

Town of Troy

*N8870 Briggs Street * East Troy, WI 53120 * Walworth County*

Chapter 17

Ordinance 2007- 1

AN ORDINANCE REPEALING AND RECREATING THE EMERGENCY NUMBERS FOR 911 SYSTEM
ORDINANCE OF THE TOWN OF TROY

WHEREAS, the Board of Supervisors of the Town of Troy has been authorized at an annual town meeting to appropriate money in the budget for posting signs and otherwise cooperating with the County in the establishment of a rural numbering system, pursuant to Wis. Stat. 60.10(3)(d); and,

WHEREAS, it is deemed to be in the best interest of the Town of Troy that the Emergency Numbers for 911 System Ordinance # 2005-6 of the Town of Troy be repealed and recreated in the manner hereinafter more particularly set forth;

NOW, THEREFORE, the Town Board of the Town of Troy do hereby ordain as follows:

That the Emergency Numbers for 911 System Ordinance #2005-6 of the Town of Troy is hereby repealed and recreated to read as follows:

Town of Troy Address/911 Ordinance

Section 1. Uniform Numbering System Adopted.

The Walworth County Rural Building Numbering System Ordinance #229-09/02 as approved on September 12, 2002., codified as Chapter 43 of the Walworth County Code, is hereby adopted.

Section 2. Title.

This ordinance will henceforth be known as the "Town of Troy Address/911 Ordinance".

Section 3. Purpose.

The purpose of this Ordinance is to promote the health, safety, comfort and general welfare of the public in the Town of Troy by providing a means for physically locating properties. The ability to easily locate properties is a vital asset in providing emergency services for fire, rescue and police as well as a convenience for other services that serve rural properties.

Section 3. Purpose (continued).

Upon recommendations from the Troy Center Fire Department and Ambulance/Rescue Services providing service to the Town concerning inconsistencies with respect to the current address/911 signs and locations, the Town believes it is necessary to replace the existing signs and location.

Section 4. Intent.

The intent of this Ordinance is to establish the method by which rural address signs may be obtained by a property owner as well as how the rural address sign is installed and maintained.

Section 5. Jurisdiction.

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Troy. Every property with a structure on it shall have an address/911 sign installed and visible at all times.

Section 6. Waivers.

The Town of Troy Board shall have the exclusive power to order the issuance of waivers from the terms of this Ordinance, including restrictions placed on non-conformities. Waivers shall only be permitted when they are in harmony with the general purpose and intent of this Ordinance.

Section 7. Fees and Signs.

The fee for the address sign shall be established by the Town of Troy Board and may be amended by the Town Board when deemed necessary. The signs and posts that are required by this ordinance must be identical to the uniform signs and posts that have been approved by the Town Board as amended by the Town Board from time to time. All new or replacement signs or posts required by this ordinance must be obtained from the Town Clerk upon payment of the required fee. The fee for the signs shall be the actual sign and post cost, plus any installation charges.

Section 8. Assignment of Numbers.

All new construction subsequent to the adoption of this Ordinance shall apply to the Walworth County Information Systems Department for a number, in conjunction with obtaining a building permit. A property owner shall submit the appropriate fee to the Town Clerk along with a completed driveway application, when requesting a address sign. The Town Clerk shall obtain the required sign and arrange for its installation. In addition, whenever it appears that an existing parcel in the Town is not numbered in accordance with this ordinance, upon the request from the Town Clerk the property owner must apply to the Walworth County Information Systems Department for a new address number that complies with this ordinance and post the new address as required herein.

Section 9. Installation & Placement.

The Town of Troy shall employ a third party contractor of its choosing to perform the initial installation of the new address/911 signs. Installation of signs subsequent to the adoption of this Ordinance shall be performed by the Town of Troy Public Works Department.

The Primary location for the post/signs shall be approximately 15 feet from the edge of the right side of the driveway (facing building from road), and on the back edge of the road right-of-way. Secondary location shall be same measurements but on left side of driveway. Alternate locations shall be determined by the Road Commissioner or public Works Employee, if necessary due to foliage, lot line boundaries or other obstructions that would compromise the effectiveness of the sign if installed in the Primary or Secondary location, but does not include affixing the sign to any building or structure. No property owner may change the placement location of post/signs after installation without the express written consent of the Town Board.

Section 10. Maintenance.

It shall be the responsibility of the property owner to maintain all address/911 signs for his/her property. Maintenance shall include notification for need of replacement, and keeping the sign in a physical condition whereby the address/911 number is easily and clearly legible at all times. The property owner shall also ensure that the sign is clearly visible from the public road and not obscured by vegetation, structures, snow, etc..

Section 11. Payments & Penalties.

It is the responsibility of the property owner to pay all fees for the purchase and installation of signs. In the case where the Town requests a sign replacement, the Town may choose to pay the fee and seek reimbursement from the affected property owner. In the case where a property owner refuses to pay for a required sign and installation, the Town shall assess all costs for the sign and installation to the affected property owners real estate tax bill after one notice has been sent by first class mail, and unpaid after 30 days.

One written notice will be served, by first class mail, to those in non-compliance of this Ordinance. Those failing to comply within 10 days from the date of the written notice will be subject to a forfeiture of not less than Fifty Dollars (\$50.00) per day and not more than five hundred dollars (\$500.00) for each day the violation continues, together with the cost of prosecution.

Section 12. Severability.

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Effective Date.

This ordinance shall take effect upon its passage and publication or posting as provided by law.

Adopted this 11 day of July, 2007.

Town of Troy

Attest:

Ruth Polinski
Ruth Polinski, Clerk

Allen Curter
Allen Curter, Chairman

Date of Posting or Publication 7-12-07

LAW OFFICES OF
ARENZ, MOLTER, MACY & RIFFLE, S.C.
720 N. EAST AVENUE
P.O. BOX 1348
WAUKESHA, WISCONSIN 53187-1348

TELEPHONE 548-1340
FACSIMILE 548-9211
AREA CODE 262

DALE W. ARENZ
DONALD S. MOLTER, JR.
JOHN P. MACY,
COURT COMMISSIONER
H. STANLEY RIFFLE,
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ERIC J. LARSON
PAUL E. ALEXY
R. VALJON ANDERSON
JULIE A. AQUAVIA
DYAN E. BARBEAU
JOSEPH D. MELENDES

TO: Town Board 262-642-5227
FROM: Attorney John P. Macy
DATE: May 4, 2007
RE: Town of Troy/Emergency Numbers for 911 System/Draft Ordinance/First Draft

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET):

8

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LAW OFFICES OF
ARENZ, MOLTER, MACY & RIFFLE, S.C.720 N. EAST AVENUE
P.O. BOX 1348 (53187-1348)
WAUKESHA, WISCONSIN 53186
Telephone (262)548-1340
Facsimile (262)548-9211
Email: jmacy@ammr.netDALE W. ARENZ
DONALD S. MOLTER, JR.
JOHN P. MACY
COURT COMMISSIONER
H. STANLEY RIFFLE
COURT COMMISSIONERRICK D. TRINDL
ERIC J. LARSON
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R. VALJON ANDERSON
JULIE A. AQUAVIA
JOSEPH D. MELENDES

May 4, 2007

TOWN BOARD
TOWN OF TROY
N8870 BRIGGS STREET
EAST TROY WI 53120**Re: Town of Troy
Emergency Numbers for 911 System
Draft Ordinance
First Draft**

Ladies and Gentlemen:

I received a first draft of a proposed ordinance which would amend the Town of Troy address number ordinance, which I believe was prepared by the Town Chair. Enclosed for your convenience please find a copy of the same. I have had an opportunity to carefully consider this matter.

Based upon my review, I hereby approve the form of the same subject to the following comments, questions, concerns and recommendations in this regard:

1. I recommend this change in the first paragraph:

WHEREAS, the Board of Supervisors of the Town of Troy having has been authorized at an annual Town meeting to appropriate money in the budget for posting signs and otherwise cooperating with the County in the establishment of a rural numbering system, pursuant to Wis. Stat. 60.10(3)(d); and

2. I recommend the following change in Section 1:

The Walworth County Rural Building Numbering System Ordinance #229-09/02 as approved on September 12, 2002, codified as Chapter 43 of the Walworth County Code, is hereby adopted...

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May 2, 2007
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3. In Section 6, in the heading, and in two places in the text of the section, I recommend that the word "variances" be changes to the word "waivers". The term "variance" could invoke Court decisions that you probably do not want to incorporate in this section.
4. In Section 7, you may want to delete the last two sentences regarding these specifications for the sign and the post, given that apparently the signs must be purchased from the Town anyway (as described in Section 8, if I am reading that correctly). It might be appropriate for the Town to modify these requirements at some time in the future, and you might want to have the ability to do so without needing to amend the ordinance in this regard, at that time. Moreover, you may want to add the following in lieu of the last two sentences of Section 7:

The signs and posts that are required by this ordinance must be identical to the uniform signs and posts that have been approved by the Town Board as amended by the Town Board from time to time. All new or replacement signs or posts required by this ordinance must be obtained from the Town Clerk upon payment of the required fee.

5. In Section 8, I suggest that you include a procedure that would be followed in the event that a property would be discovered as having an incorrect address at some time in the future. Perhaps the following could be added after the first sentence of Section 8, in this regard:

In addition, whenever it appears that an existing parcel in the Town is not numbered in accordance with this ordinance, upon the request from the Town Clerk the property owner must apply to the Walworth County Information Systems Department for a new address number that complies with this ordinance and post the new address as required herein.

6. I read this draft ordinance as requiring these new numbers to be installed for all new construction within the Town of Troy. I do not read this ordinance as saying that new signs will be installed throughout the Town now for all existing properties. Is that your intent?

Several of my municipal clients have completely renumbered their municipalities in recent years, using upgraded uniform signs to do so. If this is your intent, we should further consider the matter and specifically address this within the ordinance.

Aside from the legal drafting issues, I have found this to be a politically charged issue in some communities. There are costs to property owners that arise when

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new numbers are assigned. There are also costs to the property owners for the signs and the installation, of course. As I recall, I believe that in the past my municipal clients have chosen to pay for the costs of the signs and the installation out of the general fund, rather than have arguments from citizens due to the special charge on the tax bill. I do not recall having fully researched, moreover, whether this would be an appropriate use of the special charge authority, though I could do so on request.

7. In Section 10, in the second line after the comma, the word "and" should be added.
8. In Section 11 again refers to fees, an obligation to "pay all fees." I recommend that you further describe those fees. I assume you are referring to a fee that is based upon the expected amount necessary to reimburse the Town for its costs of providing this service.
9. In Section 11, I suggest that you should also establish a maximum penalty, not only a minium, e.g.:

...will be subject to a fine forfeiture of not less than fifty dollars (\$50.00) per day and not more than five hundred dollars (\$500.00) per day, for each day...

10. In Section 12, I recommend this change:

...be declared by ~~the Courts~~ a Court of competent jurisdiction to be unconstitutional...

11. Recommendation. Before proceeding further, I suggest further clarification of the following issues:
 - A. Are all addresses throughout the Town going to be re-assigned?
 - B. Are all address signs throughout the Town to be re-posted, with a uniform sign?
 - C. If either of the foregoing must be done, do you intend to pay for this out of the general fund, or do you intend to charge this cost to the property owners?

Upon receipt of your response to these issues, I will be able to offer additional comments and suggestions regarding the ordinance. In general, I believe the

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ordinance is well conceived, though the foregoing issues will require some further clarification depending upon your intent.

If you should have any questions regarding these matters, please do not hesitate to contact me.

Thank you for referring this matter to me. I was happy to be of service to the Village of Fox Point in this regard.

Yours very truly,

ARENZ, MOLTER, MACY & RIFFLE, S.C.


John P. Macy

JPM/mkc

Enclosure

cc: Allen Curler, Town Chair
Ruth Polinski, Town Clerk

Town of Troy

*N8870 Briggs Street * East Troy, WI 53120 * Walworth County*

*Proposed
New Ord.*

DRAFT

Chapter 17

Ordinance 2007- 1

AN ORDINANCE REPEALING AND RECREATING THE EMERGENCY NUMBERS FOR 911 SYSTEM ORDINANCE OF THE TOWN OF TROY

WHEREAS, the Board of Supervisors of the Town of Troy having been authorized at an annual town meeting pursuant to Wis. Stat. 60.10(3)(d); and,

WHEREAS, it is deemed to be in the best interest of the Town of Troy that the Emergency Numbers for 911 System Ordinance # 2005-6 of the Town of Troy be repealed and recreated in the manner hereinafter more particularly set forth;

NOW, THEREFORE, the Town Board of the Town of Troy do hereby ordain as follows:

That the Emergency Numbers for 911 System Ordinance #2005-6 of the Town of Troy is hereby repealed and recreated to read as follows:

Town of Troy Address/911 Ordinance

Section 1. Uniform Numbering System Adopted.

The Walworth County Rural Building Numbering System Ordinance #229-09/02 as approved on September 12, 2002, is hereby adopted by the Town of Troy as a uniform system of numbering all structures used for residence, business, industry, or public assembly on all streets, roads and highways, both public and private within the Town of Troy.

Section 2. Title.

This ordinance will henceforth be known as the "Town of Troy Address/911 Ordinance".

Section 3. Purpose.

The purpose of this Ordinance is to promote the health, safety, comfort and general welfare of the public in the Town of Troy by providing a means for physically locating properties. The ability to easily locate properties is a vital asset in providing emergency services for fire, rescue and police as well as a convenience for other services that serve rural properties.

Section 3. Purpose (continued).

Upon recommendations from the Troy Center Fire Department and Ambulance/Rescue Services providing service to the Town concerning inconsistencies with respect to the current address/911 signs and locations, the Town believes it is necessary to replace the existing signs and location.

Section 4. Intent.

The intent of this Ordinance is to establish the method by which rural address signs may be obtained by a property owner as well as how the rural address sign is installed and maintained.

Section 5. Jurisdiction.

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Troy. Every property with a structure on it shall have an address/911 sign installed and visible at all times.

Section 6. Variances.

The Town of Troy Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance, including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purpose and intent of this Ordinance.

Section 7. Fees and Signs.

The fee for the address sign shall be established by the Town of Troy Board and may be amended by the Town Board when deemed necessary.

The signs shall be an aluminum flag type with a blue and white reflective 3M coating and shall contain the address/911 number, the street name and the Town's name. Posts shall be galvanized steel channel posts.

Section 8. Assignment of Numbers.

All new construction subsequent to the adoption of this Ordinance shall apply to the Walworth County Information Systems Department for a number, in conjunction with obtaining a building permit. A property owner shall submit the appropriate fee to the Town Clerk along with a completed driveway application, when requesting a address sign. The Town Clerk shall obtain the required sign and arrange for it's installation.

Section 9. Installation & Placement.

The Town of Troy shall employ a third party contractor of its choosing to perform the initial installation of the new address/911 signs. Installation of signs subsequent to the adoption of this Ordinance shall be performed by the Town of Troy Public Works Department.

The Primary location for the post/signs shall be approximately 15 feet from the edge of the right side of the driveway (facing building from road), and on the back edge of the road right-of-way. Secondary location shall be same measurements but on left side of driveway.

Section 9. Installation & Placement (continued).

Alternate locations shall be determined by the Road Commissioner or public Works Employee, if necessary due to foliage, lot line boundaries or other obstructions that would compromise the effectiveness of the sign if installed in the Primary or Secondary location, but does not include affixing the sign to any building or structure. No property owner may change the placement location of post/signs after installation without the express written consent of the Town Board.

Section 10. Maintenance.

It shall be the responsibility of the property owner to maintain all address/911 signs for his/her property. Maintenance shall include notification for need of replacement, keeping the sign in a physical condition whereby the address/911 number is easily and clearly legible at all times. The property owner shall also ensure that the sign is clearly visible from the public road and not obscured by vegetation, structures, snow, etc..

Section 11. Payments & Penalties.

It is the responsibility of the property owner to pay all fees. In the case where the Town requests a sign replacement, the Town may choose to pay the fee and seek reimbursement from the affected property owner. In the case where a property owner refuses to pay for a required sign and installation, the Town shall assess all costs for the sign and installation to the affected property owners real estate tax bill after one notice has been sent and unpaid after 30 days.

One written notice will be served, by first class mail, to those in non-compliance of this Ordinance. Those failing to comply within 10 days from the date of the written notice will be subject to a fine of not less than Fifty Dollars (\$50.00) per day for each day the violation continues, together with the cost of prosecution.

Section 12. Severability.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Effective Date.

This ordinance shall take effect upon its passage and publication or posting as provided by law.

Adopted this _____ day of _____, 2007.

Town of Troy

Attest:

Allen Curler, Chairman

Ruth Dolinski, Clerk

Date of Posting or Publication _____

Motion to Approve D June 16, 2009

Approve fee to install address signs/post: A Ben Bourdo/ Jeff Trapp motion to set the proposed charges for the installation of the address signs for new installation, it will be \$50.00, that would include the sign, post and installation, replacement signs would be broken down as follows: the sign itself \$28.00, the post \$8.50, \$10.00, the actual man labor and replacement just to clear up would be actual cost, anything what ever is needed to fix the sign. Motion carried. 3-0

2010 Census/ Flyers: John attended a meeting regarding 2010 census, they asked towns villages and cities communicate with the residents about the upcoming 2010 census. Flyers will be printed by the County in English and Spanish, at no cost to us. John will be in charge of the town census information that must to be completed by April 2010.

Nature Road/ Mukwonago River Parking in the ROW: Concerns regarding parking in the ROW on Nature Road were reported to Sergeant Troy Anhalt, (town contact for Walworth County Sheriff Dept.), suggestions: call the Sheriff Dept. when cars are parked in ROW, install signs stating cars will be towed. Citations will be issued by Sheriff's Dept.

Create Town of Troy Web Page Committee: A Ben Bourdo/ Jeff Trapp motion to create a committee, to create a Town of Troy Web page, with the committee chair being John Kendall and to include at least for the time being the individuals that were identified at this meeting by Carol Mullen, their names: Jim Marrari, Barb La Barbera and Karen Moeel. Motion carried. 3-0

Approve Shirley Fox/ Town Hall Housekeeping Duties, pay increase: A John Kendall/ Ben Bourdo motion to approve Shirley Fox for extra housekeeping duties twice a month for \$50.00 for each time. Motion carried. 3-0

Approve expenses for Treasurer's Education Highlights/ Green Bay: A Ben Bourdo/ Jeff Trapp motion to approve \$918.00 for our Treasurer to go to the Municipal Clerk's and Treasurer Institute for training, July 12-17, 2009 class presented by the University of WI Green Bay Extension as presented. Motion carried. 3-0.

2011 Revaluation Assessing Services Contract/ Associated Appraisal Consultants, Inc.: tabled
Possible change to Town Posting Locations: Proposed new posting locations: Booth Lake Memorial Park and Little Prairie Cemetery. tabled

Update Town of Troy Municipal Emergency Operational Plan/ Set Meeting Date: Kevin Williams will be contacted about meeting, no date set. tabled

Board Member responding to e-mail/ calls: Discussion held regarding Ben Bourdo not returning e-mail and phone calls, Ben Bourdo stated he is having problems with his e-mails.

Conditional Use/ Pleasant Lake Tap & Grill: Gregory Guidry (building inspector) reported owners are working on a land disturbance issue with county, possible plumbing issues, building inspector will keep board informed.

Approve Sale of Lake Patrol Trolling Motor: A John Kendall/ Ben Bourdo motion go ahead with the Shopper (newspaper) for two weeks a Mini Kota Trolling motor, 54 inch shaft, 55 lb thrust, persons interested please contact the town clerk at 262-642-5292, for viewing and submitting a bid and the Board has the right to approve or reject any bid for the Town of Troy. Motion carried. 3-0

Smart Growth: Meeting held May 20, Ben stated he printed off where we are at with Smart Growth. A schedule for Smart Growth Open House was distributed to Board members. Town of Troy, Smart Growth Open House, scheduled Sept. 16, 2009.

Citizens Input or Items for Boards Consideration No action will be taken: G. Messerschmidt and M.E. Oeding spoke against opening the Town Hall to all residents. A Tersen asked for residents only or no trespassing sign be added to the Road Closed sign on Townline Road.

Approve Bills for Payment: Checks #5435- 5506. **A Ben Bourdo/ Jeff Trapp motion** to approve the bills checks # 5435 thru 5506 as presented. Motion carried 3-0

Future Agenda Items/ July 8th 2009: Smart Growth Secretary, Pontoon Boat Trailer, Purchase new Fire Truck, Web Page Committee update, Vanessa Fell /Treasurer's Education Class update, Town Legal posting spot, Update Emergency Plan, Pleasant Lake Tap and Grill, Bowers Road Class "B" Hwy Issue, 2011 Revaluation Assessing Services Contract/ Associated Appraisal Consultants

Adjourn: A John Kendall/ Ben Bourdo motion to adjourn. Motion carried, 3-0.

Meeting adjourned at 9:10 p.m.

Respectfully Submitted,
Ruth Polinski, Clerk

Ruth Polinski

Approved:

Chairman, John Kendall

Supervisor, Ben Bourdo

Supervisor, Jeff Trapp

Special Meeting of the Town of Troy Board was held on **June 30, 2009 at 6:30 p.m.** at the Town of Troy Town Hall, present Chairman John Kendall, Supervisor Jeff Trapp and Clerk Ruth Polinski and I resident Al Curler, Chairman John Kendall was informed prior to the meeting that the agenda was not posted at the municipal garage, clerk was asked to check the municipal garage posting board for the agenda. Clerk, Ruth Polinski returned and stated that the agenda was missing but that she did post the agenda at all 3 posting locations, Chairman John Kendall and Supervisor Jeff Trapp made a decision to proceed with the meeting. Chairman John Kendall called the meeting to order at 6:34 p.m., Supervisor Ben Bourdo arrived at 6:39 p.m. **Agenda: Approve Bartenders License's: A John Kendall/ Ben Bourdo motion** approve (bartenders licenses) for Kris Turcotte, Laura Ammon and Kara Ann Kusawa and we will take Amber Ewan and we would want further investigation on that one from here employer, but we are approving 3 as presented. Motion carried 3-0 **A John Kendall/ Ben Bourdo motion** that Angella Lyn Bartlett, Adriane Bedrosian and Michelle Ann Wiesend will be approved at our regular Board meeting when their application is completed (submitting a responsible beverage server training course certificate). Motion carried 3-0