

415 N. MILWAUKEE ST.
WATERFORD, WI 53185
WATERFORD TOWN HALL

TOWN BOARD AGENDA

NOVEMBER 14, 2022 @

IMMEDIATELY COMMENCING AFTER PLANNING COMMISSION MEETING

Join Zoom Meeting

<https://us02web.zoom.us/j/84474371402?pwd=L2ZMOFQwZ2Uva0wxN2INb1FzQVYyZz09>

Meeting ID: 844 7437 1402

Passcode: 752463

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF TOWN BOARD MINUTES DATED OCTOBER 10, 2022 & SPECIAL MINUTES DATED SEPTEMBER 28TH, OCTOBER 10TH AND NOVEMBER 2ND AS PRINTED.
4. APPROVAL TO PAY CLAIMS AS PRESENTED/TREASURER REPORT
5. CORRESPONDENCE-
6. COMMITTEE REPORTS:
 - (a) Police Dept.
 - (b) Tichigan Fire Co.
 - (c) Waterford Waterway Management District
 - (d) Park
 - (e) Road Dept.
 - Discussion & possible action re: road bonds requirements
 - (f) Board of Health
 - (g) Town Planning Commission Recommendations
7. OLD BUSINESS:
 - (a) Michael Barrett, 4317 Riverside Rd.- Drainage
 - (b) Discussion & possible action re: modifying Short-term ordinance (1-14-19)
 - (c) Discussion & possible action re: Resolution for Referendum to Increase Levy Limit to Hire a Full-time Police Officer
 - (d) Discussion & possible action re: resolution/addendum to resolution to increase current special charge for fire
 - (e) Discussion & possible action re: approval of use of ARPA funds for Sewer Flow-Study
 - (f) Discussion & possible action re: Resolution approving the use of the unused levy carryforward from 2021 (sec. 66.0602(3)(fm), Wis. Stats.)
8. NEW BUSINESS:
 - (a) None

FORTH COMING EVENTS-

“Requests from persons with disabilities who need to participate in this meeting or hearing should be made to the Town Chairperson Office at 534-1871 with as much notice as possible”

SPECIAL JOINT TOWN & VILLAGE BOARD MEETING NOTICE

There will be a Special Joint Meeting of both the Town of Waterford Board and the Village of Waterford Trustees on September 28, 2022, at the Waterford Union High School, in the LGI Room, located at 611 W. Main St., Wisconsin, at 5:30 PM, for the following purposes:

Discussion and possible action regarding the following:

- Possibly resuming EMS services for a portion of the Town
- Closest Unit Dispatch
- Fire District
- Future Capital Planning Committee possibilities

Adjournment

Dated at Waterford, Wisconsin this 26th day of September, 2022.

Tina Mayer
Town Clerk

Park in the lot located by Water and Washington Streets on the SE corner of the building, then enter at Door #19 by the commons/cafeteria. Upon entering the commons/cafeteria, the auditorium entrance is to the right. Go to the first hallway past the auditorium entrance (also on the right/under the "Theatre Dept." sign). The LGI is the first room to the left in that hallway.

**SPECIAL JOINT TOWN BOARD MEETING WITH THE VILLAGE OF WATERFORD
415 N. MILWAUKEE ST., WATERFORD, WI 53185
LOCATION OF MEETING 611 W. MAIN ST., WATERFORD, LGI RM.
UNAPPROVED/UNOFFICIAL MINUTES FOR SEPTEMBER 28, 2022
5:30 PM**

Special Town Board meeting was called to order at 5:30 PM by Clerk Mayer. Supervisors Gauerke & Nicolai elected Supervisor Schwartz to Chair the meeting. Present: Gauerke, Nicolai and Schwartz, Village President and Trustees, Houston, Ewert, Pollnow, Goldammer, Jaskie, Nash, and McReynolds. Chief Bill Miller, TVFC and Stephanie Miller, TVFC and other members of TVFC and residents. Supervisor Szeklinski had a previous commitment for work.

5:30 pm- Clerk Mayer called the meeting to order in the absence of the Chairman. Supervisors Gauerke and Nicolai elected Schwartz to chair the meeting. The Supervisors indicated that the hopes are to repair the relationship with the Village and would like to meet with the Village at least 2 times a year. There was a lengthy conversation with both sides working together. Talks of forming a fire district. Both boards stated that there was too much duplication in equipment. Nicolai indicated that TVFC was looking forward to working with the new Village Fire Chief. Nicolai also stated that she wanted to ensure that, in moving forward to budget time, that the town adequately fund TVFC so they can have all the resources that they need to continue to provide quality services to the portion of the town that they will be contracted for. President Houston stated that it would be in the best interest to form a fire district. All board members agreed to work together. **Supervisor Schwartz motioned to resume EMS services as they were prior to 2000 as well as looking into forming a fire**

district, seconded by Supervisor Gauerke. Vote taken: 3-0. Motion carried. There will be a meeting on October 20th in the LGI Rm at the high school. This will only include 2 members from each board. Rochester and Norway will also be invited.

6:10 pm- Trustee Goldammer motioned to adjourn the at 6:10 pm, seconded by Trustee Nash. All in favor. Motion carried.

Respectfully submitted,

Tina Mayer, Town Clerk

SPECIAL TOWN BOARD MEETING NOTICE

There will be a Special Meeting of the Town of Waterford Board on October 10, 2022, at the Waterford Town Hall, located at 415 N. Milwaukee St., Wisconsin, at 5:15 PM, for the following purposes:

Discussion and possible action regarding the following:

- Approve an EMS contract with the Village of Waterford

Adjournment

Dated at Waterford, Wisconsin this 5th day of October, 2022.

Tina Mayer
Town Clerk

**SPECIAL TOWN BOARD MEETING
415 N. MILWAUKEE ST., WATERFORD, WI 53185
UNAPPROVED/UNOFFICIAL MINUTES FOR OCTOBER 10, 2022
5:15 PM**

Special Town Board meeting was called to order at 5:15 PM by Clerk Mayer. Present: Gauerke, Nicolai, Schwartz & Szeklinski, President Don Houston, Village, Atty. Dubis, Chief Bill Miller, TVFC and Stephanie Miller, TVFC and other members of TVFC and residents. Chairman Hincz was excused.

5:15 pm- Clerk Mayer called the meeting to order in the absence of the Chairman. Supervisors Gauerke, Schwartz and Nicolai elected Szeklinski to chair the meeting. **Supervisor Schwartz motioned to accept and sign the contract for EMS with the Village of Waterford effective November 1, 2022 subject to the last sentence in item #6 to read "This authority shall be final and not subject to revision by anyone else as long as it's exercised within recognized emergency services protocol, seconded by Supervisor Gauerke. President Houston agreed to this new wording. Vote taken: 4-0. Motion carried.**

5:20 pm- **Supervisor Schwartz motioned to adjourn the at 5:20 pm, seconded by Supervisor Gauerke, Vote taken: 4-0. Motion carried.**

Respectfully submitted,

Tina Mayer, Town Clerk

TOWN BOARD MEETING NOTICE

There will be a Special Meeting of the Waterford Town Board on November 2, 2022, at the Town Hall, 415 N. Milwaukee St., Waterford, Wisconsin, at 1:00 PM, for the following purpose:

After calling the meeting to order in open session, the Town Board will then go into closed session, pursuant to Wisconsin Statute 19.85 (1) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. After completion of the closed session, the Board will re-convene in open session to consider and potentially act upon matters before them and adjourn.

Dated at Waterford, Wisconsin this 1st day of November, 2022.

Tina Mayer, Town Clerk

SPECIAL TOWN BOARD MEETING FOR WATERFORD UNAPPROVED/UNOFFICIAL MINUTES FOR NOVEMBER 2, 2022 1 PM AT THE TOWN HALL

Supervisor Szeklinski called the meeting to order at 1:05 pm. Present: Supervisors Nicolai, Gauerke, Szeklinski and Schwartz, Chief Matt Johnson and Ryan Heiden, Von Briesen & Roper. Chairman Hincz was excused.

Supervisor Schwartz motioned appoint Supervisor Szeklinski as Chair of the meeting, seconded by Supervisor Gauerke. Vote taken: 4-0. Motion carried.

Supervisor Schwartz motioned to move into closed session pursuant to Wisconsin Statute 19.85 (1) (c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, seconded by Supervisor Gauerke. Vote taken: 4-0. Motion carried.

Supervisor Schwartz motioned to move into open session at 2:46pm, seconded by Supervisor Gauerke. Vote taken: 4-0. Motion carried.

Supervisor Schwartz motioned to approve Ryan Heiden, Von Briesen & Roper as legal representation for the police union and supervisor labor agreements, seconded by Supervisor Gauerke. Vote taken: 4-0. Motion carried.

Supervisor Schwartz motioned to adjourn at 2:47pm, seconded by Supervisor Gauerke. Vote taken: 4-0. Motion carried.

Respectfully Submitted,
Heather Stratton, Deputy Clerk

**TOWN BOARD MEETING FOR WATERFORD
415 N. MILWAUKEE ST.
UNAPPROVED/UNOFFICIAL MINUTES FOR OCTOBER 10, 2022**

1. Town Board meeting was called to order at 5:30 PM by Clerk Mayer. Present: Supervisors Nicolai, Schwartz, Gauerke & Szeklinski, Attorney Dubis, Police Chief Johnson, Lt John Nelson, Chief Bill Miller, TVFC VP Walter, DPW Ken Hinz, residents of the Town and members of TVFC. Chairman Hincz was excused. Supervisor Szeklinski was appointed by the Supervisors to chair the meeting.
2. Supervisor Szeklinski led the Pledge of Allegiance.
3. Printed Minutes: **Supervisor Schwartz motioned to approve the Town Board meeting minutes dated September 12, 2022 as presented, seconded by Supervisor Nicolai. Vote taken: 4-0. Motion carried.**
4. Treasurer Report/Payment of Claims- Supervisor Szeklinski read the Treasurer's report. **Supervisor Gauerke motioned to approve the Treasurer's report and pay the claims, seconded by Supervisor Nicolai. Vote taken: 4-0. Motion carried.**
5. Correspondence: None
6. Committee Reports:
 - Police Dept. Report- Lt. Nelson read the report for September, there were 311 calls for service. Police boat and pontoon are in storage and being winterized.
 - a) Tichigan Vol. Fire Co- Chief Miller indicated that there were 20 EMS calls for September and 7 fire calls. CPR class will be held Oct. 20th and First Aid on Oct. 26 both at 6 pm and at the Tichigan ire Station. Miller further stated that he & TVFC would no longer recognize Supervisor Schwartz as their liaison. He felt that TVFC was not kept in the loop by Schwartz about certain matters. Schwartz indicated that this was a two-way street and there were emails he sent that went unanswered. Miller removed his request for ARPA funds for extractive tools and the CPR device and then walked out of the meeting.
 - b) WWMD- Bill McCormick indicated that the Annual Meeting will be held Saturday, October 15th as there were some issues with the original meeting. Commissioners are reaching out to land owners hoping to lease land for the dredging spoils until they dry out.
 - c) Park Dept.- Ken Hinz indicated that the damage that the bike race did to the park still needs work. He suggested the Town maybe rethink allowing this race next year. Will be closing the park before Halloween.
 - d) Road Dept.- Ken Hinz stated he has some issues with being short a driver for plowing. Feels that they will not be able to keep up without a seasonal worker. This matter will be discussed at budget time.
 - e) Board of Health- Supervisor Nicolai noted that 127 students at the WUHS were out with a respiratory issue, COVID did appear to be the problem.
 - f) Town Planning Recommendations- Supervisor Gauerke reported there were two piers that were approved.
 - CSM- Raguse, 31911 High Dr.- Applicant was in appearance. Discussion took place over the access points. **Supervisor Schwartz motioned to approve the CSM and to let the owner work with the DOT over access, seconded by Supervisor Gauerke. Vote taken: 4-0. Motion carried.**
 - Conditional Use/Site Plan Review- TV Materials, 3612 Buena Park Rd.- Atty. Dubis stated that Planning had postponed this request back to the November Planning meeting. For the record Mr. Epping agreed to this. Taun Epping went over some of the concerns that planning had brought up. Hours will be 7 am to 5 pm. To help eliminate dust the plan is to construct an asphalt driveway from Buena Park to the scales. Trucks to have ambient back-up alarms, this will help with the noise. For the wells there will be a well protection agreement in place for wells within 1000'. There will not be concrete batching. Berms

will be installed with tree plantings. Bob Epping agreed to meeting with the schools in determine the best for students as this pit is located across the street from Woodfield school. Taum further noted that there will not be staging of trucks on Buena Park Rd. Signs will be posted to indicate No Trespassing and No Shooting. No soil will be removed from the site but remain for reclamation. Phase 1 will be approx. 2-3 years. Epping noted he wants to be a good neighbor and will reach out.

7. Old Business

- a) Discussion & possible action re: GFL, Inc. contract- Bill Lewis, GFL, was in attendance. Some minor revisions were made. Paragraph 23 was removed per town request. Billing will be done on one (1) bill. Paragraph 11, the Town requested that if the event there are damaged carts beyond normal wear and tear will be billed to the household and not the Town. Mr. Lewis will speak to Jason Johnson, GFL, about GFL creating a flyer for residents to inform them on the changes that will take place moving forward. Clerk Mayer has been in touch with Donny Rowan, GFL, about the flyer. Contract to be signed once the noted changes are completed.
- b) Discussion & possible action re: modifying current short-term rental ordinance- Supervisor Nicolai stated she will work with Atty. Dubis.

a) New Business-

- a) Claim of the Mansell Family against the Town of Waterford and/or against its employees/agents- **Supervisor motioned to deny the claim and forward to the insurance company, seconded by Supervisor Nicolai. Vote taken: 4-0. Motion carried.**

Forthcoming Events- Szeklinski noted that there will be budget meetings coming up. This will include discussions over ARPA requests as well as DPW staffing.

Supervisor Nicolai motioned to adjourn the meeting at 6:26pm, seconded by Supervisor Schwartz. Vote taken: 4-0. Motion carried.

Respectfully submitted,

Tina Mayer, Town Clerk

NOVEMBER 14, 2022
PLANNING COMMISSION MEETING
TOWN OF WATERFORD
415 N. MILWAUKEE ST., WATERFORD, WI

TOWN HALL

5:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/84474371402?pwd=L2ZMOFQwZ2Uva0wxN2INb1FzQVYyZz09>

Meeting ID: 844 7437 1402

Passcode: 752463

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF OCTOBER 3, 2022 MINUTES AS PRESENTED.
4. CORRESPONDENCE-
5. CONDITIONAL USE/SITE PLAN REVIEW- CROWE/TROMP, 7628 CHESTNUT LN.- REPLACING EXISTING HOME ON EXISTING FOUNDATION.
6. CONDITIONAL USE/SITE PLAN REVIEW- TV MATERIALS/ROBERT EPPING, 3612 BUENA PARK RD.- REQUEST TO RESUME SAND & GRAVEL OPERATION, AS THE NEW OPERATORS, AND TO EXTEND OPERATIONS TO THE ABUTTING M4 PROPERTY, AS WELL AS PROPOSE A NEW RECLAMATION PLAN.
7. SHORELAND CONTRACT REPORT
8. FORTH COMING EVENTS-

“Requests from persons with disabilities who need to participate in this meeting or hearing should be made to the Town Chairperson Office at 534-1871 with as much notice as possible”

TOWN BOARD MAY BE IN ATTENDANCE

This notice is subject to amendment up and to the time applicable as allowed by law. Please check with Town Clerk for any changes.

Dear Mr. Hincz,

I would like to take this time to thank you and the town for paving Riverside Rd. which runs past my home, Thank you.

I was however disappointed when it came to raise the driveway approach to allow drainage from the driveway to the street, I met resistance from Ken the maintenance supervisor to allow drainage, I even identified the high level on my stone driveway, all I was asking for was stone to fill the 4"-5" void created by the raised pavement and for it to be spread. He did place stone to ramp to the top of the pavement, but not to allow drainage. So, I had to bring in an additional 3 cu. Yds. and spread this stone myself. I'm 69 years old with an asthma disability which made this task extremely difficult, I'm submitting this receipt for 3 cu. Yds. of stone. I would also like payment at town labor rates for the 8 hours it took me to spread this stone. I kind of feel I was singled out, all 30 of my neighbors with concrete or asphalt driveways most with double or triple width driveways were milled, paved and rolled, all I need was stone.

One question I have is who thought it would be a good idea to pulverize the old road and not mill the old road and truck it to a town owner site to be used for other things at a later date, and leave the road elevation the way it was we would have saved milling and repaving all 30 of those driveway approaches and manhole riser rings and stone used along the side road on both sides. Also, wait until the post office tells everyone to raise their mailboxes.

I appreciate your quick attention to this matter.

Sincerely,

Mike Barrett

MIKE BARRETT

LANG TRUCKING & GRADING

CUSTOMER'S ORDER NO.	DEPARTMENT 8809 Big Bend Rd. Waterford, WI 53185 (202) 210-8035	DATE 8.26.21				
NAME Mike						
ADDRESS 4317 RIVERSIDE Rd.						
CITY, STATE, ZIP 534-5328						
SOLD BY	CASH	C.O.D.	CHARGE	ON. ACCT.	MDSE. RETD.	PAID OUT

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	12:00		
2			
3			
4	3 Wood 3/4" TB		
5	40 00/400		120.00
6	D. Lumber		40.00
7			
8			
9			1100.00
10	Thank you!	Total	8.00
11			
12			
13			
14			
15			
16			
17			
18			1108.00

RECEIVED BY

A-407
1-4020/9/200

KEEP THIS SLIP FOR REFERENCE

01-11

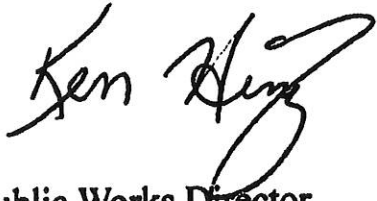
10/8/2021

Town Chairman and Board Members
Re : Mike Barretts Letter

Mike Barrett lives at 7317 Riverside

In response to Mikes letter. I will try to some this up as quickley as possible. Under this years paving program we paved most of riverside rd in waterford woods. We replaced bad road culuerts fixed water issues. Then we pulverized , Graded and paved with 2 lifts. During the grading prosess to improve the pitch of the road. Yes some of the driveway approaches are higher. Overall the whole project turned out better than expected. Once the paving was completed we gave eveyone gravel on the gravel driveways to improve the bump. A few day later we came back and added gravel to the whole road shoulder when the road surface was cooler. At 7317 riverside rd my roadcrew went the extra mile and graded the driveway. Mike was happy. Mike asked if we could leave 2 small piles of gravel on the end of the driveway. My crew said sure. Mike said he would rake them out. Home owner said thank you even happier. At a later date he took it upon himself to add more gravel. We certainly didnt tell him to add more . Now as time goes on I hope it doesnt create a problem. !!

Ken Hinz

A handwritten signature in black ink that reads "Ken Hinz". The signature is written in a cursive style with a large, stylized "H" and "Z".

Public Works Director



Office of the Chairman
Thomas W. Hincz

August 25, 2022

Mike Barrett
4317 Riverside Rd
Waterford, WI 53185

Dear Mr. Barrett:

Enclosed is the memo from Greg Governatori, Kapur and Associates. We believe the contents of this memo addresses your allegation that the paving of Riverside Rd. may have been constructed improperly, causing water/drainage issues on your property located at 4317 Riverside Rd.

The Town agrees/accepts the review comments and the following closing statements:

"If modifications to the property, such as fill, or structural construction have obstructed the natural flow of water from the public right of way to the Fox River it would be the responsibility of the owner to correct."

and

"The survey collected determined it would be possible for the owner, at their expense, to install a culvert under the driveway and connect to the existing inlet on the north side."

Please contact the Town to request the proper applications if you wish to proceed with the culvert or other mitigation.

Sincerely,

Tom Hincz

Enc: August 5, 2022 Kapur & Associate Memo

Memo to Town of Waterford

To: Ken Hinz, DPW Director

From: Greg Governatori, P.E., Town Engineer

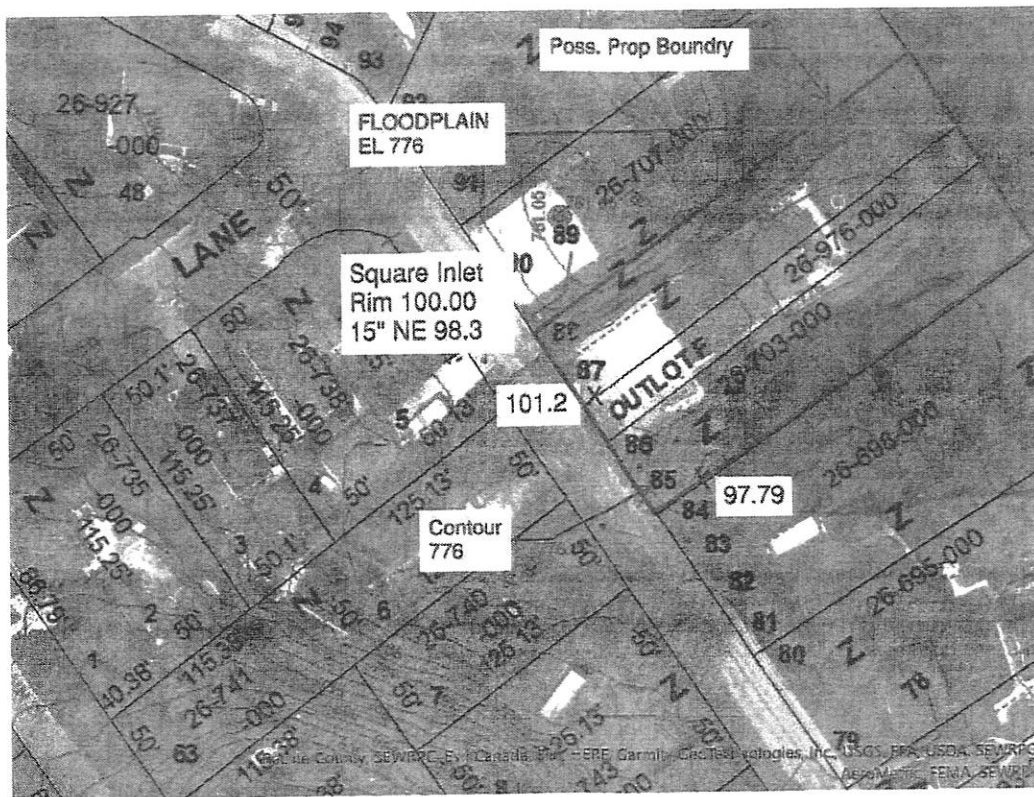
CC: Tina Mayer, Town Clerk
Heather Stratton, Treasurer & Deputy Clerk
Tom Hincz, Town Chairman

Subject: Storm Water Drainage Review 4317 Riverside Road

Date: August 5, 2022

At the request of the Town Board, public works director Hinz and I completed a site visit to 4317 Riverside Road to assess a drainage concern. Director Hinz and I performed a site visited to property on the morning of August 3rd, at approximately 7:30 a.m. We collected field survey and performed an inspection of the area.

The image below provides reference and detail information.





We completed our review and have the following comments:

1. The residence was built around 2005 in an area that was previously floodplain. The lot and floodplain appear to have been filled (unknown when this was completed) dividing the natural path of drainage between the north and south.
2. The property is within the urbanized shoreland zone of the Fox River and is subject to Wisconsin Department of Natural Resources (WDNR) shoreland provision NR115. WDNR NR 115 allows for a maximum untreated impervious surface of 30% without providing mitigation in a shoreland zone. Racine County GIS does not clearly identify the parcels boundary or acreage, with a description of two lots and undivided interests. There is approximately 40% of impervious surface on the property, with possibly more without knowing the exact parcel size.
3. Riverside Road is properly constructed with a crowned cross section directing runoff to each side of the road with cross culvert to a storm sewer that discharges to the Fox River. No modifications to drainage were completed as part of the resurfacing of this road. The resurfacing of Riverside Road did not change previous drainage patterns.
4. The inspection revealed no standing water, dead vegetation, or wet vegetation growth. There were no obvious indications of a drainage problem. It is typical to see wet areas in floodplain adjacent to the river, and either dead vegetation, erosion, or wetland type vegetation in areas of standing water.
5. The site survey identified the existing low spot at 97.79 (approximate location shown on map). Drainage naturally flows to this area before continuing to the river. This area was not modified with the paving of Riverside Road.

If modifications to the property such as fill, or structural construction have obstructed the natural flow of water from public right of way to the Fox River it would be the responsibility of the owner to correct.

The survey collected determined it would be possible for the owner at their expense to install a culvert under the driveway and connect to the existing inlet on the north side.



Office of the Treasurer
Heather Stratton

November 3, 2022

Mike Barrett
4317 Riverside Rd
Waterford, WI 53185

Dear Mr. Barrett:

Although the Town has accepted the review/comments of the Town engineer, notice and review was sent to you on August 25, 2022, the Town Board has agreed to allow your topic to be on the November 14, 2022 Town Board meeting.

Please accept this letter as notice that you are on the agenda on November 14, 2022 at 5:30pm at the Town of Waterford, 415 N Milwaukee St., Waterford, WI 53185.

Sincerely,

Heather Stratton

Enc: August 5, 2022 Kapur & Associate Memo and August 25, 2022 Letter from Town of Waterford.

ORDINANCE #
TOWNSHIP OF WATERFORD
RACINE COUNTY, WISCONSIN

AN ORDINANCE REPEALING AND RE-CREATING ORDINANCE 21.14.19 SO AS TO
LIMIT THE EFFECT OF THIS ORDINANCE TO THE PLACEMENT OF TRAILERS,
MOBILE HOME PARKS, CAMPGROUNDS; MANUFACTURED HOMES; RV VEHICLES

THE TOWN BOARD OF THE TOWNSHIP OF WATERFORD, at its duly noticed
monthly meeting, does hereby repeal and recreate Ordinance 21.14.19 (which shall be
renumbered upon re-codification). This Ordinance is enacted under the police powers of the
Township to promote the health, welfare and safety of the Town and is enacted under Sections
60.22 and 60.23(23) of the Wisconsin Statutes. A primary purpose of this Ordinance is to
prohibit certain usages of real property, whether for consideration, in locations not conducive to
such usage. There have been complaints concerning noise, litter, public safety; said usages
causing diminishing property values and creating violations of the Town's Aesthetic Ordinance
and creating public and/or private nuisances. This Ordinance does not apply to properly zoned
and approved usages already in legal existence.

THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. To the extent allowed by law, the Town of Waterford prohibits the creation of any
Mobile Home Parks; RV Parks; Campgrounds, and Manufactured Home Parks as are
commonly referred to and as may be defined by State Law, as the same are not
compatible with the topography and physical appearance of this Township. It is believed
there are currently none of the above lawfully in existence in the Township at this time.
The Town of Waterford Board of Supervisors finds that this prohibition promotes the
health, welfare and prosperity of the Township and its residents.
2. State Laws Adopted. In the event the Township is prohibited from outlawing, by this
Ordinance, one or all of the usages referred to in 1. above, all provisions of the
ordinances of the Town of Waterford (such as the Aesthetic Ordinance and the Land
Disturbance Ordinance), the Wisconsin Statutes, the Wisconsin Administrative Code and
Racine County Ordinances, to the extent legally permissible, relating to the above items

prohibited, are adopted by reference and are hereby declared to be legally enforceable by the Township of Waterford.

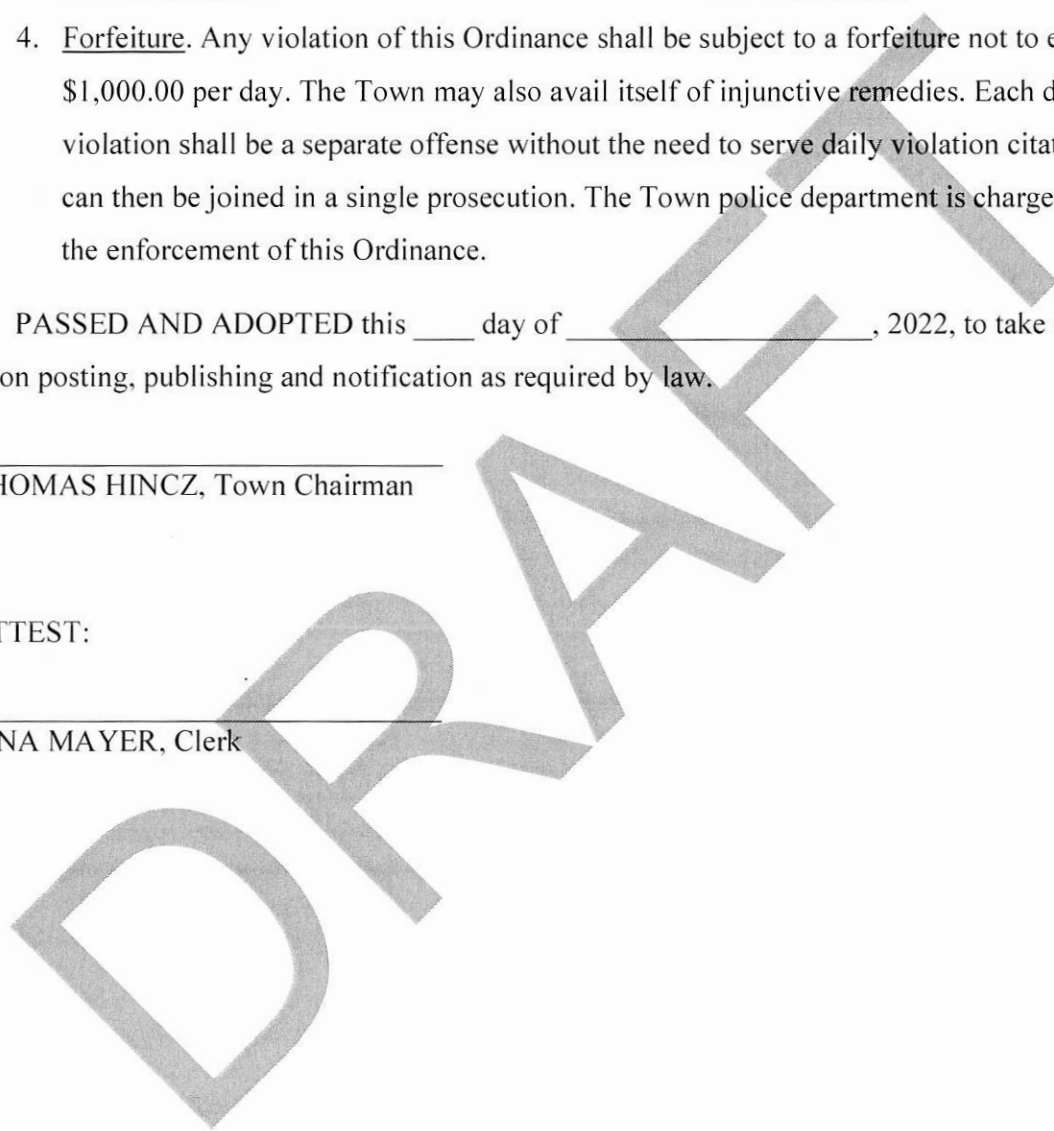
- 3. Severability. In the event any part of this Ordinance is found to be invalid or unconstitutional by a Court or Administrative Agency, the Town Board expressly states that the remainder of this Ordinance shall be intended to be in effect.
- 4. Forfeiture. Any violation of this Ordinance shall be subject to a forfeiture not to exceed \$1,000.00 per day. The Town may also avail itself of injunctive remedies. Each day of violation shall be a separate offense without the need to serve daily violation citations and can then be joined in a single prosecution. The Town police department is charged with the enforcement of this Ordinance.

PASSED AND ADOPTED this ____ day of _____, 2022, to take effect upon posting, publishing and notification as required by law.

THOMAS HINCZ, Town Chairman

ATTEST:

TINA MAYER, Clerk



ORDINANCE#
TOWNSHIP OF WATERFORD
RACINE COUNTY

AN ORDINANCE REPEALING AND RECREATING
ORDINANCE 1-14-19 RELATING TO SHORT-TERM RENTALS OF REAL PROPERTY

THE TOWN BOARD OF THE TOWNSHIP OF WATERFORD, at its duly noticed and regular monthly meeting does hereby pass the following ordinance dealing with short-term rentals of real property. This ordinance repeals and recreates Ordinance labeled 1-14-19 which ordinance was passed on January 14, 2019 and which said January 14, 2019 ordinance itself repealed ordinances 6.15 and ordinance 8.14.17 of the Municipal Code.

Section I. Purpose of this Ordinance

To ensure that residential and vacant real estate within the Town of Waterford is used in such a manner so as to protect and promulgate the public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town. The public has complained concerning noise, litter, public safety and uses which contribute to diminishing property values said contribution attributed to short-term rental property.

Section II. Exclusions

The following uses are excluded and exempt from this ordinance: 1) any member of the short-term rental owner (for example an owner being an LLC) or any family member of a member of an LLC, using the real estate for no consideration. 2) anyone providing long term care to an occupant of said real estate; 3) rental of lands for hunting purposes.

Section III. Authority

The Town Board of the Town of Waterford has been authorized to exercise village powers pursuant to Wis. Stat. 60.10(2)(c) and 60.22(3). The Town Board adopts this ordinance under its general village powers authority and Wis. Stat. 66.1014.

Section IV. Definitions

"Property Owner" means the person (or entity) who owns the residential dwelling that is being rented. If the property is owned other than in an individual(s) name, said corporate, LLC, partnership; unincorporated association owner shall also be considered an individual owner for the purpose of this ordinance.

"Property Manager" means a person who is not the property owner and who provides property management services for one or more short-term rentals and who is authorized to act as the agent of the property owner for the receipt of service of notice of municipal ordinance violations and for service of process pursuant to this ordinance.

"Short-term rental" (STR) means a residential dwelling or waterfront vacant land that is offered for rent for consideration or not for more than 6 but fewer than 30 consecutive days. Rentals for fewer than 6 days are prohibited.

"Lodging Marketplace" means an entity that provides a third-party rental platform such as Airbnb or VRBO and other entities, like property management companies that rent STRs for the owner, and collects the consideration for the rental from the occupant.

Section V. Short-term Rental License

- A. No person may maintain, manage, or operate a STR more than 10 nights each year without a Town Short-term Rental License issued pursuant to this ordinance. A Room Tax Permit is required regardless of how many days the residential dwelling is rented out.
- B. Licenses shall be issued using the following procedures:
 1. All applications for a Short-term Rental License shall be filed with the Town Clerk, or designee, on forms provided. Applications shall be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed Short-Term Rental application form and Room Tax Permit application are accompanied by the payment of the required application fees.
 2. The Town Clerk shall issue a Short-term Rental License and Room Tax Permit to all applicants following payment of the required fees, receipt of all fully completed documentation and information requested by the applications, and applications approval by the Town Board, or its designee.
 3. A Short-term rental license shall be effective for one year. The annual licensing term begins July 1st and ends June 30th the following year. The Clerk may conditionally accept late applications, subject to the payment of the late filing fee. A renewal application and renewal fee must be filed with

the Town Clerk at least 45 days prior to license expiration so that the Town Board has adequate time to consider the application. The renewal application shall include any updated information since the filing of the original application. An existing license becomes void and a new application is required any time the ownership of a residential dwelling/vacant land licensed for STR changes.

Section VI. Operation of a Short-term Rental:

Each STR shall comply with all of the following requirements:

1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, the total number of days within any consecutive 365-day period that the dwelling may be rented shall not exceed 183 days which must run consecutively. STRs for six (6) days or less are prohibited.
2. The Property Owner or Property Manager shall notify the Town Clerk in writing when the first rental within a 365-day period begins.
3. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for occupants beyond the number of overnight guests authorized pursuant to the Property Owner's Short-Term Rental License and any applicable State of Wisconsin rules and regulations.
4. The Property Owner and/or Property Manager must provide the Town with current contact information and must be available 24 hours a day, 7 days a week by telephone during periods the property is being rented. The Town must be notified within 24 hours of any change in contact information.
5. Each STR shall maintain a register and require all guests to register with their actual names and addresses. The register shall be kept on file for at least one year. The register shall also include the time period for the rental and the monetary amount or consideration paid for the rental.
6. Each STR shall hold any applicable State of Wisconsin license and shall provide proof of such license by attaching a copy to the initial license application and all subsequent renewal applications.
7. All rentals shall be subject to the Town of Waterford Room Tax.

Section VII. Property Rules and Standards

Each Tourist Rooming House offered for STR shall comply with all of the following:

1. The maximum number of occupants allowed shall not exceed the following limits: not less than 150 square feet of floor space for the first occupant thereof, and at least 100 square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area excluding kitchens, bathrooms, closets, garages, and rooms not meeting Uniform Dwelling Code requirements for occupancy. The maximum occupancy for any premises without a separate enclosed bedroom is two people.
2. A floor plan showing the requested maximum occupancy, designated sleeping areas, and showing at least one internal bathroom for every four occupants.
3. A site plan showing the location of two on-site, off-street parking spaces for every four occupants based on maximum occupancy.
4. Compliance with all state, county, and local codes and regulations is required.
5. There shall be no excessive noise, fumes, glare, or vibrations generated during the use of the dwelling as a STR. Town regulation on pets, outdoor burning, fireworks, and lake rules shall be followed. Quiet hours are to be observed on weekdays between 10:00 PM and 7:00 AM, and on weekends and holidays quiet hours are to be observed between 11:00 PM and 7:00 AM. Quiet means that noise levels at the property line shall not exceed _____ (insert here) SSdBA.
6. A copy of the Short-term Rental License and, if applicable, Property Manager License shall be displayed on the inside of the main entrance door of each STR.
7. Each dwelling unit shall provide two safe, unobstructed means of egress leading to safe, open space at ground level.
8. Each dwelling unit shall have functional smoke detectors as follows: One (1) in each bedroom or sleeping area, one (1) outside of the bedroom or sleeping area within 21 feet of the bedroom(s) in the direction of egress, one per floor. Carbon monoxide detectors as follows: one (1) per floor if a fuel burning appliance or attached garage is present.
9. No dwelling unit shall have an accessible wood or solid fuel burning stove or fireplace unless the owner provides a current "cleaning and inspection" certificate by a certified chimney sweep professional.
10. Each dwelling unit shall provide at least one (1) UL rated 2A:10B:C fire extinguisher within the unit, which shall be maintained on an annual basis. If the extinguisher is not readily visible, one or more signs shall be posted indicating the location of the extinguisher.
11. All dwelling units shall carry casualty and liability insurance issued by an insurance company authorized to do business in this state by the Wisconsin Office of the Commissioner of Insurance, with liability limits of not less than three hundred thousand dollars (\$300,000) per individual and one million dollars (\$1,000,000) aggregate.

12. All advertisements for rental of a tourist lodging unit shall contain the Town of Waterford identification number assigned to the dwelling unit, including any advertisements by a third party or a Lodging Marketplace.
13. The property owner or property manager of each STR shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the property owner or property manager and available for inspection for at least one year, as required by the Wisconsin Administrative Code.

Section VIII: Inspections

1. Each separate unit which is offered for rental as a STR is required to be inspected annually by the State or by a local health department that is granted agent status. If the State or its agent fails to inspect the tourist rooming house, the applicant may request that the Town building inspector conduct the inspection.
2. If the Building Inspector conducts the inspection, the holder of the permit or license shall be responsible for payment of the inspection fees.
3. If the Building Inspector or Fire Inspector at any time is unable to conduct an inspection due to denial of access, the tourist rooming house shall not operate until it has passed the inspection.

Section IX: License Revocation

- A. Grounds for Revocation. A license may be revoked by the Town Board during the term of a license year and following a due process hearing for one or more of the following reasons:
 1. Failure to make timely and full payment on taxes or debt owed to the Town of Waterford.
 2. Three or more police officer-verified violations in a twelve-month period for nuisance activities or other law violations.
 3. Three or more citations issued in relation to building inspection and/or the health department in a twelve-month period.
 4. Failure to comply with applicable building inspection requirements.
 5. Failure to maintain all required local, county, and state licensing requirements.
 6. Any violation of local, county, or state laws that substantially harm or adversely impacts the predominantly residential uses and nature of the surrounding neighborhood.
- B. Resubmission. Upon revocation of a license under this section, a new application for the same property or property manager will not be permitted for one (1)

calendar year.

Section X: Room Tax

- A. A Room Tax Permit Application must be completed along with a Short-Term Rental License. Although the Short-Term Rental License is required for short-term renting more than 10 nights every 365 days, a Room Tax Permit is required by every person furnishing rooms or lodging to the public regardless of how many days the home is rented out. The Room Tax Permit fee is \$25.00 and issuance is valid for the duration of a permit-holder's ownership of the home. A room tax reporting form must be filled out quarterly. In the event the property was not rented out during a quarter, a reporting form must be filed stating "\$0.00 received" for the quarter. Failure to obtain the required Room Tax Permit may result in monetary penalties of \$100-\$500 per offense, together with applicable court costs and fees.
- B. Tax Imposed. Pursuant to Wis. Stat. 66.0615(1M), a tax is hereby imposed on the privilege of furnishing at retail, except sales for resale, rooms or lodging to transients by hotel keepers, motel keepers, and other persons furnishing accommodations.
- C. The Room Tax shall be at the rate of 8% of the gross receipts from such retail furnishing of rooms or lodging. Such tax shall not be subject to the selective sales tax imposed by Wis. Stat. 77.52(2)(a)l., and may not be imposed on sales to the federal government and persons/entities listed under Wis. Stat. 77.54.
- D. Revenue Distribution. The proceeds of the Room Tax when collected shall be apportioned 30% to the Town for general purposes and the remaining 70% shall be forwarded to a tourism entity to be spent on tourism promotion and development as defined in Wis. Stat. 66.0615(1)(fm). Disbursements of the Room Tax shall be administered by the Town Treasurer, who shall ensure that at least 70% is spent on tourism promotion and development.
- E. Administration. Collection of the Room Tax shall be administered by the Town Treasurer. The room tax is due and payable within 30 days of the end of the calendar quarter for which imposed.
- F. Tax Returns. Each Property Owner or Property Manager Licensee is required to collect and pay the Room Tax on the owner's behalf shall file with the Town Treasurer consolidated room tax returns for the managed STRs on or before the same date on which the tax is due and payable. All quarterly returns shall be signed by the Property Manager or authorized agent but need not be verified by oath. All tax returns and supporting documentation filed with the Treasurer are confidential and subject to the protections provided under Wis. Stat. 66.0615(3) and 77.61.
- G. Late or Untiled Returns. If a person required to file a return fails, neglects, or

refuses to do so for the amount, in the manner and form and within the time prescribed herein, the Town Treasurer may determine the amount of Room Tax according to his or her best judgment. All late taxes under this ordinance shall bear interest at a rate of 1% per month from the due date of the tax until the first day of the month following the month in which the tax is paid or deposited with the Town Clerk.

- H. Audit. Whenever the Town Clerk has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return is not correct, the Town Treasurer may inspect and audit the financial records of any person subject to the tax to determine whether the correct amount of tax is assessed and whether any room tax return is correct.

Section XI. Penalties

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance and no service of any additional citation(s) is necessary. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement, or costs whether existing under this ordinance or otherwise.

Section XII. Fees

Permit fee schedule. The license application fees established by the Town of Waterford Board of Supervisors shall correlate with the administrative and related costs involved with compliance monitoring. Fees are nonrefundable and shall not be prorated. Any renewal application received after the expiration date may be subject to a late fee.

Initial Short-Term Rental Application Fee	\$500
Renewal	\$250
Late Fee	\$250
Inspections, if necessary	\$100
Room Tax Application Fee	\$25

Section XIII. Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Section XIV. Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under Wis. Stat. 60.80.

Adopted by a vote of ___ for and ___ against on this ___ day of _____, 2022.

THOMAS HINCZ,
Town Chairman

Attest:

Tina Mayer, Clerk

DRAFT

TOWNSHIP OF
WATERFORD RACINE
COUNTY, WISCONSIN
RESOLUTION INCREASING THE SPECIAL CHARGE FOR FIRE
PROTECTION SERVICES FROM \$50.00 PER ANNUM TO \$100.00 PER
ANNUM

BE IT RESOLVED BY THE TOWNSHIP OF WATERFORD, at its duly-noticed,
published and advertised Town Budget meeting held on November 14, 2022, that the Town of
Waterford hereby increases the current Special Charge for Fire Protection Services of \$50.00 to
the amount of \$100.00 per annum on all parcels of land located in the Township upon which
there exists a residential structure.

PASSED AND ADOPTED this 14th day of November, 2022.

Thomas W. Hincz, Town Chairman

Tina Mayer, Town Clerk

PASSED AND ADOPTED THIS 14th day of November, 2022 to take effect
immediately.

TOWNSHIP OF WATERFORD

RACINE COUNTY

RESOLUTION #

AUTHORIZING THE CARRY FORWARD OF ALLOWABLE PRIOR YEAR UNUSED
LEVY CAPACITY

WHEREAS The Town of Waterford seeks to preserve the maximum allowable levy limit capacity for future years; and

WHEREAS The Town of Waterford has an allowable unused levy capacity which may be carried forward on the 2022 municipal levy limit worksheet from the prior years; and

WHEREAS It requires a vote of the Town Board to permit the carry forward of any allowable prior year unused levy.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Waterford that the full amount of the allowable unused prior year levy amount of \$18,714 is authorized to be applied as an adjustment to the levy limit in the 2022 Municipal Levy Limit Worksheet.

PASSED AND ADOPTED by the Town Board of the Town of Waterford, Racine County, State of Wisconsin on this 14th day of November, 2022.

Thomas Hincz, Town Chairman

Tina Mayer, Town Clerk