
Previous Year Expense	1/22/2025	HYDROCORP WU/CROSS CONNECTION CONTROL PROGRAM	1,974.00
	1/22/2025	LEXIPOL LLC POL/ANNUAL POLICY MANUAL & BULLETINS	3,721.79
Previous Year Expense	1/22/2025	MIDWEST NATURAL GAS INC. DECEMBER NATURAL GAS SERVICES	2,715.23
Previous Year Expense	1/22/2025	MSA PROFESSIONAL SERVICES INC TID 5 PLAT	860.32
	1/22/2025	MUNICIPAL PROPERTY INSURANCE COMPANY 2025 PROPERTY & EQUIPMENT INSURANCE	26,883.00
Previous Year Expense	1/22/2025	OLSON SANITATION LLC DECEMBER REFUSE & RECYCLING	21,739.00
	1/22/2025	RASKA SEWER SERVICE PKS/DISC GOLF PORTABLES	172.50
	1/22/2025	RAY O'HERRON CO INC POL/AMMO	1,974.00
Previous Year Expense	1/22/2025	RODLI BESKAR NEUHAUS MURRAY & PLETCHER SC ATTORNEY SERVICES-SMALL CLAIMS CASE	140.14
	1/22/2025	ST CROIX COUNTY SHERIFF GRAY KEY SERVICE	750.00
	1/22/2025	TITAN PUBLIC SAFETY SOLUTIONS LLC TIPPS ANNUAL SUPPORT	5,403.00
	1/22/2025	TRANSCENDENT TECHNOLOGIES PET LICENSING SOFTWARE	8.00

1/17/2025 10:55 AM

In Progress Checks - Quick Report - ALL
Accounting Checks by Payee
GENERAL CHECKING - FIRST NATL

Page: 2
ACCT

Dated From: 1/01/2025 From Account:
Thru: 1/22/2025 Thru Account:

Voucher Nbr	Check Date	Payee	Amount
	1/22/2025	WELD RILEY S.C.	432.00
Previous Year Expense		ATTORNEY SERVICES-SPECIAL COUNSEL	
	1/22/2025	WEST CENTRAL WISCONSIN BIOSOLIDS FACILITY	12,327.49
Previous Year Expense		SU/NOVEMBER SERVICES	
	1/22/2025	WI DEPT OF JUSTICE	98.00
		BACKGROUND CHECKS	
	1/22/2025	WI DEPT OF TRANSPORTATION-FOS	1,282.86
Previous Year Expense		STATE PROJECTS	
	1/06/2025	XCEL ENERGY	63.76
Prev YR Exp/Manual Check		ELECTRIC EXPENSE	
	1/07/2025	XCEL ENERGY	1,106.19
Prev YR Exp/Manual Check		ELECTRIC EXPENSE	
		Grand Total	102,948.31

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 12/19/2024 From Account:
Thru: 1/08/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
62902	1/08/2025	ABT MAILCOM	1,315.00
Previous Year Expense		DECEMBER UTILITY BILLS/LICENSES/INFO INS	
62903	1/08/2025	ACCESS SECURITY INC	432.00
		LIB/FIRE MONITORING	
62904	1/08/2025	AG SOURCE COOP SERVICES	614.00
Previous Year Expense		WU/SU/LAB TESTING	
62905	1/08/2025	ANDERSON HEATING	1,147.28
Previous Year Expense		SU/WWTP SERVICE CALL	
62906	1/08/2025	AXON ENTERPRISE INC	1,304.80
Previous Year Expense		POL/TASER BUNDLE	
62907	1/08/2025	BAKER & TAYLOR BOOKS	20.74
Previous Year Expense		LIB/AUDIO/VIDEO	
62908	1/08/2025	BAKER & TAYLOR BOOKS	121.72
		LIB/AUDIO/VIDEO	
62909	1/08/2025	BAKKE NORMAN SC	1,299.25
Previous Year Expense		CT/ATTORNEY SERVICES	
62910	1/08/2025	BLOMBERG, DYLAN	22.00
Previous Year Expense		MEAL REIMBURSEMENT 12/16/24 & 12/17/24	
62911	1/08/2025	CINTAS	123.95
		VILLAGE HALL FLOOR MATS	
62912	1/08/2025	CWS SECURITY	54.00
		QUARTERLY MONITORING CHARGE	
62913	1/08/2025	DEPARTMENT OF ADMINISTRATION	600.00
Previous Year Expense		LIB/TEACH SERVICES	
62914	1/08/2025	ELECTION SYSTEMS & SOFTWARE INC	364.07
		ELECTION EQUIPMENT MAINTENANCE & LICENSE	
62915	1/08/2025	EMERGENCY AUTOMOTIVE TECHNOLOGIES INC	1,079.00
Previous Year Expense		POL/FEDERAL STINGER SPIKE SYSTEM	
62916	1/08/2025	EO JOHNSON COMPANY	107.10
		COPIER LEASE	
62917	1/08/2025	GIMPL, SANDY	200.00
		LIB/JANUARY 22ND PROGRAM PRESENTER	
62918	1/08/2025	HAKES WELLNESS SOLUTIONS LLC	200.00
Previous Year Expense		POL/WEELLNESS VISITS	
62919	1/08/2025	KILKELLY, DANIEL	185.00
Previous Year Expense		TUITION REIMBURSEMENT	
62920	1/08/2025	L & M MAIL SERVICE INC	990.40
Previous Year Expense		TAX BILL MAILING	

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 12/19/2024 From Account:
Thru: 1/08/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
62921	1/08/2025	LEAGUE OF WISCONSIN MUNICIPALITIES 2025 MEMBERSHIP DUES	1,876.77
62922	1/08/2025	MIDWEST NATURAL GAS INC. NATURAL GAS SERVICES	1,398.87
Previous Year Expense			
62923	1/08/2025	MSA PROFESSIONAL SERVICES INC PROFESSIONAL SERVICES	38,911.61
Previous Year Expense			
62924	1/08/2025	NORTHVIEW SERVICE PW/TIRE DISPOSAL	14.00
Previous Year Expense			
62925	1/08/2025	NORTHWEST COMMUNICATIONS JANUARY TELEPHONE EXPENSE	1,440.82
62926	1/08/2025	NORTHWOOD TECHNICAL COLLEGE JANUARY SETTLEMENT	32,276.27
62927	1/08/2025	O'ROURKE MEDIA GROUP LEGAL NOTICES	194.88
Previous Year Expense			
62928	1/08/2025	OLSON SANITATION LLC GEN/PW/SU/NOVEMBER SERVICES	359.00
Previous Year Expense			
62929	1/08/2025	POSTMASTER PO BOX ANNUAL FEE	200.00
62930	1/08/2025	SOMERSET FIRE/RESCUE 2025 BUDGET-1ST INSTALLMENT	57,322.00
62931	1/08/2025	SOMERSET SCHOOL DISTRICT JANUARY SETTLEMENT	902,823.59
62932	1/08/2025	SOMERSET UTILITIES DECEMBER SERVICES	8,420.46
Previous Year Expense			
62933	1/08/2025	ST CROIX COUNTY TREASURER JANUARY SETTLEMENT	347,123.57
62934	1/08/2025	ST CROIX COUNTY TREASURER DECEMBER COURT	338.80
Previous Year Expense			
62935	1/08/2025	STATE OF WISCONSIN COURT FINES & SURCHARGES DECEMBER COURT	813.30
Previous Year Expense			
62936	1/08/2025	TF INSPECTION AGENCY LLC DECEMBER BUILDING PERMITS	7,032.00
Previous Year Expense			
62937	1/08/2025	TRANSCENDENT TECHNOLOGIES PET LICENSING SOFTWARE	136.00
62938	1/08/2025	TRANSUNION RISK AND ALTERNATIVE CT/DECEMBER SERVICES	75.00
Previous Year Expense			
62939	1/08/2025	VERIZON WIRELESS PW/PKS/WU/SU/WIRELESS SERVICES	524.94
Previous Year Expense			

GENERAL CHECKING - FIRST NATL

Accounting Checks

Posted From: 12/19/2024 From Account:
Thru: 1/08/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
62940	1/08/2025	WISCONSIN PROFESSIONAL POLICE ASSOC JANUARY UNION DUES	228.50
62941	1/08/2025	WORKHORSE SOFTWARE SERVICES INC 2025 SOFTWARE SUPPORT	4,350.00
EFT 122024-1	12/20/2024	CARDMEMBER SERVICE NOVEMBER CHARGES	2,770.97
EFT 122724-1	12/27/2024	HSA BANK ACCOUNT FEES-NOVEMBER	22.50
EFT 122724-2	12/27/2024	WISCONSIN RETIREMENT SYSTEM NOVEMBER RETIREMENT	29,138.31
EFT 123024-1	12/30/2024	XCEL ENERGY ELECTRIC EXPENSE	17.74
EFT 123124-1	12/31/2024	XCEL ENERGY ELECTRIC EXPENSE	164.41
EFT 123124-2	12/31/2024	AFLAC EMPLOYEE PREMIUMS	297.94
Grand Total			1,448,452.56

Somerset Fire/Rescue

from the office of Chief Belisle

Jan 1st, 2025

Dear Board Members –

This is the final update for 2024. This month we responded to 46 calls for service. The breakdown is as follows: 28 calls in the Village consisting of 20 medicals and 8 fire/rescue call; 9 in the Township consisting of 9 medicals and no fire/rescue calls; and 9 auto aid calls in St. Joe, 1 in Star Prairie, and 1 in New Richmond. This brings us to a total of 526 runs for the year compared to 444 for the same time in 2023.

The end of the year was clearly busy with us surpassing 2023 by 80 runs. There are a multitude of things causing this, some of which will no longer continue and others that will cause the run volume to increase, mainly the increase in our population. There were no calls of significance in our response area to report this month.

We are currently operating with 31 members of which 17 are full members, 10 are probationary, 1 is a part time employee, 2 are High School Cadets and 1 is an honorary member. Unfortunately, after 40 years of service to Somerset Fire/Rescue, Tom Peterson had decided to hang it up and retire. We can't thank Tom enough for all of his years of service in our community! This will leave a HUGE hole in our membership.

We are however excited about our recent hires, they are all fitting in and are very motivated to start training and earning their certifications. We will be announcing our member of the year at our annual Christmas get together on the 4th. We are currently accepting applications for Captain to replace Matt Nelson who stepped down at the end of September. Our posting closes on the 3rd and depending on how many applications we receive, we will decide how to move forward with interviews, etc.

As always you are more than welcome to stop in and say hi at the station when you see someone there. We welcome visitors and are more than willing to give you a tour and show you our trucks and equipment!

Sincerely,

Travis Belisle

Travis Belisle - Chief
Somerset Fire/Rescue

748 Hwy 35
Somerset, WI 54025
Station (715)247-5364 Fax (715)247-3194

PLAN COMMISSION APPLICATION



Home of the Apple River

APPLICANT'S NAME: Olson Sanitation LLC / Carrie Josephson
APPLICANT'S ADDRESS: P.O. Box 327 / 651 Shady Street, Somerset, WI 54025
PHONE: (715) 410-0436 EMAIL: olsonsanitationllc@yahoo.com

Parcel number and legal description of property: 181-4084-13-025

That part of the Northeast Quarter of the Northwest Quarter of Section 36, Township 31 North, Range 19 West, Village of Somerset, St. Croix County, Wisconsin; being part of Lot 3 of the Certified Survey Map recorded in Volume 29, Page 6517, as Document Number 1067800, in the St. Croix County Register of Deeds Office; described as follows:

Commencing at the northwest corner of said Section 36; thence S89°35'22"E, along the north line of the Northwest Quarter of said section, 1318.24 feet to the west line of the Northeast Quarter of the Northwest Quarter; thence S00°53'17"E, along the west line of said Northeast Quarter of the Northwest Quarter, 905.96 feet to the Point of Beginning; thence S89°33'39"E a distance of 400.00 feet; thence S53°31'27"E a distance of 169.94 feet to the south line of said Lot 3 of the Certified Survey Map recorded in Volume 29, Page 6517, as Document Number 1067800, in the St. Croix County Register of Deeds Office; thence N89°33'39"W, along said south line, 535.10 feet to the west line of the said Northeast Quarter of the Northwest Quarter and the southwest corner of said Lot 3; thence N00°53'17"W, along the west line of said Northeast Quarter of the Northwest Quarter, 100.00 feet to the Point of Beginning.

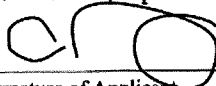
Contains 46,743 square feet – 1.073 acres.

Subject to all easements, restrictions, and covenants of record.

- ☒ **REZONING** – Complete Application to Rezone (Application fee \$250.00)
- ☐ **CONDITIONAL USE PERMIT** – Complete Conditional Use Permit Application (Application fee \$250.00)
- ☐ **REPLAT OF LAND** – Attach a survey of parcels to be replatted. Refer to Section 14 Article D - Plat Review and approval and Article E –Technical Requirements for Plats and Certified Surveys. (Application fee see sec. 14-1-90) There is a \$200.00 deposit fee.
- ☐ **EXTRA TERRITORIAL PLAT REVIEW** – Attach a survey of parcels. Refer to Section 14-1-20(b) for application fee - one hundred dollars (\$100.00) for each review of an extra-territorial plat that comes before the Plan Commission and an additional fee of ten dollars (\$10.00) per lot for plats of five (5) or more lots
- ☐ **SITE PLAN REVIEW** – Complete Application and review site plan check list

Submit to P.O. Box 356, Somerset, WI 54025: with application fees, two (2) copies of the application and any attachments with the Village Clerk, who will present them to the Village Planning Commission for public hearing and recommendation to the Village Board.

I have completed this application to the best of my knowledge and believe the information herein to be true and correct. I submit that the request will not be detrimental to the general public interest and purpose of the Zoning Ordinances of the Village of Somerset.


Signature of Applicant

12.10.2024

Date

Rec # 100886

APPLICATION TO REZONE
APPLICATION FEE \$ 250.00



Home of the Apple River

APPLICANT'S NAME: Olson Sanitation LLC, Carrie Josephson

APPLICANT'S ADDRESS: P.O. Box 327/651 Shay Street, Somerset, WI 54025

PHONE: 715-410-0436

EMAIL: olsonsanitationllc@yahoo.com

Parcel number and legal description of property for which you wish to rezone: 181-4084-13-025

That part of the Northeast Quarter of the Northwest Quarter of Section 36, Township 31 North, Range 19 West, Village of Somerset, St. Croix County, Wisconsin; being part of Lot 3 of the Certified Survey Map recorded in Volume 29, Page 6517, as Document Number 1067800, in the St. Croix County Register of Deeds Office; described as follows:
Commencing at the northwest corner of said Section 36; thence S89°35'22"E, along the north line of the Northwest Quarter of said section, 1318.24 feet to the west line of the Northeast Quarter of the Northwest Quarter; thence S00°53'17"E, along the west line of said Northeast Quarter of the Northwest Quarter, 905.96 feet to the Point of Beginning; thence S89°33'39"E a distance of 400.00 feet; thence S53°31'27"E a distance of 169.94 feet to the south line of said Lot 3 of the Certified Survey Map recorded in Volume 29, Page 6517, as Document Number 1067800, in the St. Croix County Register of Deeds Office; thence N89°33'39"W, along said south line, 535.10 feet to the west line of the said Northeast Quarter of the Northwest Quarter and the southwest corner of said Lot 3; thence N00°53'17"W, along the west line of said Northeast Quarter of the Northwest Quarter, 100.00 feet to the Point of Beginning.
Contains 46,743 square feet – 1.073 acres.
Subject to all easements, restrictions, and covenants of record.

Current zoning of property: A-1

What are you requesting to rezone property as: I-1

What is the present use of the property you wish to rezone (including buildings): Outdoor storage and partially vacant.

What is the principal use of all the properties within 300 feet of the land you wish rezoned: Industrial/Manufacturing

For what purpose will the property be used if rezoned as requested: Transfer Station for refuse and recycling business

Submit to P.O. Box 356, Somerset, WI 54025: with application fee of \$250.00, two (2) copies of the application and any attachments with the Village Clerk, who will present them to the Village Planning Commission for public hearing and recommendation to the Village Board.

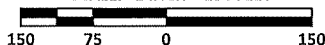
LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 36, TOWNSHIP 31 NORTH, RANGE 19 WEST,
VILLAGE OF SOMERSET, ST. CROIX COUNTY, WISCONSIN; BEING PART
OF LOT 3 AND ALL OF LOT 4 OF THE CERTIFIED SURVEY MAP RECORDED
IN VOLUME 29, PAGE 6517 AS DOCUMENT NUMBER 1067800



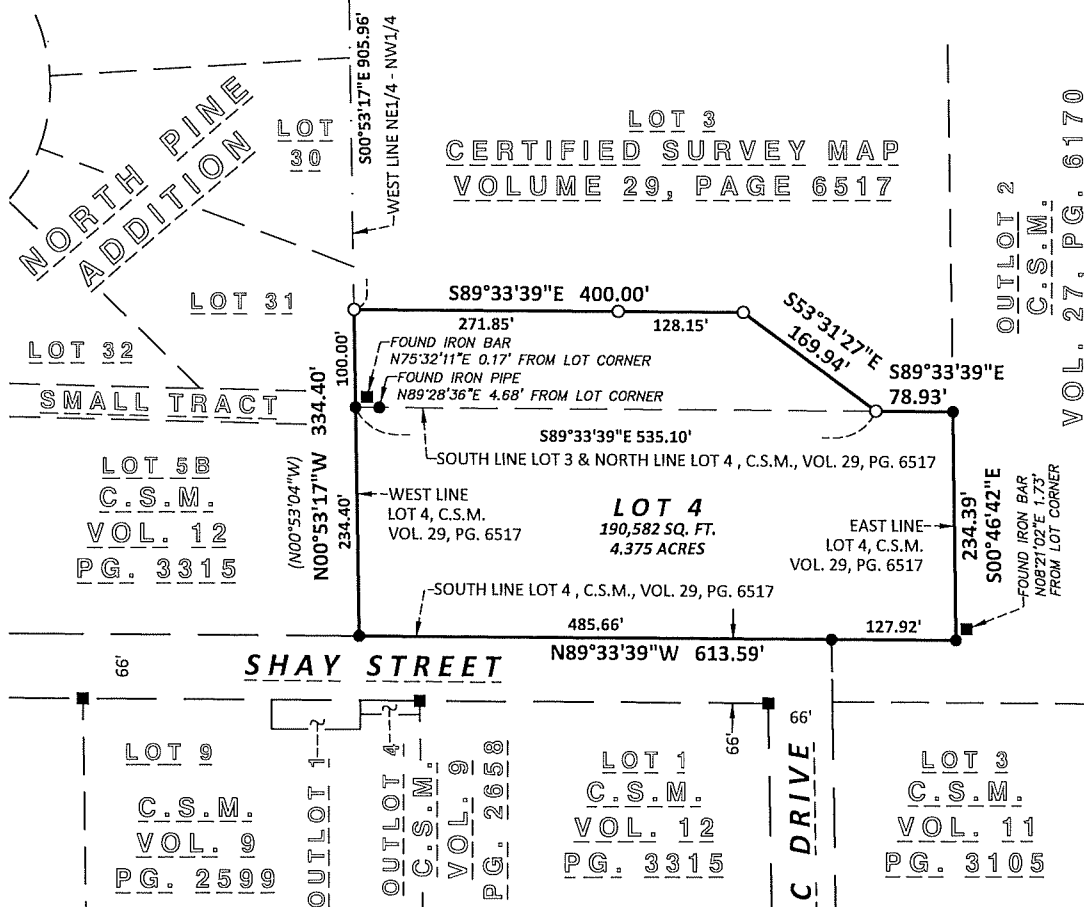
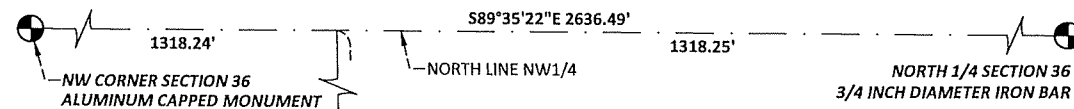
THE NORTH LINE NW1/4 SECTION 36
BEARS S89°35'22"E
AS REFERENCED TO THE ST. CROIX
COUNTY COORDINATE SYSTEM

- FOUND COUNTY SECTION CORNER MONUMENT, AS NOTED
- FOUND 1 INCH OUTSIDE DIAMETER IRON PIPE
- FOUND 3/4 INCH DIAMETER IRON BAR
- SET 1 INCH OUTSIDE DIAMETER BY 18 INCH LONG IRON PIPE, WEIGHING 1.13 LBS. PER LINEAR FOOT

SCALE: 1 INCH = 150 FEET



09/24/2024



Each parcel shown on this map is subject to state, county and township laws, rules and regulations (i.e., wetlands, minimum lot size, access to parcel, etc.) before purchasing or developing any parcel contact the St. Croix County Community Development Department and the Village of Somerset for advice.

PREPARED FOR:
STEVE OLSON PROPERTIES, LLC
441 TIMBERLANE DRIVE
SOMERSET, WI 54025

SURVEYOR:
TY R. DODGE
AUTH CONSULTING & ASSOC.
2920 ENLOE ST. SUITE 101
HUDSON, WI 54016

CERTIFIED SURVEY MAP

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 NORTH, RANGE 19 WEST, VILLAGE OF SOMERSET, ST. CROIX COUNTY, WISCONSIN;
BEING PART OF LOT 3 AND ALL OF LOT 4 OF THE CERTIFIED SURVEY MAP RECORDED IN
VOLUME 29, PAGE 6517, DOCUMENT NUMBER 1067800.

SURVEYOR'S CERTIFICATE:

I, Ty R. Dodge, Professional Wisconsin Land Surveyor, hereby certify that by the direction of Steve Olson Properties, LLC, I have surveyed, divided and mapped part of the Northeast Quarter of the Northwest Quarter of Section 36, Township 31 North, Range 19 West, Village of Somerset, St. Croix County, Wisconsin; being part of Lot 3 and all of Lot 4 of the Certified Survey Map recorded in Volume 29, Page 6517 as Document Number 1067800 in the St. Croix County Register of Deeds Office; described as follows:

Commencing at the northwest corner of said Section 36, thence S89°35'22"E, along the north line of the Northwest Quarter of said section, 1318.24 feet to the west line of the Northeast Quarter of the Northwest Quarter; thence S00°53'17"E, along the west line of said Northeast Quarter of the Northwest Quarter, 905.96 feet to the Point of Beginning; thence S89°33'39"E a distance of 400.00 feet; thence S53°31'27"E a distance of 169.94 feet to the north line of Lot 4 of the Certified Survey Map recorded in Volume 29, Page 6517 as Document Number 1067800 in the St. Croix County Register of Deeds Office; thence S89°33'39"E, along the north line of said Lot 4, a distance of 78.93 feet to the east line of said Lot 4; thence S00°46'42"E, along the east line of said lot, 234.39 feet to the south line of said lot; N89°33'39"W, along said south line, 613.59 feet to the west line of said Northeast Quarter of the Northwest Quarter; thence N00°53'17"W, along said west line, 334.40 feet to the Point of Beginning.

Containing 4.375 acres of land more or less.

Subject to all easements, restrictions and covenants of record. I also certify that this Certified Survey Map is a correct representation to scale of the exterior boundary surveyed and described; that field surveying has been completed as of the signed date hereon; that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin statutes and the land subdivision ordinance of St. Croix County and the Village of Somerset in surveying and mapping the same.


Ty R. Dodge PLS #2484
Auth Consulting & Associates
2920 Enloe St. Hudson, WI 54016
(715) 386-2007
tdodge@authconsulting.com

09/24/2024
Date



Owner acquired the original property (Lot 4 of Certified Survey Map, Volume 29, Page 6517) with Document Number 1069370 and is adding lands from Lot 3 of Certified Survey Map, Volume 29, Page 6517, recorded as Document Number 1067800. This map shows the resulting parcel and has been completed with Document No. _____.
No additional lots are created by this instrument. All conditions, restrictions, notes, etc. listed on the previous Certified Survey Map or Plat are applicable unless otherwise indicated.

VILLAGE OF SOMERSET, WISCONSIN
ORDINANCE ____ AMENDING CHAPTER TITLE 13 OF
THE MUNICIPAL CODE

Regarding the Zoning Code

The Village Board of the Village of Somerset does ordain as follows:

SECTION I: Amendment

The following provisions of Section 13 of the Code of Ordinances are hereby amended to read as follows:

Section 13-1-8 at (10) and (73)(a).

Section 13-1-54 at (2)(h)

Section 13-2-23 at (d)

Section 13-2-32 at (h)

Section 13-2-51 at (b)

Section 13-2-52 at (d)

Sec. 13-1-8. - Definitions.

(10) *Basement or Cellar.* A story partly underground but having at least one-half (½) of its height, or five (5) or more feet, below the mean level of the adjoining ground. See ~~COMM Chapters 20, 21 and 22~~ [SPS 320, 321, and 322](#).

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

- a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and ~~COMM 21~~ [SPS 321](#), Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

Sec. 13-1-54. - Regulations within Groundwater Protection Overlay District.

(2) *Prohibited Uses.* The following are prohibited uses within the WHPA. Uses not listed are not considered permitted uses, unless specifically restricted by state or federal regulation.

- h. Underground storage tanks that do not meet Wisconsin Administrative Code ~~COMM 10~~ [SPS 310](#) requirements.

Sec. 13-2-23. - Uses prohibited within district and portions of general floodplain district.

- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. ~~COMM~~ [83SPS 383](#), Wis. Adm. Code;

Sec. 13-2-32. - Flood fringe area development regulations.

- (h) *Sewage Systems.* All onsite sewage disposal systems shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Ch. ~~COMM-83~~ [SPS 383](#), Wis. Adm. Code.

Sec. 13-2-51. - Addition or modification within floodway areas.

- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable provisions of local ordinances and Ch. ~~COMM-83~~ [SPS 383](#), Wis. Adm. Code.

Sec. 13-2-52. - Addition or modification within flood fringe areas.

- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Ch. ~~COMM-83~~ [SPS 383](#), Wis. Adm. Code.

SECTION II. SEVERABILITY

If any provisions of this ordinance amendment or any application of this ordinance amendment to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this ordinance amendment which can be given effect without the invalid or unconstitutional provision or applications.

SECTION III. EFFECTIVE DATE

This Ordinance shall take effect as of the date following the date of publication.

Adopted this _____ day of _____, 2024.

Michael B. Kappers, Village President

Tasia Berger, Village Clerk

Voted for: _____

Voted against: _____

Abstained: _____

Absent: _____

Date enacted: _____

INTERIM CONDITIONAL USE PERMIT

Village of Somerset

ISSUED TO:	Live Nation Entertainment, Inc. (“Tenant”) Karl Adams 111 East Wacker Drive, Suite 1400 Chicago, IL 60601
ISSUED TO:	Somerstar Entertainment, LLC (“Landlord”) Somerset Amphitheater Matt Mithun 900 E. Wayzata Blvd., Suite 130 Wayzata, MN 55391
EXPIRATION DATE:	<i>Reviewed Annually</i>
PARCEL NUMBER:	Parcel 181-1009-10-000 (43A), 181-1009-10-200 (43A-20), 181-41225-00-000 (1101) and four acres of 181-4124-00-00 (1100)
PARCEL ZONING:	Highway Commercial
PERMIT NUMBER:	ICUP 2011-01
CONDITIONAL USE TO:	Concert Venue/Event Parking
APPROVED BY THE VILLAGE BOARD:	On the 12 th day of October 2016 On the 17 th day of October 2017 On the 19 th day of February 2019 On the 21 st day of January 2020 On the 26 th day of March 2020 On the 23 rd day of February 2021 On the 15 th day of February 2022 On the 15 th day of November 2022 On the 16 th day of January 2024

On the 21st day of January 2025

CONDITIONS SET BY VILLAGE BOARD, PLAN COMMISSION AND PUBLIC SAFETY

(NOTE: Live Nation Entertainment, Inc. ("Tenant") and Permittee ("Landlord") shall collectively be referenced as "Permittee", with Karl Adams or his Designee, and Matt Mithun or his Designee, serving as the respective contacts for each party. If Permittee fails to complete any of its obligations hereunder, the Village of Somerset will send a notice to Tenant and Landlord. Permittee will have seven (7) days to correct said violation. If Permittee fails to comply with the notice, the Village of Somerset has the right to rescind the Interim Conditional Use Permit if the following conditions are not met.)

1. The number of event dates per year is limited to twenty-five days unless additional dates are authorized by the village. Tickets cannot exceed 40,000 for eight (8) dates, 20,000 for twelve (12) dates and 10,000 for five (5) dates.

Concert Event Times will be within 11:00 a.m. to 11:00 pm Monday through Thursday, 9:00 am to 12:00 am Friday and Saturday, and 9:00 am to 11:00 pm on Sundays, unless the Sunday is followed by a Monday holiday in which case the event shall end at 12:00 am. All other events starting at 9:00 am to 11:00 pm. See Exhibit A (map).

- (a) Permittee will be allowed to have music until 2:30 a.m. on Saturday and Sunday ("Late Night") on a smaller stage in the Grove/backside of the site for up to two events per season. For purposes of clarity, Late Night cannot be on the Main Stage.*
- (b) Permittee will be allowed to show a movie until 1:00 a.m. on Saturday and Sunday for up to two events per season.*
- (c) Permittee will be allowed to have music and programming in the Saloon until 1:00 a.m. on Saturday and Sunday for up to two events per season. (added 12-15-15, amended 03-26-2020)*
- (d) The Police Chief, Sheriff, and the Village Board President or their respective designees may extend concert hours up to one hour in cases of inclement weather or other unforeseen circumstances. (added 1-16-24)*

2. Permittee must provide the address, legal description and a map providing dimensions of all property (to include, but not limited to, arena area, parking area(s), concessions, medical facilities, stages, storage, restrooms, camping areas, etc.) upon which the assembly is to be held, together with the name, residence and mailing address of the recorded owner(s) of all such property and owner(s) or holder(s) of any unrecorded leaseholds or vested property interests therein, if known. This information is to be provided by April 1st, annually and any substantial revisions or changes must be communicated 30 days prior to the event.

Permittee may use the “Float Rite Parcel” (St. Croix County Parcel No. 181-4128-00-000) for parking and camping during concerts or other Permittee events provided the Village receives acceptable proof of the Permittee’s authority to use and exclusively possess the Float Rite Parcel during the concert or other event. If there is a private dispute regarding the owner of the Float Rite Parcel and the Permittee regarding the use of the Float Rite Parcel, the Village will not take a position in that dispute between the Permittee and Float Rite Parcel, except that if such Permittee authorization to use the Float Rite Parcel is terminated, then the parcel is no longer included in the ICUP.

Authorization to use Outlot 3 (St. Croix County Parcel No. 181-1009-10-130) for parking purposes is conditioned that the use does not interfere with the existing, recorded permanent access easement and that property owners who benefit from the access easement are allowed to enter and exit via Plourde Drive/Outlot 3.

3. Notice of Event Dates, description of events and anticipated attendance will be provided to the Village at least 45 (forty-five) days prior to an event date.
4. Permittee will provide the village and the Fire Chief with, the current as well as the projected attendance figures based on both gratis and sales, 30 (thirty), 15 (fifteen) and 5 (five) days before the event dates. ***The attendance information is confidential and will be used for Public Safety purposes only.***
5. Comply with all St. Croix County health and sanitation ordinances.
6. Bond: Tenant to provide certificate of insurance or general liability policy prior to each event naming the village as an insured on the same terms, conditions and coverage as Tenant in the face amount of at least \$2,000,000 aggregate with a \$2,000,000 umbrella for each event over 10,000 estimated attendees and \$2,000,000 aggregate with a \$1,000,000 umbrella for events under 10,000 estimated attendees governing the entire period of each event.
7. Public Safety Matters:
 - (a) Restricted Dates: Permittee will coordinate with the Pea Soup Days Committee to avoid event conflicts. No concerts will be allowed on weekdays during the regular school year, except for Fridays in May, September and October from 3:00 p.m. to 12:00 am. Non-concert events may be held during the regular school year from 9:00 am to 10:00 pm on weekdays for events under 20,000 estimated attendees. Sunday of Memorial Day weekend concerts times are 9:00 am to 12:00 am.

- (b) Identification of Age Drinkers: There must be a visible means by Permittee of identifying people who are of age and are drinking by a wristband placed on the wrist of the person who is of legal drinking age. Permittee will provide a map detailing all points of alcohol sale locations to the Incident Commander and Village Clerk five days prior to the event. The Incident Commander or his designee has the right to request locations sites be modified for safety concerns.
- (c) Plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots and an emergency evacuation plan for vehicles and people will be provided to the Village Board by April 1 each year and any changes to be provided 30-days prior to each event. **Signs will be posted stating “No overnight parking in event parking lots.”** Posting signs will be the responsibility of the Permittee.
- (d) Emergency Vehicle Entry/Exit Road: Permittee is to provide and maintain a separate restricted entry and exit road for all emergency vehicles.
- (e) (1) Traffic Control: The Incident Commander or his Designee will meet with Permittee or its Designee prior to the event to address pedestrian to vehicle traffic issues. If needed, the Somerset Police Department will be asked to help with the execution of the traffic plan. Otherwise, outside law enforcement can be brought in to help with traffic control. Entrance / exits of Somerset Amphitheater property adjacent to Village properties shall remain open to all vehicle / pedestrian traffic if requested by the Incident Commander.
- (2) Security and Safety: Permittee or its Designee, Security, Law Enforcement and Fire/Rescue shall meet. The St. Croix County Sheriff or an agreed upon Designee shall operate as the Incident Commander and schedule a meeting with representatives of Permittee security personnel, Somerset Police Department (if needed) and Somerset Fire/Rescue Department to discuss traffic, parking, security, safety, and law enforcement plans and procedures and shall reach agreement on mutual cooperation and support in providing security, safety and law enforcement services. ***There can be no major changes made to plans that are laid out in Section E Sub (2) without approval of the Incident Commander or his Designee.***
- (3) Permittee shall in all matters concerning public safety (law enforcement, medical and rescue), comply with local established procedures and systems, and shall defer to all local institutions engaged by Permittee to provide public safety services in connection with any event. In the event that local institutions are engaged, Permittee may supplement the public safety services provided in its reasonable discretion, but at all times in coordination with the

respective, affected heads of law enforcement, medical and rescue. In events where Permittee is not the sole controlling entity it has the responsibility to advise the controlling entity of these requirements.

- (f) Law Enforcement: The Sheriff or an agreed upon Designee shall be designated as the Incident Commander for the amphitheater site. Permittee will provide an area on or near the event grounds for the Law enforcement base of operations. The St. Croix County Sheriff's Department if needed will have full authority over law enforcement issues on the event grounds. The law enforcement officers will not be restricted to a certain location; it will be at the discretion of the Incident Commander as to where officers will be on the concert grounds. Nothing in this Paragraph shall constitute a waiver by Permittee of any of its constitutional rights, including those regarding unlawful search and seizure.
- (g) Permittee shall pay for Village Expenses: ~~The Fire Chief, and any applicable EMS services will annually estimate the expenses to the Village for providing services at an event. The estimate will be broken down into number of event days and number of attendees. Rates shall be communicated by the Village Clerk to Permittee each year for the following year's event season no later than November 1st. The estimate shall be turned into the village clerk and approved by the village board. The clerk will provide this information to Permittee.~~ Permittee will provide the clerk with an estimate of projected attendees 30 days prior to the start of the event. Law Enforcement and Fire shall submit an invoice to the Assistant General Manager within 7 days of the event for immediate payment to be received. Anything submitted after the 7 day period will need to be submitted to Live Nation Worldwide for payment to be received 30 days after invoice is received. Extraordinary documented administrative and other costs and expenses incurred by the village as a result of the event will be invoiced within thirty (30) days of the event end date with payment due within thirty (30) days of date of invoice. Permittee will only be charged with actual expenses and will be provided receipts for such expenses upon request. *Permittee will be furnished with an estimate if requested 60 days prior to each event.*
- (h) A deposit of \$10,000 will be paid to the village by May 1st each year for start-up costs associated with the event season, no deposit is required if there are no events planned for the season. Any unused funds will be used to pay any outstanding debts Permittee owes the Village, and any remaining funds will be returned to Permittee by December 31 of the calendar year. In the event the start-up costs associated with the event season exceed \$10,000 for the event season, the following year's event season shall require a deposit of \$15,000 until otherwise mutually agreed by the parties. Any start-up costs exceeding the deposit shall be invoiced to Permittee and paid within thirty (30) days of date of invoice.

8. The Public Safety Committee, the Somerset Village Board and Permittee will review the Interim Conditional Use Permit annually prior to January 1 (going forward) and make changes that are mutually agreed upon between the Somerset Village Board, the Public Safety Committee and Permittee to protect the health, welfare and safety of the public.
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I certify that the Somerset Village Board has revised this permit during the interim of this Interim Conditional Use Permit on the 21st day of January 2025.

Mike Kappers, Village President

Date

(g) Permittee shall pay for Village Expenses: ~~The Fire Chief, and any applicable EMS services will annually estimate the expenses to the Village for providing services at an event. The estimate will be broken down into number of event days and number of attendees. Rates shall be communicated by the Village Clerk to Permittee each year for the following year's event season no later than November 1". The estimate shall be turned into the village clerk and approved by the village board. The clerk will provide this information to Permittee. Permittee will provide the clerk with an estimate of projected attendees 30 days prior to the start of the event. Law Enforcement and Fire shall submit an invoice to the Assistant General Manager within 7 days of the event for immediate payment to be received. Anything submitted after the 7 day period will need to be submitted to Live Nation Worldwide for payment to be received 30 days after invoice is received. Extraordinary documented administrative and other costs and expenses incurred by the village as a result of the event will be invoiced within thirty (30) days of the event end date with payment due within thirty (30) days of date of invoice. Permittee will only be charged with actual expenses and will be provided receipts for such expenses upon request. Permittee will be furnished with an estimate if requested 60 days before each event.~~

TITLE 11, CHAPTER 3. OFFENSES AGAINST PROPERTY

Sec. 11-3-1. Injuring or destroying property; posting of unauthorized signs; liability of parents.

- (a) *Destruction of Property.* No person shall willfully injure or intentionally deface, destroy, or unlawfully remove or interfere with any property belonging to the Village of Somerset, the School District, or to any private person without the consent of the owner or proper authority, nor shall any person or organization place or permit to be placed any sign, poster, advertisement, notice, or other writing upon any utility ornamental light pole belonging to the Village without the consent of proper authority. Any signs, posters, advertisements, notices, or other writings so placed shall be removed by law enforcement authorities and the placing person or organization cited for violation of this Section.
- (b) *Parental Liability.* Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) *Penalty Provisions.*
 - (1) Any person seventeen (17) years of age or over who violates this Section is subject to a penalty as provided in Section 1-1-6, restitution to the injured party, and the costs of prosecution.
 - (2) Any person twelve (12) years of age to seventeen (17) years of age shall be subject to a forfeiture not to exceed Fifty Dollars (\$50.00) and any other applicable penalty provided by Sec. 938.344, Wis. Stats., as that Section may exist, be amended or changed.
- (d) *Victim Remedies.* Any person or entity injured by a violation of this Section by a minor child shall be advised of the rights and remedies available under Sec. 895.035, Wis. Stats.

State law reference(s)—Sec. 938.343, Wis. Stats.

Sec. 11-3-2. Littering; depositing debris; scattering handbills.

- (a) *Littering Prohibited.* No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the Village of Somerset, or upon property within the Village owned by the Somerset School District or any private person, or upon the surface of any body of water within the Village.
- (b) *Litter From Conduct of Commercial Enterprise.*
 - (1) *Scope.* The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) *Litter to be cleaned up.* Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.
 - (3) *Litter picked up at litterer's expense.* If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the Village shall arrange to have the same picked up by Village crews or by private enterprise. The entire expense of picking up such litter,

together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Village Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

- (c) *Depositing of Materials Prohibited.* It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Village Board or Director of Public Works to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- (d) *Handbills.*
- (1) *Scattering Prohibited.* It shall be unlawful to deliver any handbills or advertising material to any premises in the Village except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) *Papers in Public Places Prohibited.* It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

Sec. 11-3-3. Abandoned refrigerators; removal of door.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his/her agent and is securely locked or fastened.

Sec. 11-3-4. Theft of library materials; theft; failure to return; detention by library employee.

- (a) *Definitions.* For the purposes of this Section, certain words and terms are defined as follows:
- (1) *Archives.* A place in which public or institutional records are systematically preserved.
- (2) *Library.* Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the Village of Somerset and school libraries.
- (3) *Library Material.* Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) *Possession Without Consent Prohibited.* Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date,

after written notice from the library and Village Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

- (c) *Concealment.* The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- ~~(d) *Detention Based on Probable Cause.* An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a law enforcement officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.~~
- (d) *Damaging Material Prohibited.* No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in charge of the library. Any person convicted of violating this Subsection shall be subject to the penalties as set forth in Section 1-1-6.
- (e) *Return Demanded.* No person shall fail, on demand, to return any book periodical, pamphlet, picture or other articles or property belonging to or in charge of the Public Library according to the rules or regulations duly made and adopted by the Library Board and no person shall remove from the library any book, periodical, pamphlet, picture or other articles or property without first having it charged as provided by such rules and regulations. Any person convicted of violating any provision of this Subsection shall be subject to the penalties as set forth in Section 1-1-6.

State law reference(s)—Section 943.61, Wis. Stats.

Sec. 11-3-5. Cemeteries; rules and regulations.

- (a) *Purpose and Definition.* In order to protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Village of Somerset.
- (b) *Authority to Establish Rules and Regulations.* The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
- (c) *Specific Regulations.*
 - (1) *Disturbing Cemetery Property.* No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments,

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- fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.
- (2) *Protection of Cemetery Property.* No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) *Motor Vehicles.* Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) *Speed Limit.* No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) *Parking.* No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) *Littering Prohibited.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- ~~(7) *Pets.* Pets, including animals of any species, and horses are prohibited in any cemetery.~~
- (7) *Sound Devices.* No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (8) *Authorized Notices.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- (9) *Loitering Prohibited.* No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- ~~(11) *Alcoholic Beverages Prohibited.* No person shall consume or have in his/her possession any open container containing an alcohol beverage upon any cemetery property within the Village unless the property is specifically named as being part of a licensed premises.~~
- (10) *Play Vehicles Prohibited.* No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (11) *Presence After Hours Prohibited.* No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Sec. 11-3-6. Damaging street lamps, windows, fire hydrants, or other public property.

- (a) *Damaging Public Property.* No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the Village of Somerset.
- (b) *Breaking of Street Lamps or Windows.* No person shall break glass in any street lamps or windows of any building owned or occupied by the Village.
- (c) *Damaging Fire Hydrants and Water Mains.* No person shall, without the authority of Village authorities, operate any valve connected with the street or water supply mains, or open any fire hydrant connected with the water distribution system, except for the purpose of extinguishing a fire. No person shall injure or impair the use of any water main or fire hydrant.

Sec. 11-3-7. Shoplifting; detention by merchant's employee.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- ~~(c) — A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his/her presence may detain such person in a reasonable manner for a reasonable length of time to deliver him/her to a peace officer, or to his/her parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he/she shall not be interrogated or searched against his/her will before the arrival of a law enforcement officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his/her employee affecting the detention to the same defense in any action as is available to a law enforcement officer making an arrest in the line of duty.~~
- (c) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State law reference(s) — Section 943.50, Wis. Stats.

Sec. 11-3-8. Uttering worthless checks.

- (a) Whoever issues any check or other order for the payment of money less than One Thousand Dollars (\$1,000.00) which, at the time of issuance, he/she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he/she issued the check or other order for payment of money intended it should not be paid:

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- (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
 - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
 - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.

Sec. 11-3-9. Trespassing on private property; entering dwelling without consent.

- (a) *Trespass to Land.* No person shall trespass on any private property within the Village, "Trespass" is defined as the entering or remaining upon land in possession of another without consent or other privilege to do so. No person shall enter or remain on any land after having been notified by the owner or occupant not to remain on the premises.
- (b) *Trespass to Dwelling.* No person shall intentionally enter the dwelling of another without the consent of some person lawfully upon the premises, under circumstances tending to create or provoke a breach of the peace.

Sec. 11-3-10. Clean indoor air; restrictions on smoking.

- (a) *State Statute Adopted.* The provisions of Chapter 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as is fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section. Any future amendment, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (b) *Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.* In recognition of a need to protect the health and comfort of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Section 101.123(1)(h), Wis. Stats., is hereby prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Somerset, except in designated areas.

Sec. 11-3-11. Theft; acts enumerated.

- (a) *Acts.* Whoever does any of the following may be penalized as provided in Section 1-1-6 of this Code of Ordinances:
 - (1) Intentionally takes and carries away, uses, transfers, conceals or retains possession of movable property of another without his/her consent and with intent to deprive the owner permanently of possession of such property.
 - (2) By virtue of his/her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his/her authority, and with intent to convert to his/her own use or to the use of any other person except the owner. A refusal to deliver any money or

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- a negotiable security, instrument, paper or other negotiable writing, which is in his/her possession or custody by virtue of his/her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his/her own use within the meaning of this Subsection.
- (3) Having a legal interest in movable property, intentionally and without consent, take such property out of the possession of the pledgee or such other person having a superior right of possession with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
 - (4) Obtains title to property of another by intentionally deceiving him/her with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
 - (5) Intentionally fails to return any personal property which is in his/her possession or under his/her control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.
- (b) *Definitions.* The following definitions shall be applicable in this Section:
- (1) *Property.* All forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a choice in action or other intangible rights.
 - (2) *Movable Property.* Property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on or affixed to or found in land.
 - (3) *Value.* The market value at the time of the theft or the cost to the victim of replacing the property within the reasonable time after the theft, whichever is less, if the property stolen is a document evidencing a choice in action or other intangible right; value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for or had a legal interest in the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.
 - (4) *Property of Another.* Includes property in which the actor is a co-owner and property of a partnership of which the actor is a member unless the actor and the victim are husband and wife.

Sec. 11-3-12. Defrauding landlords.

- (a) *Prohibited Acts.* Any person who, with intent to defraud, does any of the following shall be guilty of violating this Section:
- (1) Intentionally absconds without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due prior to the vacating of the rental premise by the tenant, and the non-payment of said rent continues for a period of five (5) days after vacation of the premise. Sec. 943.215, Wis. Stats., exclusive of penalties, is adopted and by reference made a part of this Section as if fully set forth herein. Any act prohibited by Sec. 943.215, Wis. Stats., is prohibited by this Section. Any future amendments, revisions, or modification to Sec. 945.215, Wis. Stats., is intended to be made a part of this Section.
 - (2) Issues any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion. Prima facie evidence of intention to defraud will be established if a tenant fails, within five (5) days of a written demand by the landlord or agent, to pay in

full the total amount of the draft presented as rent payment plus any bank charges to the landlord attributable to the unredeemability of the draft.

- (b) *Applicability.* This Section shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this Section shall be defined and construed in conformity with the provisions of Chapter AG 134, Wis. Adm. Code, Chapter 704, Wis. Stats., and Section 990.001(1), Wis. Stats. The act of service by a landlord of a legal eviction notice or notice to terminate tenancy shall not, in itself, act as a bar to prosecution under this Section.
- (c) *Procedure.* An officer may issue a citation only when the complainant provides the following:
 - (1) The name and current address of the tenant, a copy of the subject lease agreement, or sworn testimony of the terms of the subject oral lease.
 - (2) The amount of rent due, the date it was due, the date the tenant actually vacated the premise, and testimony that the rent remained unpaid for not less than five (5) days after vacating and that the tenant did not notify or attempt to notify the complainant of the tenant's new address, or that the tenant knowingly gave the complainant a false address.
 - (3) As to an unredeemable payment, the document used for attempting rent payment, the written demand for payment of the full amount plus bank charges, proof that the tenant received the written demand, and testimony that at least five (5) days have elapsed since the demand was received and no payment has been made.

State law reference(s)—Chapter 704 and Section 990.001(1), Wis. Stats.

Sec. 11-3-13. Graffiti declared nuisance; removal.

- (a) *Definition.* "Graffiti" is any drawing, figure, inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker, or placed by some other permanent or semi-permanent means upon sidewalks, streets, public or private structures or any other place in public view without the express permission or consent of the property owner.
- (b) *Public Nuisance.* Graffiti is hereby declared to be a public nuisance, as defined under Title 11, Chapter 6 of this Code, affecting peace and safety.
- (c) *Prohibitions.* No person shall write, spray, scratch or otherwise affix graffiti upon any property whether private or public without the consent of the owner or owners of said property. Any person who shall affix graffiti to any property without the consent of the owner shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating this Section. The parents of any unemancipated minor child who affixed graffiti shall be held liable for the cost of removing or covering said graffiti in accordance with Sec. 895.035, Wis. Stats.
- (d) *Removal By Property Owner.*
 - (1) Every owner of a structure or property defaced by graffiti shall cover or remove the graffiti within fifteen (15) days in compliance with written notice served upon them by the Police Department to remove or cover such graffiti.
 - (2) In the event any owner fails to comply with the above-mentioned notice, the Police Department may have the graffiti covered or removed, and in such event, all costs, fees and expenses will be assessed to said owners real estate taxes pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 11-3-14. Adoption of state statute regarding theft of telecommunications service.

- (a) Sec. 943.45, Wis. Stats., exclusive of penalties, is adopted and by reference made a part of this Code as if fully set forth herein. Any act prohibited by Sec. 943.45, Wis. Stats., is prohibited by this Section. Any future amendments, revisions, or modifications to Sec. 943.45, Wis. Stats., is intended to be made a part of this Section.
- (b) Whoever violates this Section shall be penalized as provided for in Section 1-1-6.

Sec. 11-3-15. Adoption of state statute regarding theft of cable television service.

- (a) Sec. 943.46, Wis. Stats., exclusive of penalties, is adopted and by reference made a part of this Code as if fully set forth herein. Any act prohibited by Sec. 943.46, Wis. Stats., is prohibited by this Section. Any future amendments, revisions, or modifications to Sec. 943.46, Wis. Stats., is intended to be made a part of this Section.
- (b) Whoever violates this Section shall be penalized as provided for in Section 1-1-6.

TITLE 11, CHAPTER 6. PUBLIC NUISANCES

Sec. 11-6-1. Maintenance of public nuisances.

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

Sec. 11-6-2. Definition of public nuisance.

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.

Sec. 11-6-3. Public health nuisances; enumeration.

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 Section 11-6-2:

- (a) *Adulterated Food.* All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) *Unburied Carcasses.* Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) *Breeding Places for Vermin, Etc.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) *Stagnant Water.* All stagnant water in which mosquitoes, flies or other insects can multiply.
- (e) *Garbage Cans.* Garbage cans which are not fly-tight.
- (f) *Noxious Weeds.* All noxious weeds and other rank growth of vegetation.
- (g) *Water Pollution.* The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) *Noxious Odors, Etc.* Any use of property, substances or things within the Village ~~or within four (4) miles thereof or~~ causing ~~any~~ foul, offensive, ~~noisome, nauseous, noxious~~ or disagreeable odors, gases, effluvia or stench ~~extremely repulsive to the physical senses of ordinary persons which~~ that significantly annoy, ~~discomfort, injure~~ or inconvenience a substantial number of persons within the

Village. Agriculture activities may be exempt under specific conditions. ~~the health of any appreciable number of persons within the Village.~~

- (i) *Street Pollution.* Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (j) *Animals at Large.* All animals running at large.
- (k) *Accumulations of Refuse.* Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) *Air Pollution.* The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits ~~or within one (1) mile therefrom~~ in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

Sec. 11-6-4. Public nuisances offending public morals and decency; enumeration.

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 Section 11-6-2:

- (a) *Disorderly Houses.* All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) *Gambling Devices.* All gambling devices and slot machines, except as permitted by state law.
- (c) *Unlicensed Sale of Liquor and Beer.* All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the Village.
- (d) *Continuous Violation of Village Ordinances.* Any place or premises within the Village where Village 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 Village.

Sec. 11-6-5. Public nuisances affecting peace and safety; enumeration.

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 Section 11-6-2:

- (a) *Signs, Billboards, Etc.* All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) *Illegal Buildings.* All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures within the Village.
- (c) *Unauthorized Traffic Signs.* All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.

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- (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 ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (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.~~
 - (f) *Fireworks.* All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the Village.
 - (g) *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.
 - (h) *Wires Over Streets.* All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
 - (i) *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 Village.
 - (j) *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 Village 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) *Open Excavations.* All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
 - ~~(m) *Abandoned Refrigerators.* All abandoned refrigerators 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.~~
 - (l) *Flammable Liquids.* Repeated or continuous violations of the ordinances of the Village or laws of the State relating to the storage of flammable liquids.
 - (m) *Unremoved Snow.* All snow and ice not removed or sprinkled with ~~ashes, sawdust~~, sand or other chemical removers, as provided in this Code.

Sec. 11-6-6. Abatement by owner, village or court action.

- (a) *Summary Abatement.*
 - (1) *Notice to Owner.* If the inspecting officer determines that a public nuisance exists within the Village and that there is a danger of public health, safety, peace, morals or decency, notice may be served by the inspecting officer or an authorized deputy on the person causing, maintaining or permitting such nuisance or on the owner or occupant of the premises where such nuisance is caused, maintained or permitted; and a copy of such notice shall be posted on the premises. Such notice shall direct the person causing, maintaining or permitting such nuisance, or the owner or occupant of the premises, to abate or remove such nuisance within a period not less than twenty-four (24) hours or greater than seven (7) days and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, maintaining or permitting the nuisance, as the case may be.

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- (2) *Abatement by Village.* If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- (b) *Abatement by Court Action.* If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, the inspector or sanitarian shall file a written report of such findings with the Village President who, upon direction of the Village Board, shall cause an action to abate such nuisance to be commenced in the name of the Village in St. Croix County Circuit Court in accordance with the provisions of Chapter 823, Wis. Stats.
- (c) *Court Order.* Except where necessary under Subsection (a), no officer hereunder shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (d) *Other Methods Not Excluded.* Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State of Wisconsin.

Sec. 11-6-7. Costs of abatement to be collected from person maintaining nuisance.

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

Sec. 11-6-8. Jurisdiction of officials for enforcement; penalties for violation.

- (a) *Enforcement.* The Chief of Police, Fire Chief, Director of Public Works, ~~and~~ Building Inspector, and Zoning Administrator shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under Section 11-6-6 to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.
- (b) *General Penalty.* Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 1-1-6.

Sec. 6-2-2. Sidewalks; permit; construction standards; costs.

- (a) *Board May Order.* The Village Board may determine that sidewalks or curb and gutter may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board may determine or change the width or grade of any street or sidewalk.
- (b) *Cost of Sidewalks.*
- (1) *New Subdivision Sidewalks.* Sidewalks required in new subdivisions and developments ~~shall~~ ~~may~~ **shall** be paid for by the land divider pursuant to Title 14 of this Code of Ordinances. Abutting property owners shall pay the cost of new sidewalks constructed in existing areas of the Village of Somerset as required by the Village Board as follows:
- When new sidewalks are installed on one (1) side of the street without sidewalks on either side, one hundred percent (100%) of the assessment shall be distributed equally between property owners on both sides of the street.
 - When new sidewalks are installed on both sides of the street, one hundred percent (100%) of the cost shall be evenly distributed to adjoining property owners.
 - The entire cost of sidewalk construction abutting tax exempt property and existing planned development projects shall be assessed to such property.
 - The cost to be assessed shall be the bid price of the sidewalk plus the engineering cost attributable to the sidewalk along with any other costs the Village may determine to be a proper exercise of its statutory powers.
 - But for corner lots at the intersection of two (2) streets where sidewalks are constructed along either street, one hundred percent (100%) of the assessment for the corner lot shall be charged against the respective, adjoining property owner of the corner lot.
- (2) *Sidewalk Repair and Reconstruction.* **At the direction of the Village Board,** ~~it shall~~ ~~may~~ **shall** be the duty of the abutting property owner on each side of the street to construct and repair, and the duty of the abutting property owner to maintain sidewalks along or upon any street, alley, or highway in the Village of Somerset ~~as required by the Village Board~~ and to pay the cost thereof as follows:
- When sidewalks are reconstructed on one (1) side of the street without sidewalks on either side, fifty percent (50%) of the assessment shall be distributed equally between property owners on both sides of the street.
 - When sidewalks are reconstructed on both sides of the street, fifty percent (50%) of the cost shall be evenly distributed to adjoining property owners.
 - Fifty percent (50%) of the cost of sidewalk reconstruction abutting tax exempt property and existing planned development projects shall be assessed to such property.
 - The cost to be assessed shall be the bid price of the sidewalk plus the engineering cost attributable to the sidewalk along with any other costs the Village may determine to be a proper exercise of its statutory powers.
 - But for corner lots at the intersection of two (2) streets where sidewalks are constructed along either street, fifty percent (50%) of the assessment for the corner lot shall be charged against the respective, adjoining property owner of the corner lot.
 - When a Village project includes replacement of existing sidewalk with a new five (5) foot sidewalk, the replacement costs shall be borne as follows:

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1. One-half (½) of such costs shall be assessed against the abutting property owner if both sides have the sidewalk replaced or if the other side is being assessed one hundred percent (100%) for new sidewalk.
 2. If one (1) side of the sidewalk is being replaced the abutting property owner will be assessed twenty-five percent (25%) and the other side will be assessed twenty-five percent (25%) if the property had not been previously assessed for sidewalk or been previously assessed for twenty-five percent (25%) of replacement sidewalk.
 3. If one (1) side of the sidewalk is being replaced the abutting property owner will be assessed fifty percent (50%) if the other side property had been previously assessed for fifty percent (50%) for replacement of sidewalk.
 4. If one (1) side of the sidewalk is being replaced and had been previously assessed twenty-five percent (25%) when new sidewalk was installed on the other side of the street the abutting property owner of the replacement sidewalk shall be assessed twenty-five percent (25%) and the other side property owner of the previous installed new sidewalk will be assessed twenty-five percent (25%).
 5. The Village shall pay one-half (½) of the costs of the sidewalk reconstruction project.
- (3) *Assessment a Lien.* Said special assessment shall remain a lien on the premises until paid in full and shall be entered on the tax roll as a special tax as above provided and failure to pay when due shall result in the whole balance being immediately due and payable and collectible as a delinquent tax against the above described property and that all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special assessment.
- (c) *Permit Required.* No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Somerset unless he/she is under contract with the Village to do such work or has obtained a permit therefore from the Clerk-Treasurer or Director of Public Works at least seven (7) days before work is proposed to be undertaken. ~~A fee of Five Dollars (\$5.00) shall be charged for such permit.~~
- (d) *Standard Specifications for Sidewalk.*
- (1) *General.*
 - a. All sidewalks shall be constructed of masonry meeting Wisconsin Department of Transportation Standard Specifications, unless otherwise specified in this Section.
 - b. Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the Village. All sidewalks constructed in the Village shall conform to the line and grade established by the ordinances or resolutions of the Village. Where no grade has been established as ascertained by the records, the Village Engineer shall prepare and report a grade for the approval of the Village Board; and, when the same has been established, the Village Engineer shall stake out the sidewalk as ordered by the Village Board. No sidewalk shall be laid under the provisions of this Section until a grade therefor has been established by the Village Board.
 - (2) *Subgrade.* All earth, dirt and material shall be removed to a depth, not less than eight (8) inches, ten (10) inches across private driveways, below the grade line; and the space shall be filled with crushed stone, sand or gravel. The base shall be left four (4) inches thick after being tamped, with the stone or gravel to be not larger than one and one-half (1½) inches in diameter and to be free from dirt, dust and foreign matter. Soft, porous and unsuitable subgrade material shall be removed and replaced with sand, gravel, or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. On embankments, the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

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- (3) *Concrete.* The minimum quantity of cement per cubic yard shall be six (6) ninety-four (94) pound sacks. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test two thousand (2,000) pounds compression in twenty-eight (28) days. Bituminous sidewalks are prohibited.
- (4) *Forming.* Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.
- (5) *Jointing, Floating and Finishing.* Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half ($\frac{1}{2}$) inch expansion joint shall be placed. Transverse expansion joints of one-half ($\frac{1}{2}$) inch thick and four (4) inches wide and five (5) feet long or premolded material shall be located every thirty (30) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have one-half ($\frac{1}{2}$) by four (4) inch expansion joints of premolded material.
- (6) *Slope.*
- a. All forms must be approved by the Director of Public Works or other inspector designated by the Director of Public Works before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-half ($\frac{1}{2}$) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth ($\frac{1}{4}$) inch radius edging tool.
 - b. In cases where the grade exceeds fifteen percent (15%), steps or special construction shall be required to fit the existing conditions. Such details shall be prepared by the Village Engineer and approved by the Village Board before construction of the walk is started.
 - c. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a one (1) foot strip of street property left between the property line and the edge of the sidewalk.
- (7) *Width and Thickness.*
- a. Residential walks shall be five (5) feet in width, laid six (6) inches outside property line, but not less than four (4) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches.
 - b. Sidewalks in front of commercial or industrial establishments shall be not less than eight (8) feet in width and five (5) inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (8) *Finishing.* The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen subgrade.

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- (9) *Curing and Drying.* As soon as any of the concrete work herein before mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Spec. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein.
- (10) *Cold Weather Requirements.* When the temperature is less than forty degrees Fahrenheit (40°F), all concrete placed in the forms shall have a temperature between fifty degrees Fahrenheit (50°F) and seventy degrees Fahrenheit (70°F) and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.
- (11) *Minor Repairs.* Nothing in this Section shall apply to minor repairs, the cost of which does not exceed Five Hundred Dollars (\$500.00); such repairs may be made at the direction of the Director of Public Works without notice, and the cost thereof may be charged to the abutting property owner in the same manner as provided in this Section for major repairs.
- (12) *Variances.*
- a. *Location.* Where the location of a sidewalk in accordance with the specifications established herein would conflict with the location of trees, or the root systems thereof, a written variance to the specifications may be issued by the Director of Public Works permitting the sidewalk to be located so as to eliminate or reduce such conflict. No variance shall be issued if the public safety or welfare would be adversely affected thereby. No fee shall be charged for such variance.
 - b. *Material.* Where the property owner desires to use non-standard materials such as brick, aggregate or cobblestone, in the construction of a sidewalk, a written variance to the specifications established herein may be issued by the Public Works Committee to permit the use of such non-standard material. No variance shall be granted for any portion of a sidewalk which crosses or is part of a driveway, nor shall a variance be granted if the public safety or welfare would be adversely affected thereby. A condition of the granting of a variance under this subparagraph shall be the execution and recording of an indemnity agreement running with the land binding the property owner, his successors and assigns, holding the Village harmless from any liability, loss or damage resulting from the use of such non-standard materials. An application fee of Twenty-five Dollars (\$25.00) shall be paid at the time of applying for the variance.
- (e) *Repair or Replacement of Defective Sidewalks.*
- (1) The Village Board may determine that any sidewalk which is unsafe, defective, or insufficient be repaired or removed and replaced with a sidewalk in accordance with this Section. The existence of any one or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:
 - a. One (1) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).
 - b. One and one-fourth (1¼) inch horizontal distance between adjacent individual sidewalk blocks.
 - c. Deterioration of the surface to a vertical depth of one-half (½) inch or more within each individual sidewalk block.
 - (2) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.
- (f) *Illegal Sidewalks.* No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one

that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

(Ord. No. A-595, 6-20-2011)

State law reference(s)—Sec. 66.0907, Wis. Stats.

Title 12 PARKS AND NAVIGABLE WATERS

TITLE 12, CHAPTER 1. PARKS AND RECREATION

Sec. 12-1-1. Purpose; definitions; regulations.

- (a) *Purpose and Definition.* In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Somerset from injury, damage or destruction, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, play ground, swimming pool or conservancy area in the Village.
- (b) *Specific Regulations.*
- (1) *Littering Prohibited.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
 - (2) *Sound Devices.* No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
 - (3) *Bill Posting.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
 - (4) *Throwing Stones and ~~Missiles~~ Objects Prohibited.* No person shall throw stones or other ~~missiles~~ objects in or into any park with the exception of sports equipment.
 - (5) *Removal of Park Equipment Prohibited.* No person shall remove benches, seats, tables or other park equipment from any park.
 - (6) *Trapping.* "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in Village parks.
 - (7) *Making of Fires.* No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
 - (8) *Protection of Park Property.*
 - a. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
 - b. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon, chalk,

paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.

- (9) *Motorized Vehicles.* Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (10) *Snowmobiles.* No person shall operate a snowmobile in a Village park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) *Speed Limit.* No person shall operate any vehicle in a Village park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) *Glass Beverage Bottles in Parks Prohibited.* No individual shall possess or consume any beverage in a glass bottle or glass container in any Village park.
- (13) *Reckless Driving in Parks Prohibited.* No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (14) *Parking in Parks.* No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- ~~(15) *Horse and Carriages.* No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.~~
- (15) *Removing Tree Protectors.* No person shall remove any device for the protection of trees or shrubs.
- (16) *Golfing and Sporting Activities.* No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (17) *Arrows.* No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (18) *Fees and Charges.* The Village Board shall establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (19) *Firearms; Hunting.* Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all Village parks.
- (20) *Fish Cleaning.* Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (21) *Controlled Substances.* Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (22) *Vendors Restricted.* No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board.
- (23) *Alcohol Beverages.* The consumption or possession of alcohol beverages in Village parks shall be as regulated by Section 11-4-1.

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- (24) *Camping.* No overnight camping shall be permitted in any park, except where written approval of the Village Board or duly authorized agent is first obtained.
- (25) *Innertube Rental Business.* Unless a license is obtained and retained pursuant to Section 7-10-2, use of any park, including Village Park, for or by an innertube rental business for the purpose of having its customers or other individuals connected to the innertube rental business enter or exit the Apple River at any park is prohibited. For the purposes of this Chapter, "innertube rental business" is defined as a business or other organization which is engaged in renting or otherwise providing, furnishing in any way, or otherwise making available innertubes or other similar flotation devices (e.g., so-called "cow tanks") to an individual or individuals for use on the Apple River.

(Ord. No. A-653, 8-20-2019; Ord. No. A-662, § 2, 5-19-2020)

Sec. 12-1-2. Airborne remote- or radio-controlled devices prohibited without consent of property owner.

It shall be unlawful for any person to fly, operate or make use of any airborne remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

Sec. 12-1-3. Digging and removal of trees prohibited.

Except as authorized by the Chief of Police or Village Board, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Chief of Police or Village Board, the use of metal detectors and digging for buried objects on Village parks or recreational property.

Sec. 12-1-4. Hours of operation.

- (a) *Hours Established.* No person except an authorized employee or individuals engaged in special activities after obtaining the proper permit from the Village Board or Village Clerk-Treasurer, shall be in or upon the public parks including any structure located thereon between 11:00 p.m. and 6:00 a.m.
- (b) *Exceptions.*
- (1) The regular closing hours of Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specific days, for specific purposes or for special events.
 - (2) The regular closing hours of the Village parks do not apply to persons in attendance at a regularly scheduled ball game at the ball diamond located in the Village, except that those persons shall vacate the park within fifteen (15) minutes after the ending of a regularly scheduled game.

Sec. 12-1-5. Reservation policy.

- (a) *Policy on Reservation.* The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipality-owned parks, park facilities, park shelters or parts thereof, in the Village of Somerset to the end that the general welfare of the Village is protected.

(b) *Reservation of Park Space.*

~~(1)~~ A person or group, firm organization, partnership or corporation may reserve the exclusive use of a park facility and or a park shelter(s)/pavilion by written application filed with the Village Clerk-Treasurer for referral to the Village Board ~~chairperson~~ for a permit for exclusive use of the same. The Village ~~Board chairperson~~ Parks Coordinator shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of Village parks. ~~All reservations shall be made on application forms in the office of the Village Clerk-Treasurer and shall be on a first-come, first-served basis, provided however, that any Village-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation.~~ Areas not reserved shall be open to use by all.

(c) *Application.* Applications shall be filed with the Village ~~Board~~ Clerk-Treasurer at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or with the Parks Coordinator at least three (3) days prior to the date on which a park shelter/pavilion or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:

- (1) The name, address and telephone number of the applicant.
- (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
- (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
- (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
- (5) The anticipated number of persons to use the said park, area or facility.
- (6) Any additional information which the Village Board, ~~Chief of Police~~ or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.

(d) ~~Action on Application. The Village Board shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.~~

Alternate procedure. As an alternative to the reservation application and permit procedure specified in Subsections B, C and I, the Village Board may designate an individual or individuals to administer the park reservation system for parks within the Village of Somerset. Any individual or group who believes they have been wrongfully denied use of a park within the Village of Somerset by an individual so designated may appeal such denial to the Village Board. Notice of intent to appeal such denial shall be provided to the Village Clerk-Treasurer at least 48 hours prior to the Village Board meeting.

(e) *Reasons for Denial.* Applicants under this Section may be denied for any of the following reasons:

- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
- (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
- (3) If the application does not contain the information required by Subsection (c) above.
- (4) The application is made less than the required days in advance of the scheduled exclusive use.

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- (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) *Indemnification.* Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (g) *Permit Not Required For Village Activity.* A permit is not required for exclusive use of the park or a park facility sponsored by the Village of Somerset.
- (h) *Permit Revocation.* The Village Board, or ~~Chief of Police~~ a law enforcement officer may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (i) *Form of Permit.* Each permit shall be in a form prescribed by the Village Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) *Temporary Class B Fermented Malt Beverage Licenses.* When fermented malt beverages are sold at any event authorized by this Section, a valid Temporary Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-4-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (k) *Care of Facilities.* Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment ~~be~~ is made, in addition to any other remedy which the Village may have.
- (l) *Use of Concession Stand.* Any person or group desiring to use a park concession stand must complete the Concession Stand Agreement (form obtainable from the Village Clerk's office) and submit it to the Village Clerk. A refundable security deposit of one hundred dollars (\$100.00) must be submitted with the Agreement. The fee for the use of a concession stand shall be set annually by the Village Board in the fee schedule. The Concession Stand Agreement, security deposit and use fee shall be submitted to the Village Clerk at least seven (7) days prior to the date of intended use of a concession stand. Upon completion of the use of a concession stand, the Village shall inspect the premises and if the condition of the stand complies with Subparagraph "(k)" of this Ordinance, then the person or group's security deposit shall be refunded within seven (7) days of the completed use.

(m) *Special Provisions for Use of Park Space by Sports Leagues.* The provisions of this Subparagraph "(m)" shall apply to use of park space by sports leagues in lieu of the application procedure outlined in Subparagraphs "(b)" and "(c)" of Section 12-1-5.

- (1) League schedules, park space to be used, contact information and number of participants shall be submitted to the ~~Village Clerk's office~~ Parks Coordinator on or before May 15th of the year in which the league play is to occur.
- (2) A season fee of ~~ten dollars (\$10.00) per participant~~ must be paid to the Village Clerk's office on or before May 15th of the year in which the league play is to occur. This fee shall entitle the league to have one weekend tournament (Friday, Saturday and Sunday) during the season. See fee schedule.

~~(3) Any additional tournaments beyond the one referenced in Subparagraph "(2)" above, and any tournaments organized by groups not paying the season fee provided for in that Subparagraph shall pay a tournament fee of one hundred dollars (\$100.00) per tournament. This fee shall be paid in full to the Village Clerk's office at least 7 days prior to the anticipated tournament.~~

(Ord. No. 544, § I, 3-28-2006; Ord. No. A-606, 7-16-2013)

Resolution 2025-01

Village Board meetings are held on the third (3rd) Tuesday of each month. Per Village Ordinances, a regular meeting date may be changed by resolution adopted by the Village Board at a regular meeting at least ten (10) days prior to the changed meeting date.

The Village Board will hold its regular board meeting on _____.

Mike Kappers, Village President

Tasia Berger, Village Clerk

Date Approved: 01/21/2024