

CHAPTER 3 DEFINITIONS

1983 ACTION -- means a civil rights legal action based on 42 USC 1983.

ABANDONED -- means deserted, surrendered or ceded

ACCESSORY BUILDING -- means structures used for benefit of main buildings (i.e. garage, tool shed)

AFFIDAVITS -- means a written statement, under oath, sworn to or affirmed by the person making the affidavit before a person who has the authority to administer oaths or affirmations

AGENT -- means a person authorized to act for another person

AIR CURTAIN DESTRUCTOR -- means a solid waste disposal operation that combines a fixed wall open pit and mechanical air supply which uses an excess of oxygen and turbulence to accomplish the smokeless combustion of clean wood wastes and similar combustible materials.

AIRCRAFT -- means any contrivance invented, used or designed for navigation of or flight in the air

ALCOHOL BEVERAGE -- means fermented malt beverages and intoxicating liquor

AMBIENT -- means around or surrounding

AMUSEMENT DEVICES -- means devices provided for recreational and amusement activities, specifically; bowling alleys, billiards, pool tables, video games, jukeboxes and (list others)

ANNUAL TOWN MEETING -- means the Town meeting held under Sec. 60.11, (1988-1989) Wis. Stats.

APPELLANT -- means a person who files a notice of appeal

ASBESTOS -- means chrysotile, crocidolite, amosite, fibrous tremolite, fibrous actinolite or fibrous anthophyllite

ATTRACTIVE NUISANCE -- means a condition on a premises, public building, public facility, public land or any private or public place which may reasonably be apprehended to be a source of danger to children

BERTH -- means a place where a boat or vessel anchors

"BEST AVAILABLE CONTROL TECHNOLOGY" -- means an emission, limitation for an air contaminant

based on the maximum degree of reduction achievable as specified by the Department of Natural Resources on an individual case-by-case basis taking into account energy, economic and environmental impacts and other costs related to the source.

BILLBOARDS -- means signboards for advertising posters

BOARD OF REVIEW -- means a board established under Sec. 70.47, (1988-1989) Wis. Stats., to review property tax assessment and to adjust property tax assessments pursuant to Chapter 70, (1988-1989) Wis. Stats.

BOAT -- means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft

BOUNTY -- means a consideration of money provided to a person for compliance by that person with conditions of a law or ordinance

BREACH OF PEACE -- means acts that are in violation of order, decency or decorum intentionally committed by a person of such a nature that these acts cause serious disquietude on part of other persons in the area

BRIBE -- means an act that serves to induce or influence corruptly a given line of conduct of a public official or public employee

BULKHEAD -- means a retaining wall adjacent to a lake, stream or other navigable water

BUOY -- means a floating object intended as a guide and warning to mariners and boaters

CABANA -- means a cabin or small house

"CALL" TIME -- means the time that an employee must remain on standby subject to returning to work upon a call from a supervisor

CARBON-14 -- means a radioactive isotope of carbon used in dating fossils

CAUSE (FOR REMOVAL FROM EMPLOYMENT OR OFFICE) -- means inefficiency, neglect of duty, official misconduct or malfeasance in office

CEMETERY -- means a graveyard, burial ground or a place set apart for interment of the dead

CERTIORARI -- means a common law procedure for reviewing lower court judicial determinations or

determinations from a municipal board or commission (i.e. Writ of Certiorari for Board of Review)

CIVIL SERVICE SYSTEM -- means a statutory system of selection, tenure and statute for public employees normally applicable to all public employees except management officers, officials or employees

CIVIL RIGHTS -- means personal, natural rights guaranteed and protected by the federal and/or state constitution

CLASS 1 NOTICE -- means all legal notices that require one (1) insertion in the official newspaper, pursuant to Sec. 985.07, (1988-1989) Wis. Stats.

CLASS 2 NOTICE -- means all legal notices that require two (2) insertions in the official newspaper, pursuant to Sec. 985.07, (1988-1989) Wis. Stats.

CLASS 3 NOTICE -- means all legal notices that require three (3) insertions in the official newspaper, pursuant to Sec. 985.07, (1988-1989) Wis. Stats.

CLOSED MEETING -- means a meeting of Town officials where the general public is, pursuant to Chapter 19, (1988-1989) Wis. Stats., lawfully excluded from attendance at the meeting

CLOSED SESSION -- means a lawful meeting of Town officials which, upon proper motion duly made and carried, is legally convened closed to the general public under one or more of the exemptions provided in Sec. 19.85, (1988-1989) Wis. Stats.

COLLECTIVE BARGAINING UNIT -- means an employee bargaining unit recognized by the State of Wisconsin to represent employees in collective bargaining with the employer

COLLECTIVE BARGAINING AGREEMENT -- means a labor agreement between an employer and the representative of his employees in a collective bargaining unit.

"COMP" TIME -- means the fringe benefits or additional time allowed away from employment by the employer due to additional hours worked beyond the usual and customary work day by the employee

COMPARABLE WORTH -- means an employee evaluation system established by the Town of _ or any other employer that seeks to determine the comparable worth of two (2) distinct employee positions or jobs that have sufficiently similar social and economic value and to then compensate the employees accordingly

CURIES -- means a unit of radioactivity equal to 3.7×10^{10} disintegrations per second

CUSTODIAN -- means a person who has charge or custody of persons or things, including public records and other public property

CUSTODY -- means the care and control of a person or thing, including public records and other public property

dBA -- means the decibel band level unit using the "A" weighing network

DEFAMATION/DEFAME -- means an untrue statement which exposes a person to contempt, hatred or ridicule, also known as libel and slander

DELINQUENT (CHILD) -- means a child who is less than eighteen (18) years of age and twelve (12) years of age or older who has violated any state or federal criminal law, except as provided in Sec. 48.17 and 48.18, (1988-1989) Wis. Stats.

DELINQUENT (TAXES) -- means taxes overdue and unpaid to the proper municipality

DEMAND DEPOSITS -- means funds deposited in recognized financial institutions that are subject to immediate withdrawal by depositor

DESIGNEE -- means a person designated by another person to act as its agent

DEVELOPMENT ZONE -- means a zone area designated by the State Department of Development pursuant to Sec. 560.71, (1988-1989) Wis. Stats.

DISCHARGE (OF WASTE) -- means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping

DISCHARGE (OF AN EMPLOYEE) -- means the dismissal of an employee from employment with or without cause or with or without just cause

DISCIPLINE -- means any action taken by an employer with respect to an employee which has the effect in whole or in part of being a penalty, including but not limited to, reduction in pay, reprimand, suspension, dismissal, demotion, transfer, denial of education, denial of training benefits or involuntary reassignment

DISCRIMINATION/DISCRIMINATE -- means to segregate, separate, exclude or treat any person or class of persons unequally because of sex, race, color, handicap, sexual orientation as defined in Sec. 111.32(13m), (1988-1989) Wis. Stats., religion, national origin, sex or marital status of the person maintaining a household, lawful source of income, age or ancestry. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination

DISORDERLY CONDUCT -- means conduct in a public or private place that is violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly under circumstances in which the conduct leads to cause or provoke a disturbance

DISPOSAL FACILITIES -- means facilities established for waste disposal

DISPOSAL (OF WASTE) -- means the discharge, deposit, injection, spilling, dumping, leaking or placing of waste into land, air or water. Disposal of waste does not include generation, transportation, storage, treatment or recycling of waste

DISTRAINED -- means a detention of personal property, including animals

DRUG PARAPHERNALIA -- means all equipment, products and materials of any kind that are used or solely intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of 1989 Wis. Act 121. "Drug Paraphernalia" includes, but is not limited to, to any of the following:

1. Kits used or solely intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant that is a controlled substance or from which a controlled substance can be derived.
2. Kits used or solely intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
3. Isomerization devices used or solely intended for use in increasing the potency of any species of plant that is a controlled substance.
4. Testing equipment used or solely intended for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales and balances used or solely intended for use in weighing or measuring controlled substances.
6. Diluents or adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or solely intended for use in cutting controlled substances.
7. Separation gins and sifters used or solely intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

8. Blenders, bowls, containers, spoons and mixing devices used or solely intended for use in compounding controlled substances.
9. Capsules, balloons, envelopes and other containers used or solely intended for use in packaging small quantities of controlled substances.
10. Containers and other objects used or solely intended for use in storing or concealing controlled substances.
11. Objects used or solely intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish oil into the human body such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - b. Water pipes
 - c. Carburetion tubes and devices
 - d. Smoking and carburetion masks
 - e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand
 - f. Miniature cocaine spoons and cocaine vials
 - g. Chamber pipes
 - h. Carburetor pipes
 - i. Electric pipes
 - j. Air-driven pipes
 - k. Chilams
 - l. Bongs
 - m. Ice pipes or chillers

"Drug Paraphernalia" excludes hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body.

ELECTOR -- means a person who is an U.S. citizen eighteen (18) years or older who has resided in the Town of _____ for ten (10) days before any election when the person offers to vote

EMERGENCY -- means a situation in which property or human life are in jeopardy. An "Emergency" for purposes of calling a public meeting shall require the following:

(List and Describe)

An "Emergency" for purposes of leave of absence or emergency family leave shall require the following:

(List and Describe)

EMPLOYEE -- means a person, other than an independent contractor, employed by the Town of or any other person. An elected or appointed officer or elected or appointed official of the Town of shall be considered an employee of the Town of _____, except as noted below. The exceptions are:

(List and Describe)

ENEMY ACTION -- means hostile action by a foreign power which threatens the security of the State of Wisconsin or a portion thereof

EQUITABLE RELIEF -- means a judicial remedy provided to person in the judicial system normally in addition to or in lieu of legal damages

EX OFFICIO MEMBER -- means a person who is a member of a board or committee by virtue of his or her title to a certain office and without further warrant or appointment

EXPANSION (OF WASTE FACILITY) -- means to construct or develop a waste facility beyond the original area licensed or approved by the State Department of Natural Resources

EXPLORATION LEASE -- means any lease, option to lease, option to purchase or similar conveyance entered into for the purpose of determining the presence, location, quality or quantity of metalliferous minerals or for the purpose of mining, developing or extracting metalliferous minerals, or both. Any lease, option to lease, option to purchase or similar conveyance entered into by a mining company is rebuttably presumed to be an exploration mining lease.

EXPLORATION -- unless the context requires otherwise, means the on-site geologic examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed eighteen (18) inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit, and includes associated activities such as clearing and preparing sites or constructing roads for drilling.

FACSIMILE -- means an exact copy preserving all the marks of the original, including a "facsimile" signature

FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) -- means the United State Government agency whose major responsibility is environmental protection

FEE SIMPLE -- means in real estate ownership in absolute estate clear of any condition or restriction. Such estate is one that is unlimited as to duration, disposition and descendibility in which the owner is entitled to the entire property with unconditional power to dispose during his or her life

FELONY -- means a crime punishable by imprisonment in the Wisconsin state prison system

FERMENTED MALT BEVERAGE -- means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume

FINAL CLOSURE (OF WASTE FACILITY) -- means the date at which time no further waste is to be disposed in the active fill area of a waste facility

FIREARMS -- means a weapon that acts by force of gun powder

FIREFIGHTER -- means a person employed by the State of Wisconsin or any municipality as a member or officer of a fire department or member of a volunteer fire department including the State Fire Marshall and deputies and members of any rescue squad

FIREWORKS -- means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

1. fuel or a lubricant
2. a firearm cartridge or shotgun shell
3. a flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle
4. a match, cigarette lighter, stove, furnace, candle, lantern or space heater
5. a cap containing not more than one-quarter (1/4) grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion
6. a toy snake which contains no mercury
7. a model rocket engine
8. tobacco and tobacco product
9. a sparkler on a wire or wood stick not exceeding thirty-six (36) inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate
10. a device designed to spray out paper confetti or streamers and which contains less than one-quarter (1/4) of explosive mixture
11. a device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed three (3) grams in total weight
12. a device that emits smoke with no external flame and does not leave the ground
13. a cylindrical fountain not exceeding one hundred (100) grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke
14. a cone fountain not exceeding seventy-five (75) grams in total weight, designed to sit on

the ground and emit only sparks and smoke

FOLIOS -- means one hundred (100) words or figures. Any fraction of a folio shall be paid for as a full folio

FOREIGN CORPORATION -- means a corporation not formed under the laws of the State of Wisconsin

FORFEITURE -- means any fine or penalty established for violation of laws, regulations or ordinances, including Town of _____ ordinances

FREQUENTER -- means any person, other than an officer or employee of the Town of _____, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution

GRIEVANCE -- means a claim of a breach of collective bargaining agreement or claim of breach of the terms of employment or other complaint filed with the Town of _____

GROUNDWATER -- means any of the waters of the State of Wisconsin occurring in a saturated subsurface geological formation or permeable rock or soil

HABITUALLY -- means customarily, by frequent practice or use. However, it does not mean entirely or exclusively

HAZARDOUS -- means dangerous, perilous or a major risk of loss of property or injury to persons

HAZARDOUS WASTE -- means any waste identified by the Department of Natural Resources by rule as a hazardous waste

HAZARDOUS SUBSTANCE -- means any substance or combination of substances including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the rules and regulations of the State Department of Natural Resources.

HIGHWAY -- means a public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular

travel and roads or driveways upon the grounds of institutions under the jurisdiction of the board of regents of state universities, but does not include private roads or driveways as defined in Sec. 340.01(46), (1988-1989) Wis. Stats.

HOLIDAY -- means the following days designated by law and this ordinance as exempt from judicial proceedings, service of process or demand and protest of commercial papers. These days are:

(List and Describe)

HOME RULE AUTHORITY -- means the rights of a city or village (not Towns) in Wisconsin to define its rights, powers and duties within limits established by the State Constitution and State statutes.

HOUSEHOLD HAZARDOUS WASTE -- means certain solid wastes from household sources that are excluded from being considered hazardous wastes pursuant to Administrative Code NR 181 and/or orders of the State Department of Natural Resources

INCAPACITATED (BY ALCOHOL) -- means that a person, as a result of the use of or withdrawal from alcohol, is unconscious or has his or her judgment otherwise so impaired that he or she is incapable of making a rational decision, as evidenced objectively by such indicators as extreme physical debilitation, physical harm or threats of harm to himself or herself or to any other persons or to property

INCINERATOR -- means a processing facility designed and operated for controlled burning of wastes primarily to achieve volume and weight reduction or to change waste characteristics. Facilities which use waste as a supplemental fuel where less than 30% of the heat input to the facility is derived from such supplemental fuel are not classified as incinerators.

INCOMPATIBLE -- means incapable of harmonizing or agreeing mutually, repelling or inconsistent

INDEMNIFICATION -- means to save harmless from loss or damage by compensation or reimbursement of costs and expenses incurred

INDEPENDENT CONTRACTOR -- means a person, who is not an employee, contracted by a person to complete a project according to his, her or its methods with limited control except for the final result of the project

INDEPENDENT CONTRACTOR ASSESSOR -- means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public

INFECTIOUS AGENT -- means a bacterial, mycoplasmal, fungal, parasitic or viral agent identified by the Department of Natural Resources by rule as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment

INFRASTRUCTURE -- means the permanent public installations in the Town of _ , including but not limited to, public roads, public bridges, public water systems and public sewers

INSOLENT BEHAVIOR -- means insulting, abusive or offensive behavior

INTOXICATED PERSON (BY ALCOHOL) -- means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol (what about .10%)

INTOXICATING LIQUORS -- means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but does not include "fermented malt beverages"

JUNKYARD -- means any place which is owned, maintained, operated or used for storage, keeping, processing, buying or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, autowrecking yards, salvage yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises, and sanitary landfills. This definition does not include litter, trash and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration

JUST CAUSE -- means cause sufficient at law to accomplish or to allow an act

LEGAL CUSTODIAN -- means a person, other than a parent or guardian, or agency to whom legal custody of the child has been transferred by a court, but does not include a person who has only physical custody of the child

LEGAL REPRESENTATIVE -- means a person who is the personal representative or conservator of another person

LEGALLY COMPETENT -- means a person duly qualified and possessing the requisite natural and any legal qualifications established for competency by the State of Wisconsin

LICENSED PREMISES -- means premises described in licenses issued by cities, villages or Towns under their license authority

LOITER -- means to linger, stand around, move slowly about, remain or spend time idly in a public building, public land, in a public facility or any public place

MANDAMUS -- means a writ issued from a court which commands an officer or official to perform a duty the law requires

MANIFESTS (FOR WASTE REGULATION) -- means a form used for identifying the quantity, composition and the origin, routing and destination of waste or wastes during its transport

MARINA -- a dock or basin providing secure moorings for boats and vessels

MEETING -- means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half (1/2) or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this definition

METALLIC MINING -- means all or part of the process involved in the mining of metallic minerals, other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse

MISCONDUCT (IN OFFICE) -- means including, but not limited to, any of the following acts:

1. willful violation of a rule of any established code of ethics
2. willful or persistent failure to perform official duties
3. habitual intemperance, due to consumption of intoxicating beverages or use of dangerous drugs, which interferes with the proper performance of duties
4. conviction of a felony

MOBILE HOME -- means a vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls or rigid uncollapsible construction. "Mobile Home" includes the mobile home structure, including the plumbing, heating and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty.

MOBILE HOME PARK -- means any plot or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation

"MOONLIGHT" -- means for a person to be employed at another job after the hours of a regular job

MOORED -- means anchored to the shore or dock

MORAL TURPITUDE -- means an act done contrary to good morals, justice or honesty, regardless of the fact whether the act is punishable by law or ordinance

MOTOR VEHICLE -- means a vehicle which is self-propelled

MOTORBOAT -- means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion

NATIONAL GUARD -- means the organized militia of the State of Wisconsin

NATIONAL RESIDENCE -- means a resident of the United States of America

NAVIGATION -- means the act or the science or the business of traversing the sea or other navigable waters in boats or vessels

NEPOTISM -- means a bestowal of patronage by officials or officers in appointing or hiring persons who are related to the official by either blood or marriage

NOMINATION -- means to act of proposing or suggesting a person by name as a candidate for office in the Town of _____ or proposing or suggesting a program

NON-INTOXICATING BEVERAGE -- means a beverage containing less than .05% of alcohol by volume

NON-METALLIC MINING -- means operations or activities for the extraction from the earth for sale or use by the operator or mineral aggregates such as stone, sand and gravel and non-metallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and non-metallic minerals and related processes such as crushing, screening, scalping, dewatering and blending.

NOXIOUS WEEDS -- means the following weeds: Canada Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny) and such other weeds as determined by the Town Board of the Town of _____

NUCLEAR WASTE -- means any radioactive substance or matter including source material, special nuclear material and by-product material defined in Sec. 144.052, (1988-1989) Wis. Stats., from the nuclear industry including, but not limited to, gloves, clothing, lubricating oils and scrap

paper exposed to radioactive materials

NUISANCE (HEALTH) -- means any source of filth or cause of sickness

OATHS -- means affirmation in all cases where by law an affirmation may be substituted for an oath. If any oath or affirmation is required to be taken such oath or affirmation shall be taken before and administered by some officer authorized by the law of the State of Wisconsin to administer oaths, at the place where the same is required to be taken or administered, unless otherwise expressly directed, and, when necessary, duly certified by such officer. If an oath is administered it shall end with the words "so help me God".

OBSCENE -- means a writing, picture, sound recording or film which:

1. the average person, applying contemporary community standards, would find appeals to the prudent interest if taken as a whole,
2. under contemporary community standards, describes or shows sexual conduct in a patently offensive way, and
3. lacks serious literary, artistic, political, educational or scientific value, if taken as a whole

OFFICIAL NEWSPAPER -- means a qualified newspaper, pursuant to Sec. 985.03, (1988-1989) Wis. Stats., designated by a municipality as its official newspaper

OFFICER/OFFICIAL -- means, unless specifically noted, a person who holds a full-time or part-time public office who has been either elected or appointed to the office. This may include a person appointed to finish the term of an elected official. In the Town of _____, the following shall be considered elected or non-elected and full time or part-time officers of officials of the Town of _____:

(List and Describe)

OPEN SESSION -- means a meeting which is held in a place reasonably accessible to members of the public and open to all persons at all times. In the case of a state governmental body, it means a meeting which is held in a building and room thereof which enables access by persons with functional limitations, as defined in Sec. 101.13(1), (1988-1989) Wis. Stats.

OPEN BURN -- means combustion in which the by-products thereof are emitted directly into the ambient air without passing through a stack or chimney. Open burn does not include the combustion occurring at a properly operated air curtain destructor or incinerator.

ORDINANCE -- means a local law of the Town of _____ duly enacted by the Town Board of the Town of _____

OVERTIME -- means the time expended by a person at a job beyond the regular fixed working hours. For purposes of overtime compensation, overtime is the time expended by a person beyond the normal work schedule established by the Town Board of the Town of _ for that person and where the work schedule and the overtime payment schedule is in compliance with the Federal Fair Labor Standards Act.

PANDERING -- means to pimp, to cater to the gratification of the lust of another person

"PCB'S" -- means the class of organic compounds generally known as polychlorinated biphenyls and includes any of several compounds or mixtures of compounds produced by replacing two (2) or more hydrogen atoms on the biphenyl molecule with chlorine atoms

PEACE OFFICER -- means any person vested by law or ordinance with a duty to maintain public order or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes

PER DIEM -- means in Latin "per day". In connection with compensation, "per diem" means pay for a days service or a days work

PERSON -- means all natural persons and also all partnerships, associations and bodies politic and bodies corporate

PERSONAL REPRESENTATIVE -- means any person to whom letters to administer a decedent's real estate have been granted by the court but does not include a special administrator

PESTICIDE -- means any substance or mixture of substances labeled or designed or intended for use in preventing, destroying, repelling or mitigating any pest or as a plant regulator, defoliant or desiccant

PHYSICALLY DISABLED PERSON -- means a person who requires an assistant device for mobility, including, but not limited to, a wheelchair, brace, crutch or artificial limb

PLACE OF EMPLOYMENT -- includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation directly or indirectly related to any industry, trade or business is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in Sec. 102.04(3), (1988-1989) Wis. Stats., and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include a previously constructed building used as a community-based residential facility as defined in Sec. 50.01(10), (1988-1989) Wis. Stats., which serves twenty (20) or fewer unrelated residents, except for purposes of Sec. 101.11,

(1988-1989) Wis. Stats.

POLITICAL SIGNS -- means a sign intended for a political purpose or a sign which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose

POLLUTION -- means contaminating or rendering unclean or impure the waters, land and air of the State, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life

POST (NOTICE) -- means the placement or posting of a written municipal document in the Town of _____ to provide to the residents in the Town of _____ written notice of a public event, matter or meeting

PREMISES -- means an area designated in any license or permit

PRIVACY -- means the civil right to be left alone without being subject to unwarranted or undesired publicity

"PRO TEM"/"PRO TEMPORE" -- means temporary. In connection with offices "pro tem" means temporary appointment

PROSPECTING -- means engaging in the examination of an area for the purpose of determining the quality and quantity of minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps and tunnels and other means, other than for exploration, which the Department of Natural Resources, by rule, identifies, and the production of prospecting refuse and other associated activities. "Prospecting" shall not include such activities when the activities are, by themselves, intended for and capable of commercial exploration of the underlying ore body. However, the fact that prospecting activities and construction constitute mining within the meaning of "Mining", provided such activities and construction are reasonably related to prospecting requirements.

PSC DATUM -- means a monument of a permanent character which was set by the Wisconsin Public Service Commission as a base for the topographical grade and levels in the Town of _____

PUBLIC BUILDING -- means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy or use by the public or by three (3) or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in Sec. 50.01(1), (1988-1989) Wis. Stats., which serves twenty (20) or fewer residents

PUBLIC CONTRACT -- means a contract for the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies. If the Town of so designates, by resolution, public contract may also include contract for equipment or services

PUBLIC DEPOSITORY -- means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, mutual savings bank, or national bank in this State which receives or holds any public deposits or the local government pooled-investment fund

PUBLIC FACILITY -- means an arena, coliseum, related exposition facility or center for the performing or visual arts

PUBLIC LAND -- means lands in the Town of _ owned or leased for terms exceeding _ (_) years by the federal, state or local governments including the Town of _ . This may include lands held in fee or held by easement

PUBLIC NUISANCE -- means an injurious effect on the safety, health or morals of the public or use of property which works some substantial annoyance, inconvenience or injury to the public and as a nuisance which causes hurt, inconvenience or damage to the public generally, or such part of the public as necessarily comes in contact with it in the exercise of a public or common right

PUBLIC PLACE -- means the entire area authorized or designated for the general public use during hours of operation of any public or private business, use, activity or operation

PUBLIC PURPOSE -- means a purpose or objective in the Town of _ to promote the general welfare, security, prosperity and contentment of all the inhabitants of the Town of _____

PUBLIC RECREATIONAL AREA -- means any sports or recreational area leased or owned by the federal, state or municipal government or a non-profit organization

QUALIFIED ELECTORS -- means electors who are qualified to vote in a Town of _ election pursuant to Sec. 6.02 and 6.03, (1988-1989) Wis. Stats.

QUORUM -- means a majority of the number of members of a public body fixed by law or ordinance

RABIES -- means an acute virus disease of the nervous system of warm blooded animals usually transmitted by the bite of an animal

RADIOACTIVE SUBSTANCE -- means high-level radioactive waste, as defined in Sec. 16.08(1)(c), (1988-1989) Wis. Stats., transuranic waste, as defined in Sec. 16.08(1)(d), (1988-1989) Wis. Stats., and radioactive defense waste

RECORDS -- means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working, materials which are purely the personal property of the custodian and have no relation to his or her office materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library

RECYCLING -- means the transfer, transporting, processing, marketing and conversion of solid wastes into usable materials or products and includes the stockpiling and disposal of non-usable portions of solid wastes, but does not include the collection of solid waste.

RECYCLING FACILITY -- means a facility for the processing and conversion of solid waste into usable materials or products and includes the temporary stockpiling and disposal of non-usable portions of solid waste

REFUNDING BONDS -- means a bond issued by the Town of _____ to pay off an older bond issue

REPRIMAND -- means a public warning to an employee, licensee, permittee or certificate holder regarding unacceptable conduct or behavior

RESIDENCE/RESIDENCY -- means bodily presence in the State of Wisconsin and, where applicable, in the Town of _____ occupying some personal abode or dwelling with no interruption or early or definite removal but does not require an intent to make the abode a permanent domicile

RESIDENT -- means a person who occupies a dwelling or abode within the State of Wisconsin and, where applicable, within the Town of _____, has a present intent to remain within the State of Wisconsin and/or Town of _____ for a period of time and manifests the genuineness of intent by establishing an ongoing physical presence in the State of Wisconsin and/or Town of _____

RESOLUTIONS -- means a formal expression of the opinion or will of a municipality adopted by vote

RESPONSIBLE BIDDER -- means a person who, in the judgement of the Town Board of the Town of _____ is financially responsible and has the capacity and competence to faithfully and responsibly comply with the terms of the public contract

RESPONSIBLE UNIT -- means a municipality, county or solid waste management system under Sec. 59.07(135), (1988-1989) Wis. Stats., that is designated under Sec. 159.09(1), (1988-1989) Wis. Stats.

RESTITUTION -- means the act of making good or giving equivalent to a person for any loss, damage or injury suffered by that person

RIOTS -- means public violence, turmoil or disorder

ROADWAY -- means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively.

ROBERTS RULES OF ORDER -- a book published which establishes formal parliamentary procedures for meetings

SEPTAGE -- means the scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank or privy. This term does not include the waste from a grease trap

SEPTIC TANKS -- means and includes a septic toilet, chemical closet and any other "watertight" enclosure used for storage and composition of human excrement, domestic or industrial wastes

SEXUAL HARASSMENT -- means unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Unwelcome verbal or physical contact or a sexual nature" includes but is not limited to the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes

SEXUAL CONDUCT -- means any conduct or behavior relating to sexual activities of the complaining witness, including, but not limited to, prior experience or sexual intercourse or sexual contact, use of contraceptives, living arrangement and life-style

SHORELAND -- means lands bordering on the shores of navigable lakes and rivers below the line of ordinary high water

SIGNS -- means any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other things, which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-travelled way of any portion of an interstate highway or primary highway

SIGNS (OFFICIAL) -- means those signs posted for official public notice in the Town of _____

SIGNS (POLITICAL) -- means those signs posted for political or policy purposes in the Town of _____

SLOW-NO-WAKE -- means that speed at which a boat moves as slowly as possible while still maintaining steering control

SLUDGE -- means mud, mire, ooze, any heavy slimy deposit or sediment that is not septage

SOLAR COLLECTOR -- means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

SOLID WASTE -- means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semi-solid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations and from community activities, but does not include, hazardous waste, solids or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 147, (1990) Wis. Stats., or source, special nuclear or by-product material as defined under Sec. 140.52, (1990) Wis. Stats.

SPECIAL ASSESSMENT -- means an amount entered in the tax roll as an assessment against real property to compensate for all or part of the costs of public work or improvements which benefit the property. "Special assessment" includes any interest and penalties assessed for nonpayment of the special charge before it is placed in the tax roll

SPECIAL TOWN MEETING -- means all Town meetings under Sec. 60.12, (1988-1989) Wis. Stats.

STATE OPEN MEETING LAW -- means the state statutes and interpretation by the court of those statutes found in Chapter 19, (1988-1989) Wis. Stats.

STORAGE (WASTE) -- means the holding of waste for a temporary period, at the end of which period the waste is to be treated or disposed. For purposes of the ordinance, the temporary period shall not be longer than _____(____) days from date of receipt.

SUBDIVISION PLAT -- means a map of a subdivision

SUBPOENA -- means a written legal order directing a person to appear in court to testify and/or bring documents

SURETY (VERB) -- means to guarantee of an obligation by written agreement

SURETY (NOUN) -- means a person who is a guarantor of an obligation by written agreement

SURFACE WATER -- means waters following no defined course or channel and not gathering into any definite body of water but that diffuse themselves over the surface of the ground

SUSPEND/SUSPENSION -- means to withdraw and withhold from a person employment, a license, a permit or a certificate for a period of time and to withdraw and withhold all rights, privileges and authority previously conferred

TANGIBLE PERSONAL PROPERTY -- means all tangible personal property of every kind and description and includes electricity, natural gas, steam and water and also leased property affixed to realty if the lessor has the right to remove the property upon breach or termination of the lease agreement unless the lessor of the property as also the lessor of the realty to which the property is affixed. The term also includes coins and stamps of the United States sold or traded as collectors items above their face value

TOXIC SUBSTANCE -- means any substance or mixture containing a substance regulated by the federal occupational safety and health administration under Title 29 of the code of federal regulations part 1910, Subpart Z, which is introduced by an employer to be used, studied or produced in the workplace

TOXIC -- means any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to persons through ingestion, inhalation or absorption through any body surface

TRADE SECRET -- means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use.
2. The information is subject of efforts to maintain its secrecy that are reasonable under the circumstances.

TRAFFIC OFFICIAL -- means every official authorized by law or ordinance to direct or regulate traffic or to make arrests for violation of traffic regulations

TREATMENT (WASTE) -- means any method, technique or process, including neutralization, which

follows generation and which is designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize the hazardous waste or so as to render the waste non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduced in volume. "Treatment" includes incineration.

TRESPASS -- means to enter the property of another person without permission or legal right. In context of criminal action, criminal trespass are acts in violation of Sec. 943.13, 943.14 and 943.15, (1988-1989) Wis. Stats.

UNFIT -- means unsuitable, incompetent, not adopted or qualified for a particular use, business or service

UNINCORPORATED VILLAGE -- means an area named _____ in the Town of _____ noted in "Exhibit _"

UNLAWFUL ASSEMBLIES -- means an assembly which consists of three (3) or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed. "Unlawful Assembly" includes an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person, or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building or dwelling place or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building or dwelling place or any portion thereof.

VESSEL -- means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft

VETERAN -- means any person who served on active duty under honorable conditions in the U.S. armed forces who was entitled to receive either the armed forces executive order, established by executive order 10977 on December 4, 1961 or the Vietnam service medal established by executive order 11231 on July 8, 1965, or who served in Grenada or Lebanon under Sec. 45.34, (1988-1989) Wis. Stats., or any person who served for at least one (1) day during a war period, as defined in Sec. 45.35(5)(a) to (g), (1988-1989) Wis. Stats., or under Section 1 of executive order 10957 dated August 10, 1961.

VILLAGE POWERS -- means powers granted by the electors of the Town of _____ at the annual Town meeting or special Town meeting to the Town Board of the Town of _____ pursuant to Sec. 60.10, (1988-1989) Wis. Stats.

WARRANT -- means a legal writ authorizing a person to make an arrest, search or seize property

WASTE -- means any solid waste, including construction waste, demolition waste, ash, sludge, refuse, rubbish, garbage and discarded recyclable materials. It also includes hazardous waste and nuclear waste or any by-product defined in Sec. 140.52, (1988-1989) Wis. Stats.

WATERCRAFT -- means any device used and designed for navigation on water

WATERWAY -- means a running stream of water flowing in a definite channel

WHEY -- means the thin watery part of milk that separates from the curds

WRIT -- means a formal legal document ordering or prohibiting certain described acts