**Village of Browntown**

**Code Adoption Ordinance**

**Schedule A**

**Specific Revisions at Time of Adoption of Code**

Chapter 8, Assessments and Charges.

**Article I, Special Assessments.**

Section 8-3 is amended as indicated:

These special assessments shall include, but not be limited to, snow removal, ice removal, weed control, sidewalk repair or replacement, terrace repair, or any other service as defined in § 66.0627(1)(c), Wis. Stats., or any other similar work done by the Village for a specific Village property owner.

Chapter 15, Name.

Article II, Board of Review.

1. Section 15-3 is amended as indicated:

The Board of Review for the Village of Browntown shall consist of ~~five Village residents, none of whom may occupy any public office or be publicly employed. The members shall be appointed by the Village President with the approval of the Village Board~~ all Village Board members and shall hold office as members of the Board of Review for staggered five-year terms.

1. Section 15-4 is amended to change $8 to $25.

Chapter 63, Adult Entertainment.

1. Section 63-1 is amended to delete reference to § 236.45, Wis. Stats.
2. Section 63-4C is added to read as follows:

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

ADULT-ORIENTED ENTERTAINMENT BUSINESS— An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.

Chapter 70, Animals.

Article II, Animal Control.

1. Section 70-6A is amended to change "Center for Disease Control of the U.S. Department of Health, Education and Welfare" to "Centers for Disease Control of the U.S. Department of Health and Human Services."
2. The original section entitled "Cat license" is repealed.
3. Section 70-14 is amended to read as follows:

A. First offense: certified written letter warning with a time restriction to comply.

B. Second offense: $100 forfeiture and $100 a day until compliant with article.

C. Third offense: Animal is confiscated to the Green County Humane Society.

D. If forfeitures are not paid, they will be placed on the tax special assessment and added to your taxes.

# Chapter 84, Brush, Grass and Weeds.

1. Section 84-5B is amended to add the following sentence to the end of the subsection: "One mailing and door posting will be provided for an initial occurrence; for subsequent notices, only door postings will be provided."
2. Section 84-6 is amended as indicated:

Any violation of this chapter shall be subject to a fine of $50 and, if still in noncompliance after 10 days, an additional fine of $200. Every third offense shall be subject to a fine of $500. The penalty for the cost of mowing by the Village shall be as set by the Village fee schedule. Fines not paid will be applied to the property tax bill.

# Chapter 91, Building Construction.

Section 91-7 is amended to add the following sentence to the end: "The fee schedule resolution is on file in the Village office."

# Chapter 103, Burning, Open.

Section 103-3B is amended to change "$25 for the first offense" to "$50 for the first offense."

# Chapter 117, Curfew.

Section 117-3 and 117-4G are amended to change "City" to "Village."

Chapter 131, Driveways.

1. Section 131-1 is amended to delete reference to § 236.45, Wis. Stats.
2. Section 131-4E is amended to change $450 to $425.
3. Section 131-5B is amended as indicated:

The driveway shall be constructed with a minimum roadway of 14 feet in width. New driveways will be required to have a twenty-four-foot tube with end flares for a single-residence driveway and a thirty-foot tube with end flares for a shared driveway.

Chapter 138, Fences.

1. Section 138-4B is amended as indicated:

Fences may be erected ~~at but not~~ on the property line with a fence permit and approval of all parties involved. Fences must be maintenance-free or have removable panels so they can be maintained without trespassing on the adjacent property. If parties cannot agree, fences shall require a four-foot setback from the lot line with a fence permit and approval of the Planning Commission.

1. Section 138-6B(1) is amended to change "Community Development Department" to "Browntown Planning Commission."
2. Section 138-6B(2) is amended to delete the last sentence, which originally read: "See subsection C(1), 'Sight Triangle Area,' of this section."
3. Section 138-6B(3) is amended as indicated:

Interior lots, rear and side yards (behind the front setback line of the zone to the rear property line). Fences or other similar structures, walls, or hedges can be erected up to a height of ~~six~~ eight feet. Any fence over six feet up to a maximum height of ~~seven~~ eight feet must have engineering by the contractor installing the fence or from the supplier of the fencing materials and approval of the Planning Commission.

1. Section 138-6B4(a) is amended as indicated:

On corner lots, the side yard adjacent to the street may have a fence, wall, or hedge that is allowed up to a height of ~~six~~ eight feet, with Planning Commission approval.

1. Section 138-7 is added to read as follows:

The penalty for violation of any portion of this chapter shall be a fine of $50 for the first offense, and the fence shall be corrected or removed; for the second and subsequent offenses, the penalty shall be a fine of $250, and the fence shall be corrected or removed.

Chapter 145, Fire Protection and Fire Prevention.

Article II, Fire Protection Charges.

Section 145-14 is amended to change "town" to "Village."

Chapter 152, Floodplain and Shoreland-Wetland Zoning.

1. Section 152-11D is amended to change "March 26, 1991" to "March 1981."
2. Section 152-17F is amended to change "local zoning official" to "Browntown Planning Commission."
3. Sections 152-17H(4) and 152-34B(2) are amended to change "Zoning Agency" to "Planning Commission."
4. Section 152-19C(1)(d)[2] is amended to change "Division of Emergency Government" to "Division of Emergency Management."
5. Section 152-23E is added to read as follows:

Pursuant to § 61.351(5m), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

1. In § 152-27, the lead-in paragraph is amended to change "Clerk/Treasurer" to "Planning Commission."
2. Section 152-31 is amended to change "Planning Committee" to "Planning Commission" throughout the section.
3. Section 152-37 is amended as indicated in the second sentence:

A violator shall, upon conviction, forfeit to the municipality a penalty of not ~~less than $50 nor more than $500~~ more than $50 per offense, together with the taxable costs of such action.

1. Section 152-39.
   1. The definition of "boathouse" is amended as indicated:

~~As defined in section 30.121(1), Wis. Stats., means a~~ A permanent structure used for the storage of watercraft and associated materials, and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.

* 1. The definition of "conditional use" is amended to read as follows:

A use which is permitted by this chapter, provided that certain conditions specified in the chapter are met and that a permit is granted by the Board of Appeals or, where designated, the Village Board or the Planning Commission.

* 1. The definition of "fixed houseboat" is amended as indicated:

~~As defined in s. 30.121(1), Wis. Stats., means a~~ A structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spud poles attached to the bed of the waterway.

* 1. The definition of "planning agency" is amended to read as follows:

The Village Planning Commission created under § 62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.

Chapter 160, Health and Sanitation.

Section 160-4 is amended as indicated:

The Browntown Village Board of Trustees is authorized to enforce the provisions of this chapter, and the penalty for violations of any portion of this chapter shall be, ~~determined by resolution passed by the Board of Trustees~~ for a first offense, a written warning; and for a second and subsequent offenses, a fine of not less than $250 nor more than $1,000, and a special assessment may be placed on the property taxes of the property in violation.

Chapter 174, Intoxicating Liquor and Fermented Malt Beverages.

Article I, Licensing.

This article is adopted to read as follows:

**§ 174-1. State statutes adopted.**

The provisions of Chapter 125, Wisconsin Statutes, as from time to time amended, repealed, or otherwise altered by the state legislature, relating to the sale of fermented malt beverages and intoxicating liquors, exclusive of any provisions thereof relating to the penalty to be imposed or the punishment for violation of said statutes, are hereby adopted and made a part of this article by reference.

**§ 174-2. License required.**

No person, firm or corporation shall, within the Village of Browntown, Wisconsin, distribute, sell, or keep, or offer for sale at retail, any fermented malt beverage or intoxicating liquor, or cause the same to be done, without having procured a license as provided in this article. A license shall be required for each place of business.

**§ 174-3. Licenses and fees.**

A. There shall be the following classes and denomination of licenses which, when issued by the Village Clerk under the authority of the Village Board after payment of the fee, shall permit the holder to sell, deal, or traffic in fermented malt beverages or intoxicating liquor as provided in Ch. 125 of the Wisconsin Statutes. For specific fees for each license, see the fee schedule resolution.**1**

(1) Class "B" fermented malt beverage retailer's license.

(2) "Class B" retail liquor license under the provisions of § 125.51(3)(b) of the Wisconsin Statutes, which provisions the Village Board hereby elects.

(3) Temporary Class "B" fermented malt beverage license.

(4) Beverage operator's license:

(a) Operator's licenses which expire June 30 of each year.

(b) A provisional operator's license may be issued by the Village Clerk in accordance with § 125.17(5), Wis. Stats., only to a person who has applied for an operator's license. A provisional license may not be issued to any person who has been denied a license by the Village Board. A provisional license expires 60 days after its issuance or when a regular operator's license is issued to the holder, whichever is sooner.

(c) Temporary operator's licenses may only be issued once per year, with a term of not more than two weeks.

B. No "Class B" retail liquor license shall be granted to any person who is not the holder of a Class "B" fermented malt beverage retailer's license granted by the Village Board of the Village of Browntown, Wisconsin.

**§ 174-4. License restrictions.**

In addition to the requirements imposed by the provisions of the Wisconsin Statutes incorporated by reference herein, the following restrictions shall apply to the issuance of licenses or permits pursuant to this article:

A. Requirements for licenses. No license or permit shall be issued to any person who is not 18 years of age or older, of good moral character, a citizen of the United States, and, except in the case of operator's licenses, a resident of Wisconsin continuously for at least one year prior to application. No license shall be issued to any person who has been an habitual petty law offender or convicted of a crime under the laws of this state punishable by imprisonment in the state prison, unless such person has been pardoned. This section shall apply to all officers and directors of any corporation licensed hereunder.

B. Inspection of application and premises. The Village Clerk shall notify the Village Board of all license and permit applications; these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances, and laws applicable thereto, and the applicant's fitness for the trust to be imposed. No license or permit provided for in this article shall be issued without the approval of the Village Board, and no license shall be renewed without a reinspection of the premises as herein required.

C. Health and sanitation. No license or permit shall be issued for any premises which do not conform to the sanitary, safety, and health requirements of the Department of Safety and Professional Services, the Department of Agriculture, Trade and Consumer Protection, and to all such ordinances and regulations adopted by the Village of Browntown, Wisconsin.

D. Tax delinquencies. No license or permit shall be granted for operation of any premises upon which taxes or assessments or other financial claims of the Village of Browntown, Wisconsin, are delinquent or unpaid.

E. Effect of revocation of license. No license shall be issued for any premises if a license covering such premises has been revoked within six months prior to an application. No license shall be issued to any person, firm, or corporation who has had a license issued pursuant to this article revoked within 12 months prior to application.

**§ 174-5. Limitation on issuance of licenses.**

A. The number of persons and places that may be granted annual "Class B" retail liquor licenses shall be and is hereby limited to two.

B. The number of persons and places that may be granted annual Class "B" fermented malt beverage retailer's licenses shall be and is hereby limited to two.

**§ 174-6. Regulation of licensed premises.**

A. Search of licensed premises. It shall be a condition of any license or permit issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any Village peace officer, member of the Village Fire Department, Village Health Official, or the Village Building Inspector, without any warrant, and the application for a license or permit hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license or permit issued hereunder and shall be deemed a violation of this article.

B. Posting of licenses. Licenses or permits issued hereunder shall be posted and displayed according to law; any licensee or permittee who shall fail to post his license or permit as required shall be presumed to be operating without a license or permit.

C. Sale to minors. The provisions of § 125.07 of the Wisconsin Statutes shall apply to the sale of fermented malt beverages to persons under 18 years of age when not accompanied by a parent, guardian, or adult spouse, except as provided in §§ 125.10(1), (2) and (4), 125.12(1)(a) and 125.07(3) of the Wisconsin Statutes.

D. Safety and sanitation requirements. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

E. Hours of operation.

(1) No intoxicating liquors covered by this article and amendments thereto shall be sold for on-premises consumption on any premises for which a Class "B" license has been issued except during the hours of 6:00 a.m. to 2:00 a.m. Monday through Thursday, 6:00 a.m. to 2:30 a.m. Friday and Saturday, and 6:00 a.m. Sunday to 2:00 a.m. Monday; such premises may not sell intoxicating liquors for off-premises consumption between the hours of 12:00 midnight and 6:00 a.m., with the exception of the following:

(a) On January 1, Class "B" beer and "Class B" liquor licensed establishments are not required to close; however, sales for off-premises consumption between 12:00 midnight and 6 a.m. are prohibited.

(b) On the Sunday that daylight saving time begins as specified in § 175.095(2), Wis. Stats., no premises for which a Class "B," "Class B," or "Class C" license has been issued may remain open between 3:30 a.m. and 6:00 a.m.

(2) At the time of closing as provided herein, no further business whatsoever shall be transacted in, on, or about the licensed premises. The lights therein shall be extinguished forthwith and all guests, patrons, and frequenters thereof shall at once depart therefrom. There shall be no resumption of business until the opening hours as herein provided.

F. All windows in the front of any licensed premises shall be of clear glass. During the hours in which sale is prohibited, no premises licensed for the sale of intoxicating liquor or fermented malt beverages shall obstruct, by the use of curtains, blinds, screens or in any other manner, a full and complete view of the interior from the outside. During the hours in which the sale of intoxicating liquor is permitted, the premises shall be properly and adequately lighted.

G. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises.

**§ 174-7. Sale and use of intoxicating liquor and fermented malt beverages in public places and on public grounds.**

Except as authorized by the Village Board through issuance of a permit or license, it shall be unlawful for any person to use, dispense, consume, deal or traffic in, or give away any fermented malt beverages or intoxicating liquors in any public place or on public grounds in the Village.**2**

**§ 174-8. Revocation or suspension of licenses; violations and penalties.**

A. Procedure. Except as hereinafter provided, the provisions of § 125.12(2)(ar), (b) and (c), Wis. Stats., shall be applicable to proceedings for the revocation or suspension of all licenses or permits granted under this article. In addition, revocation or suspension proceedings may be instituted by the Village Board upon its own motion.

B. Suspension. The Village President, upon obtaining reasonable information that any licensee has violated any provision of this article or any state or federal liquor or fermented malt beverage law, or committed any felony, may suspend the license or permit of such person for a period not to exceed 10 days pending hearing by the Village Board pursuant to Subsection A hereof.

C. Penalties. Any person, firm or corporation violating any provision of this article shall, upon conviction thereof, forfeit not more than $500, and the costs of prosecution, nor less than $50 and, in default of payment thereof, may be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.

D. Second offenses. Any license or permit issued under the provisions of this article shall stand revoked without further proceedings upon the conviction of a licensee or his employee, agent, or representative, of a second offense under this article or the provisions of Chapters 139 or 125 of the Wisconsin Statutes or any other state or federal liquor or fermented malt beverage law, or any felony.

**§ 174-9. Severability.**

If any provision of this article or the application thereof to any person or circumstances is held invalid, the remainder of this article and the application of such provisions to other persons or circumstances shall not be affected thereby.

Chapter 196, Noise.

Article I, Motor Vehicles.

Section 196-2 is amended to read as follows:

Any violation of this article shall be subject to a fine of $50 and, if still in noncompliance after 10 days, an additional fine of $200. Fines not paid shall be applied to the property tax bill.

Chapter 203, Parks and Recreation Areas.

1. The original definition of "park caretaker" is repealed.
2. Section 203-4B is amended to read as follows:

The Public Works Superintendent will oversee the maintenance of the park.

Chapter 210, Peddling and Soliciting.

Article I, Charitable Fund Drives.

Section 210-1 is amended to read as follows:

Every charitable organization which intends to solicit contributions by means of the use of the Village of Browntown or any element of said Village by way of resident-to-resident, mail, phone, fax, face-to-face, computer, signage or social media shall, prior to any solicitation, obtain the approval of the Village Board for such solicitation. Proof shall be submitted to the Village Clerk that such charitable organization is registered under § 202.12, Wis. Stats., or is exempt under § 202.12(5), Wis. Stats., from such registration.

Chapter 226, Sewers.

Article II, Contribution in Aid of Construction.

1. Section 226-7 is amended to read as follows:

A. The current CAC charges for the various uses as listed below and as described elsewhere in this article shall be as per the fee schedule resolution.

**Building Description**

Existing buildings (includes future buildings having laterals installed during the original construction)

Single-family residence

Commercial

School

Future buildings not having lateral installed during the original construction

Single-family residence

Commercial

B. Any category of building not listed above shall be assigned a CAC charge by the Village upon application and after recommendation by the Village's Engineer. The Village may, at any time hereafter, review and consider the charges and, in unusual circumstances or upon proper evidence, make justifiable changes. The Village shall set special charges for large commercial service or industrial users not defined above.

C. With regard to existing buildings, included in the CAC charge is the cost of the lateral to be installed by the Village (Village lateral) which will extend from the sewer main to the easement line or property line. Any required lateral from that point to the building will be the responsibility of the property owner.

1. Section 226-8A is amended to change the "wye only" fee in Subsection A(1) from $35 to $100 and to change the Village lateral fee in Subsection A(2) from $350 to $500.

**Article III, Sewer Utility.**

1. Section 226-12E is amended to read as follows:

E. Installation of house laterals.

(1) All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code except that allowable service pipe materials shall be limited to ABS SDR 23.5 (ASTM D2751), PVC Schedule 40 (ASTM D-1788) or service with cast-iron soil pipe with push-on joints (ASTM A74) no smaller than four inches size.

(2) Per the State of Wisconsin Administrative Code, all laterals will be inspected. The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.

1. Section 226-13C(2) is amended as indicated:

Water meter readings shall be used to determine the actual water volume used. All quarterly sewer bills will be based on actual water used. If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service, provided a meter has been installed to measure such water. The customer must at his own expense make necessary changes in the water piping and install couplings so that a meter can be set. ~~A charge of $1.75 per quarter shall be made for each such meter, up to a one-inch meter. The charge for all larger meters shall be $3 per quarter.~~ See the sewer rate resolution beginning with Res. No. 2021-420-1 for the most current quarterly charges. Any future rate changes will be reflected by resolution.

1. Section 226-13D is amended to read as follows:

Determination of user charges. The user charges, and this article, shall be reviewed not less than biennially. Such review shall be performed by the Village Board and the Deputy Clerk. User charges shall be adjusted, as required, to reflect actual volumes of water used and actual costs.

1. Section 226-13E is amended to change "City" to "Village."
2. Section 226-13F(2) is amended to read as follows:

All charges for sewerage service shall be made quarterly and shall be payable on the first day of the quarter. A penalty of 3% per month will be added to those bills not paid on or before the 20th day after the bill is sent. A failure to receive a bill shall not excuse nonpayment. Sewerage service charges shall be a lien on the property served, in accordance with § 66.0821 of the Wisconsin Statutes. Such bills will be sent to the property owner for the timely collection of and payment to the Sewer Utility. Users shall be notified annually of the portion of the user charge that is attributable to wastewater treatment services.

1. Section 226-14E(1) is amended as inidicated:

Any person who shall violate any of the provisions of this article or rules or regulations of the Sewer Utility of the Village of Browntown; or who shall connect a service pipe without first having obtained a permit therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference shall, upon conviction thereof, forfeit not less than ~~$10~~ $50 nor more than ~~$200~~ $250, and the costs of prosecution. This, however, shall not bar the Board of Trustees from enforcing the connection duties set out in § 226-14A for mandatory hookup.

Chapter 240, Solid Waste.

Article I, Recycling.

Section 240-16A is amended to change "10:00 a.m. through 12:00 p.m." to "8:00 a.m. through 10:00 a.m."

Chapter 247, Streets and Sidewalks.

Article I, Snow Removal.

1. Section 247-1 is amended to add the following sentence to the end of the section:

When ice is formed on the sidewalk so that it cannot be removed, it shall be kept sprinkled with ashes, salt, sand or like material.

1. Section 247-2 is amended as indicated in the second sentence:

The cost will be a minimum ~~of $25~~ charge per the fee schedule resolution, with any additional cost being based on the cost of labor and materials to the Village as submitted by the Village Public Works.

**Article II, Street Width.**

1. Section 247-4 is amended as indicated:

The Village of Browntown hereby enacts the minimum ~~residential street width to be 49 1/2 feet~~ width of all new roads to be 66 feet.

**Article III, Excavations and Openings.**

1. Section 247-7 is amended to change "Board of Council" and "Common Council" to "Village Board."
2. Section 247-8 is amended as indicated:

Every person to whom a permit shall be granted to build, repair or remove any building, or to use any street or sidewalk for the deposit of building materials, shall enclose or cause to be enclosed on all sides of building materials.~~, may grant a permit to any person to place seating benches, or decorative devices upon any street, alley or sidewalk within the Village, providing said placement does not interfere with safety of the general public or create a hazard to the general public.~~

1. Section 247-9B is amended to change "City" to "Village."

**Article IV, Street Specifications.**

1. Section 247-11 is amended to read as follows:

Sixty-six feet wide shall be the minimum road right-of-way deeded to the Village of Browntown.

**Article V, Sidewalk Maintenance and Repair.**

1. Section 247-19 is amended to read as follows:

Maintenance of the sidewalks shall be the duty of all persons owning adjacent property in the Village of Browntown. Snow and ice shall be removed within 24 hours after any snowstorm to maintain clear sidewalks.

1. The first sentence of § 247-21 is amended to read as follows:

When any person neglects or refuses to clean their sidewalks as provided in § 247-19 or any person neglects or refuses to mow grass on the terrace or cut noxious weeds as in § 247-18 of this article, the President or any Trustee shall order the Public Works to procure the necessary help and clean said sidewalk or mow said terrace, and the Public Works shall file with the Village Clerk an itemized statement for the work completed and the name of the property owner and address of the property.

Chapter 258, Vehicles, Abandoned.

1. Section 258-1 is amended as indicated:

The Village Trustees find, determine and declare that the keeping, storage or abandonment of any motor vehicle not currently used for transportation, or not licensed for operation in the current year, out of doors within the limits of the Village within residential districts is a nuisance and contrary to the public health, safety and welfare of the inhabitants of the Village, in that such articles so abandoned or stored attract or may attract persons of tender years who may play in and about them and be injured in so doing and in that such vehicles so abandoned and stored out of doors exposed to the elements deteriorate, and the exposure to view of such motor vehicles is unsightly and detrimental to the character and appearance of the Village.

1. Section 258-2 is amended to read as follows:

The Browntown Village Board of Trustees is authorized to enforce the provisions of this chapter by § 61.34, Wis. Stats. Any violation of this chapter shall be notified, in writing, and subject to a fine of $50; if still in noncompliance after 10 days after notification, an additional fine of $250 may apply. Fines not paid shall be applied to the property tax bill.

Chapter 264, Vehicles, All-Terrain.

Section 264-8 is amended as indicated:

The provisions of this chapter shall be deemed severable, and it is expressly declared that the Village of Browntown would have passed other provisions of this chapter irrespective of whether or not one or more provisions may be declared invalid. If any provision of this chapter or the application to any person or circumstances is held invalid, the remainder of the chapter and the application to any person or circumstance ~~is held invalid the remainder of the ordinance and the application of such provisions to other person's circumstances~~ shall not be affected.

Chapter 270, Vehicles and Traffic.

Article I, Heavy Traffic Routes.

1. Section 270-6B is amended to change $10 to $25 in Subsection B(1) and $20 to $50 in Subsection B(2).

**Article II, Speed Limits.**

1. In the table in § 270-7, all four entries are amended at the Location column to change "Patrick Hampton's driveway" to "the driveway at 539 South Mill Street."

**Article III, Parking.**

1. Section 270-8 is amended to read as follows:

This article is adopted pursuant to the general police powers granted under § 61.34(1), Wis. Stats., and specific authority per Wisconsin State Statutes.

Chapter 277, Water.

Article II, Private Well Abandonment.

1. Section 277-9 is amended to change "Nov. 31, 1987" to "November 30, 1987."
2. Section 277-13 is amended to change "not less than $25 nor more than $100" to "not less than $50 nor more than $500."

Chapter 285, Zoning.

1. Section 285-2 is amended to change "not less than $25 nor more than $200" to "not less than $50 nor more than $500."
2. Section 285-4 is amended to change "\_\_\_\_, 1979" to "March 1981."
3. Section 285-9H is amended to change "Zoning Board" to "Planning Commission."
4. Section 285-11 is amended to delete the last sentence, which originally read:

In case, however, of a protest against such change duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Village Board voting on the proposed change.

1. Section 285-26DD is added to read as follows:

Adult entertainment uses are permitted only in the B-1 Business District.

1. Section 285-34A is amended to change "nauseous" to "nauseating" and to change "wholesome" to "unwholesome."
2. Section 285-43D is amended to delete the last sentence, which originally read:

When a building containing a nonconforming use is damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to the extent of more than 60% of its current assessed value, it shall not be restored or rebuilt except in conformity with the regulations of the district in which it is located.

1. Section 285-43F is added to read as follows:

Pursuant to § 62.23(7)(hc), Wis. Stats., and notwithstanding any other provision of this chapter, a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

1. Original Sec. 11, Zoning Board of Appeals, is repealed.
2. Section 284-45A is amended to change "Zoning Board of Appeals" to "Planning Commission."
3. Section 285-50 is amended as indicated:

Appeals from a decision of the Building Inspector shall be taken within 30 days of the issuance of the decision by the Inspector. To initiate the appeal, a written notice specifying the grounds of the appeal shall be filed with the Inspector and the ~~Zoning Board of Appeals~~ Planning Commission. ~~Thereafter, the Zoning Board of Appeals shall proceed in accordance with Section 11-3 of this chapter.~~ Fees for filing an appeal shall be as established from time to time by resolution of the Village Board.

1. Section 285-53 is amended to read as follows:

(See § 285-13, definition of "variance," of this chapter.) A person seeking a variance shall first apply to the Building Inspector for a zoning/building permit as set forth in § 285-49. An appeal to the Planning Commission taken by a property owner upon the denial of his application for a zoning/building permit shall be considered to be an application by the property owner for a variance. The Village Board shall act upon the matter as set forth in § 285-50 of this chapter and make a final decision.