

Chapter 1 GENERAL PROVISIONS

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Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Municipal Code of the City of Brillion" and may be so cited.

State law references: Authority to codify ordinances, Wis. Stats. § 66.035.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and for all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

Generally. Words shall be construed in their common and usual significance unless the contrary is clearly indicated.

City. The term "city" shall mean the City of Brillion, Wisconsin, and shall extend to and include its several officers, agents and employees.

City clerk/treasurer, chief of police or other city officers. The term "city clerk/treasurer," "chief of police" or other city officers or departments, when referred to by title only, shall be construed to mean the city clerk/treasurer, chief of police or such other municipal officers or departments, respectively, of the city.

Code. The term "Code" shall mean the provisions of chapters 1 through 106, inclusive, and as may be subsequently amended of the Municipal Code of the City of Brillion.

Common council, city council, council. The terms "common council," "city council" and "council" shall mean the common council of the City of Brillion, Wisconsin.

County. The word "county" shall mean the County of Calumet, Wisconsin.

Delegation of authority. Whenever a section of this Code requires or authorizes an officer or employee of the city to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision or section specifically provide otherwise.

Easement. The term "easement" means a right, liberty, privilege or advantage without profit which the owner of one parcel of land may have in the lands of another; a right in the owner of one parcel of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property right in the owner.

Gender, singular and plural. Every word in this Code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the city, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise declared.

Law. The term "law" shall mean any statute, ordinance or regulation promulgated by the state, the United States, the county, the city or any of their agencies, as well as the rules and regulations of other bodies politic that may be appropriate.

Month. The term "month" shall mean a calendar month.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Or, and. The term "or" may be read "and," and the term "and" may be read "or" if the sense requires it.

Owner. The term "owner," as applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.

Person. The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

Personal property. The term "personal property" includes every species of property except real property.

Property. The term "property" shall include real, personal and mixed property.

Public place. The term "public place" shall mean any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery,

schoolyard or open space adjacent thereto and any lake or stream.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Shall, may. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

Sidewalk. The term "sidewalk" shall mean any portion between the curb or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

Signature; subscription. The term "signature" or "subscription" shall include a mark when the person cannot write.

State. The term "the state" or "this state" shall mean the State of Wisconsin.

Street. The term "street" shall include any highway, street, avenue, boulevard, road, alley, lane or viaduct in the city, dedicated or devoted to public use.

Tenant; occupant. The terms "tenant" and "occupant," applied to a building or land, shall include any person holding a written or oral lease on the building or land or who occupies the whole or part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Time computation.

- (1) The time within which an act is to be done or a proceeding had or taken shall be computed by excluding the first day and including the last. When any such time expressed in hours, the whole of Sunday and of any legal holiday, from 12:00 midnight to 12:00 midnight, shall be excluded.
- (2) If the last day within which an act is to be done or a proceeding had or taken falls on a Sunday or legal holiday, the act may be done or the proceeding had or taken on the next secular day.
- (3) When the last day within which a proceeding is to be had or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the state or any county, city, village, town, school district or other subdivision of the state, of any money, return, statement, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or with which such return, statement, report, notice or other document is required to be filed do not include any office hours thereof on such Saturday, the proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.
- (4) Regardless of whether the time limited in any statute for the taking of any proceeding or the doing of any act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time.

- (5) The term "legal holiday," as used in this definition, means any statewide legal holiday provided in Wis. Stats. § 895.20. When an act is permitted to be done by the use of the postal service and the last day within the time prescribed by law for performing such act falls on a legal holiday designated by the President such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for purposes of this section.

Wisconsin Statutes. All references to "Wisconsin Statutes," "Wis. Stats." or "statute" shall mean the Wisconsin Statutes as amended.

Written; in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" shall mean a calendar year.

(Code 1983, § 25.01)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. References to chapters or sections.

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

Sec. 1-5. History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect, but are merely intended to indicate the source of matter contained in the section.

Sec. 1-6. References and editor's notes.

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

Sec. 1-7. Provisions considered as continuation of existing ordinances.

The provisions appearing in this Code so far as they are the same as those of the Code of the City of Brillion, 1983, and of ordinances existing at the time of adoption of this Code shall be considered as a continuation thereof and not new enactments.

Sec. 1-8. Code does not affect prior offenses, rights.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Sec. 1-9. Effect of repeals.

- (a) The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.
- (b) The repeal or amendment of any section or provision of this Code or of any other ordinance of the city council shall not:
 - (1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
 - (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended unless the privilege of repealing such obligation or privilege has been reserved by the city.
 - (3) Affect any offense committed or penalty or forfeiture incurred previous to the time when any ordinance is repealed or amended, except that when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
 - (4) Affect any prosecution for any offense or the levy of any penalty of forfeiture pending at the time when any ordinance is repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances and such prosecution shall proceed in all respects as if such ordinance had not been repealed, except that all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

Sec. 1-10. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) The issuance of corporate bonds and notes of the city of whatever name or description.
- (2) The establishment of grades, curblines and widths of sidewalks in the public streets and alleys.
- (3) The fixing of salaries and expenses of public officials and employees.
- (4) Rights, licenses or franchises or the creation of any contract with the city.

- (5) The lighting of streets and alleys.
- (6) The annexation of territory to the city (see section 1-19(b)).
- (7) The naming and changing of names of streets, alleys, public grounds and parks, and amendments to the street map.
- (8) The letting of contracts without bids.
- (9) The establishment of council wards, council ward boundaries and election precincts (see section 26-31).
- (10) Tax and special assessment levies.
- (11) Release of persons from liability.
- (12) Construction of any public works.
- (13) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
- (14) Budget ordinances, resolutions and actions.
- (15) Ordinances setting changes, establishment of benchmarks.

(Code 1983, § 25.05)

Sec. 1-11. Supplementation of Code.

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete; and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by their omission from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in

the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

State law references: Code of ordinances, Wis. Stats. § 66.035.

Sec. 1-12. Clerk/treasurer to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth; and the clerk/treasurer shall file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the clerk/treasurer's office hours, subject to such orders or regulations the clerk/treasurer may prescribe for their preservation.

(Code 1983, § 25.03)

Sec. 1-13. Conflicting provisions.

If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

Sec. 1-14. Severability of parts of Code.

It is declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable; and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since such would have been enacted by the city council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-15. Fees.

All fees and charges shall be set from time to time by the city council; however, all existing fees and charges of the city shall remain unchanged until amended by the city council.

Sec. 1-16. Election not to be governed by state law.

Insofar as this Code provides procedures for appeal and administrative review of administrative decisions and determinations, the city elects not to be governed by Wis. Stats. ch. 68.

(Code 1983, § 25.10)

Sec. 1-17. General penalty; continuing violations; execution against defendant's property.

- (a) *General penalty.* Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (1) *First offense.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$500.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
 - (2) *Second offense.* Any person found guilty of violating any ordinance or part of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
 - (3) *Children aged 14 or older.* If proceedings are commenced against any child aged 14 or older for a violation of this Code, the provisions of Wis. Stats. §§ 48.17 and 48.343 may be applicable.
- (b) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) *Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the city, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(Code 1983, § 25.04)

Sec. 1-18. Citations.

- (a) The police department is authorized the use of a citation to be issued for violation of ordinances, including ordinances for which a statutory counterpart exists.

- (b) The form of such citation shall provide for the following:
- (1) The name and address of the alleged violator.
 - (2) The factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The state statutes and/or city ordinances violated.
 - (5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
 - (6) The time in which the alleged violator may appear in court.
 - (7) A statement which in essence informs the alleged violator that:
 - a. He may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b. If he makes such a deposit, he need not appear in court unless subsequently summoned.
 - c. If he makes a cash deposit and does not appear in court, either he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by Wis. Stats. § 165.87, not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d. If he does not make a cash deposit and does not appear in court at the time specified, an action may be commenced against the alleged violator to collect the forfeiture and the penalty assessment imposed.
 - e. If he elects to make a cash deposit, he shall sign an appropriate statement which accompanies the citation to indicate that he read the statement required under subsection (b)(6) and shall send the signed statement with the cash deposit.

(Ord. No. O-89-1, §§ 1, 2, 4-10-1989)

Sec. 1-19. City boundaries.

- (a) *Corporate limits.* The corporate limits of the city are described as follows:

Commencing at the northwest (NW) corner of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of said section twenty-three (23), running due west to a point that is 1,130 feet, more or less, east of the southwest (SW) corner of the northwest quarter (NW 1/4) of the southeast quarter (SE 1/4) of section twenty-three (23); thence northerly 1,300 feet, more or less to the north line of said northwest 1/4 of the southeast 1/4; thence westerly 1,130 feet, more or less to the northwest corner of said northwest 1/4 of the southeast 1/4; thence southerly to the southwest corner of the northwest 1/4 of the southeast 1/4 of section 23; thence south 88°22' west, 1,312.25 feet along the north line of the southeast 1/4 of the southwest 1/4 of section 23 to the northwest corner thereof; thence south 88°22' west, along

the north line of the southwest 1/4 of the southwest 1/4 of section 23 to the northwest corner thereof; thence north 0°29'29" west, 1,311.27 feet along the east line of section 22 of the east 1/4 corner of section 22; thence north 89°26'27" west, 1,319.25 feet along the east-west 1/4 line of section 22 to the northeast corner of tract #2 of certified survey map #516; thence south 89°43'41" west, 715.47 feet along the north line of said tract #2 to the northwest corner thereof; thence south 649.03 feet along the west line of said tract #2 to the centerline of USH 10; thence northwesterly along the centerline of USH 10 to the south line of the northwest 1/4 of section 22; thence north 89°51'11" east, 476.68 feet along said south line to a point being south 89°51'11" west, 66.01 feet from the center of section 22; thence north 00°52'47" west, 818.34 feet; thence south 89°10'08" west, 725.12 feet; thence south 00°49'52" west, 668.09 feet to the centerline of USH 10; thence south 60°42'42" east, 288.07 feet along said centerline to the south line of the northwest 1/4 of section 22; thence south 89°51'26" west, 776.23 feet along said south line to the northwest corner of the east 1/2 of the southwest 1/4 of section 22; thence south 00°35'11" east, 2,642.19 feet along the west line of said east 1/2 to the southwest corner of said east 1/2; thence south 89°58'30" east, 657.48 feet along the south line of the east 1/2 of the southwest 1/4 of section 22 to the northwest corner of the east 1/2 of the northeast 1/4 of the northwest 1/4 of section 27; thence south along the west line of said east 1/2 to the southwest corner thereof; thence east along the south line of said east 1/2 to the southwest corner of the north 1/2 of the northeast 1/4 of section 27; thence east along the south line of the north 1/2 of the northeast 1/4 of section 27 to the southeast corner thereof; thence north along the east line of said north 1/2 to the northeast corner of section 27; thence east along the north line of the northwest 1/4 of the northwest 1/4 of section 26 to the southerly right-of-way line of the railroad; thence southeasterly along said right-of-way to the west line of the northeast 1/4 of the northwest 1/4 of section 26; thence south along said west line to the southwest corner of the northeast 1/4 of the northwest 1/4 of section 26; thence east along the south line of the northeast 1/4 of the northwest 1/4 of section 26 to the southwest corner of certified survey map #557; thence north 01°00' west, 189.50-feet; thence north 89°50' east, 462.00 feet to the northeast corner of certified survey map #577; thence north 01°00' west, 263.36 feet along the east line of the northeast 1/4 of the northwest 1/4 of section 26 to the southerly railroad right-of-way and the northwest corner of certified survey map #567; thence south 59°42' east, 449.05 feet along said railroad right-of-way; thence south 226.30 feet along the east line of certified survey map #567 to the southeast corner thereof and the south line of the northwest 1/4 of the northeast 1/4 of section 26; thence east along said south line to the northwest corner of the east 1/2 of the southwest 1/4 of the northeast 1/4 of section 26; thence south along the west line of the east 1/2 of the southwest 1/4 of the northeast 1/4 of section 26 to the southwest corner thereof; thence west along the north line of the northwest 1/4 of the southeast 1/4 of section 26 to the center of section 26; thence south along the west line of the southeast 1/4 of section 26 and the west line northeast 1/4 of section 35 to a point 30 feet north of the southeast corner of the southeast 1/4 of the northwest 1/4 of section 35; thence west parallel with and 30 feet north of the south line of the southeast 1/4 of the northwest 1/4 of section 35 to the west line of said southeast 1/4, northwest 1/4; thence north along said west line to the northeast corner of the south 20 acres of the southwest 1/4, northwest 1/4 of section 35; thence west along the north line of said 20 acres to the west line of the southwest 1/4, northwest 1/4 of section 35; thence south along said west line to the southwest corner of the southwest 1/4 of the northwest 1/4 of section 35; thence east along the south line of the northwest 1/4 to the center of section 35; thence south along the west line of the southeast 1/4 of section 35 to the southwest corner of said southeast 1/4; thence east along the south line of said southeast

1/4 to the southeast corner of section 35; thence north along the east line of the southeast 1/4 of section 35 to the northerly bank of Black Creek; thence northwesterly along the northerly and easterly bank of Black Creek to the north line of the northeast 1/4 of the southeast 1/4 of section 35; thence east along said north line to a point 466.43 feet west of the east 1/4 of section 35; thence south 22°56'42" east, 447.91 feet; thence south 34°56'54" east, 130.41 feet; thence south 59°20'55" east, 125.78 feet; thence south 88°15'43" east, 118.77 feet to the east line of the southeast 1/4 of section 35; thence north 19°41'46" east, 319.53 feet; thence north 03°23'14" west, 236.36 feet; thence north 31°45'13" east, 380.75 feet; thence north 03°09'14" west, 179.88 feet; thence north 34°07'10" east, 231.85 feet to the north line of the south 1/2 of the south 1/2 of the northwest 1/4; thence north 89°33'54" west, 429.43 feet along said line to the southwest corner of lot 1 of certified survey map #694 and the west line of the northwest 1/4 of section 36; thence north 00°27'17" east, 199.46 feet along the west line of the northwest 1/4 of section 36 to the northwest corner of lot 1 of certified survey map #694 (southwest corner of certified survey map #2143); thence south 89°31'45" east, 160.00 feet along the south line of certified survey map #2143 to the southeast corner thereof; thence north 00°27'17" west, 506.32 feet along the east line of said map and its extension to the south line of the north 1/2 of the northwest 1/4 of section 36; thence south 89°37'01" east, 468.85 feet along the said south line; thence north 00°29'26" west, 16.50 feet; thence north 23°04'27" east, 1,026.60 feet; thence south 89°43'41" east, 248.60 feet; thence north 00°08'41" west, 180.00 feet to a point 160.00 feet south of the north line of the northeast 1/4 of the northwest 1/4 of section 36; thence east parallel with the north line of said section 36 to a point 189.75 feet west of the east line of the northeast 1/4 of the northwest 1/4 of said section 36; thence north 10.00 feet parallel with the said east line of the northeast 1/4 of the northwest 1/4; thence east 189.75 feet parallel with the north line of the said northeast 1/4 of the northwest 1/4 to the said east line of the northeast 1/4 of the northwest 1/4; thence north 150.00 feet along the said east line to the northeast corner of the said northeast 1/4 of the northwest 1/4; thence north along the west line of the southwest 1/4 of the southeast 1/4 of said section 25 to a point 362 feet south of the northwest corner of said southwest 1/4 of the southeast 1/4; thence east 330 feet parallel with the north line of the said southwest 1/4 of the southeast 1/4; thence north 198.00 feet parallel with the west line of the said southwest 1/4 of the southeast 1/4; thence east 990.00 feet parallel with the north line of the southwest 1/4 of the southeast 1/4 to the east line of the said southwest 1/4 of the southeast 1/4; thence north 264.00 feet along the said east line to the northeast corner of the said southwest 1/4 of the southeast 1/4; thence north along the east line of the northwest 1/4 of the southeast 1/4 of said section 25 to the southerly right-of-way line of the Wisconsin Central Limited Railroad; thence northwesterly along the said southerly right-of-way line to the east line of the southeast 1/4 of the northwest 1/4 of said section 25; thence north along the east line of the said southeast 1/4 of the northwest 1/4 to the northeast corner thereof; thence west 300.00 feet along the north line of the said southeast 1/4 of the northwest 1/4; thence north parallel with the east line of the northeast 1/4 of the northwest 1/4 of section 25 to a point being south 01°52' east, 694.20 feet of the centerline of USH 10; thence north 89°33'00" east, 398.20 feet; thence north 00°27'09" west, 345.06 feet; thence south 89°32'51" west, 129.67 feet; thence north 00°27'07" west, 141.78 feet; thence south 89°33' west, 264.00 feet; thence north 00°27'07" west, 147.00 feet to the south right-of-way line of USH 10; thence south 89°33' west, 595.82 feet along said south line; thence north 02°19'00" west, 27.01 feet along said south line; thence south 89°33' west, 453.03 feet along said south line to the west line of the northeast 1/4 of the northwest 1/4 of section 25; thence north 00°23'27" west, 33.00 feet along the said west line of the northeast 1/4 of the northwest 1/4 to the northwest corner

thereof; thence north along the east line of the southwest 1/4 of the southwest 1/4 of said section 24 to the northeast corner thereof; thence west along the north line of the said southwest 1/4 of the southwest 1/4 to the northwest corner thereof; thence south 89°27'03" west, 722.14 feet along the north line of the southeast 1/4 of the southeast 1/4 of said section 23; thence north 34°21'54" west, 797.87 feet; thence south 89°19'40" west, 158.32 feet to the west line of the northeast 1/4 of the southeast 1/4 of said section 23; thence south 00°45'16" east, 662.56 feet along the said west line to the southwest corner thereof and the point of beginning.

(b) *Annexations.* Annexations to the city are as follows:

- (1) #164: Clark's Addition.
- (2) #169: Horn Park Property.
- (3) #171: Pagel Property.
- (4) #175: Section 25, section 36, T20N, R20E.
- (5) #195: Herman Jandrey Plat.
- (6) #196: Donald Sommers.
- (7) #199: Section 23, T20N, R20E.
- (8) #224: Section 35, T20N, R20E.
- (9) #260: Brillion Iron Works.
- (10) #266: Ariens Company.
- (11) #267: Robert Endries.
- (12) #274: Great Northern Development Company.
- (13) #276: Town Island.
- (14) #279: Town Island (R. D. Peters).
- (15) #297.
- (16) #298.
- (17) #304.
- (18) #306.
- (19) #322.
- (20) #324.
- (21) #327.
- (22) #352: Ariens Company.
- (23) #395: Brochtrup.
- (24) #OR91-106: Beth and Fred Wenzel.
- (25) #OR92-203: Carlton Schmidt.

- (26) #OR94-01: Art and Mary Zinkel.
- (27) #OR94-02: Joseph and Mary Levash.
- (28) #OR95-02: Art and Mary Zinkel.
- (29) #OR97-08: Gilbert and Mary Pilon.
- (30) #OR98-06: Robert Reinke.
- (31) #OR98-07:
 - a. Lorenz Land Development, Inc.
 - b. Dennis Jeanquart/111 Valley View.
 - c. Robert Larson/121 Valley View.
 - d. Leo Pritzel/131 Valley View.
 - e. Francis Scharenboch/141 Valley View.
 - f. Denis Krizenesky/211 Valley View.
- (32) #OR98-20: Walter and Martha Marsheske.
- (33) #OR98-22: Michael Ryder.
- (34) #OR99-08: Krueger.

(Code 1983, § 1.40; Ord. No. OR91-106, 9-23-1991; Ord. No. OR92-203, 2-10-1992; Ord. No. OR94-01, 3-28-1994; Ord. No. OR94-02, 3-28-1994; Ord. No. OR95-02, 8-14-1995; Ord. No. OR97-08, § I, 6-23-1997; Ord. No. OR98-06, § I, 2-23-1998; Ord. No. OR98-07, § I, 2-23-1998; Ord. No. OR98-20, § I, 9-28-1998; Ord. No. OR98-22, § I, 10-12-1998; Ord. No. OR99-08, § 1, 8-9-1999; Ord. No. ORO2-05, § I, 4-22-2002)

Sec. 1-20. Official street map.

- (a) *Purpose.* In order to conserve and promote the public health, safety, convenience and general welfare, there is adopted and established the official street map of the city, which consists of one sheet. This covers the area within the city limits and the area outside the city limits over which the city can exercise its extraterritorial jurisdiction. It is the further purpose of the official street map to show the width and location of the streets in order to promote the efficient and economical development of the city.
- (b) *Certificate to be filed with register of deeds by city clerk/treasurer.* The city clerk/treasurer shall file with the register of deeds of the county a certificate showing that the city has established the official street map as described in subsection (a), and shall do likewise as to any change or addition.
- (c) *Authority of the city plan commission.* The city plan commission, when passing upon a land subdivision plat referred to it by the city council, shall not recommend such plat for approval unless it conforms with the official street map.
- (d) *Building permits, plot plan.* For the purpose of preserving the integrity of the official

street map, no permit shall be issued for any building in the bed of any street, highway or parkway shown or laid out on such map, except as provided in Wis. Stats. § 62.23(6)(d) and (g). The proper official authorized by the city council to issue building permits shall require each applicant to submit a plot plan, certified by a qualified surveyor, for approval. Such plot plan shall show accurately the location of any proposed building with reference to any street as shown on the official street map.

- (e) *City council may change.* The city council, whenever and as often as it deems it for the public interest, may change or add to the official street map of the city in conformity with provisions contained in Wis. Stats. § 62.23(6)(c).
- (f) *Violations and penalties.* Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this section, upon conviction thereof, shall forfeit not less than \$10.00 nor more than \$200.00 and the costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until the payment of such forfeiture and cost of prosecution has been made but not more than 30 days for each violation. Every day of violation shall constitute a separate offense.

(Ord. No. 97-01, § 1, 5-12-1997)