

## **CHAPTER 3: LAND**

### **3.01 ANNEXATION - WILDWOOD POINT.**

(1) The following described territory owned by, and lying contiguous to, the Village of Chenequa, is hereby annexed to said Village:

That part of the South West one quarter and South East one quarter of Section 20, Town 8 North, Range 18 East, in the Town of Merton, Waukesha County, Wisconsin, bounded and described as follows: Commencing at a point in the north line of said south west 1/4 Section 20, which point is 200.00 feet West of the north east corner of said south west 1/4 Section 20; thence continuing West along the north line of said south west 1/4 Section 20 418.25 feet to its intersection with the west line of the east 1/2 of the east 1/2 of said south west 1/4 Section 20; thence S. 4° 19' W. along the west line of the east 1/2 of the east 1/2 of said south west 1/4 Section 20, 1071.85 feet to a point in the centerline of the present pavement of County Trunk Highway "K"; thence S. 72° 05' 30" E. along the centerline of the present pavement of said highway 79.00 feet to an angle point; thence S. 79° 34' 30" E. along the centerline of the present pavement of said highway 277.10 feet to an angle point; thence S. 76° 59' E. along the centerline of the present pavement of said highway 285.00 feet to a point in the east line of said south west 1/4 Section 20; thence N. 3° 24' E. along the east line of said south west 1/4 Section (west limits of the Village of Chenequa) 455.33 feet to a point; thence N. 84° 21' W. on a line 78.00 feet to a point; thence N. 67° 38' W. on a line 131.24 feet to a point; thence N. 20° 46' E. on a line 101.00 feet to the west corner of Lot 19, Wildwood Point, a subdivision; thence N. 36° 41' E. along the westerly line of Lots 19, 18, 17, and 16, 380.00 feet to a point; thence N. 36° 19' W. on a line 367.00 feet to the place of beginning, containing 15.02 acres of land, more or less.

(2) The name of the town from which said annexed territory is detached is Town of Merton.

### **3.02 ANNEXATION - BEAVER LAKE.**

(1) The following territory lying contiguous to the Village of Chenequa in Waukesha County, Wisconsin, is hereby annexed to said Village pursuant to section 66.021, Wisconsin Statutes:

Parcel A: - All that part of the Southeast 1/4 of Section 21, in Township 8 North, of Range 18 East, in the Town of Merton, Waukesha County, Wisconsin, bounded and described as follows: Commencing at a point in the boundary of the Village of Chenequa and in the South 1/16th line of said Section 21, which point is 697 feet West of the East 1/8th line of said Section 21; thence South 1° 15' West, along said boundary of said Village, 465 feet to a point; thence South 81° 15' East, along said boundary of said Village, 185 feet to a point; thence South 8° West, along said boundary of said Village, 329 feet, more or less, to a point which is 50 feet North 8° East from the center line of a public highway; thence Southeasterly along said boundary of said Village on a line parallel to and 50 feet Northeast of the center line of said public highway, 107 feet, more or less, to a point in the West line of lands belonging to Charlotte H. Thomas; thence North 6° 50' East, along the West line of said lands belonging to Charlotte H.

Thomas, 367 feet to a point; thence North  $2\frac{1}{2}^\circ$  East, along said West line of said lands belonging to Charlotte H. Thomas, 507 feet to a point in said boundary of said Village and in the South  $1/16$ th line of said Section 21; thence West, along said boundary of said Village and along said South  $1/16$ th line of said Section 21, 267 feet to the place of beginning.

Parcel B: - That part of Lots 7 and 8 in Subdivision of Lots 1 to 13 inclusive of Beaver Lake Hotel & Land co. Subdivision in the West  $1/2$  of the Southeast  $1/4$  of Section 21 and part of Government Lot 1 in Section 28, all in Township 8 North, of Range 18 East, in the Town of Merton, Waukesha County, Wisconsin, bounded and described as follows: Commencing at a point in the boundary of the Village of Chenequa, which point is the Southwesterly corner of said Lot 8; thence South  $78^\circ 43'$  East along said boundary of said Village and along said South line of said Lot 8 (being also the South line of Lot 13 in said Beaver Lake Hotel & Land Co. Subdivision) 484 feet to the shore of Beaver Lake; thence Northeasterly along the shore of Beaver Lake 54 feet, more or less, to the Southeasterly corner of lands conveyed to Ralph A. Salick and Hazel C. Salick, his wife, by a deed recorded in the office of the Register of Deeds in and for Waukesha County, Wisconsin, in Volume 705 of Deeds, on page 524, as Document No. 439246; thence North  $74^\circ 14'$  West along the Southerly line of said Salick lands 313.01 feet to a point; thence North  $35^\circ 46'$  West along the Southwesterly line of said Salick lands 110.11 feet to a point; thence North  $72^\circ 57'$  West along the Southerly line of said Salick lands 77.50 feet to a point in the Westerly line of said Lot 7 and in the said boundary of said Village, which point is also the Southwesterly corner of said Salick lands; thence South  $25^\circ 15'$  West along the Westerly lines of said Lots 7 and 8 and along said boundary of said Village 158 feet, more or less, to the place of beginning.

(2) The above described territory is owned by the Chenequa Country Club Realty Corporation and is detached from the Town of Merton, pursuant to section 66.021, Wisconsin Statutes, and pursuant to the petition for direct annexation duly executed and filed thereunder with the Village Clerk-Treasurer by the Chenequa Country Club Realty Corporation on January 25, 1963, and accepted by the Village Board on February 11, 1963.

### **3.03 ANNEXATION - OAKLAND HILLS.**

(1) The following territory lying contiguous to the Village of Chenequa in Waukesha County, Wisconsin, is hereby annexed to said Village:

All that part of the Northwest  $1/4$  of Section 29, Town 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin described as follows:

Commencing at the Northwest corner of said Section 29; thence East along the North line of said Section 1435.50 feet (87 rods); thence South 66.00 feet (4 rods); thence Southwesterly and along the Easterly line of lands described in Volume 182, page 414, Document #125950 of Deeds of Waukesha County records, 130.00 feet more or less to the West  $1/8$  Section line of Section 29 and the present Village Limits boundary line of the Village of Chenequa and point of beginning of lands herein described; thence South along the West  $1/8$  Section and along the present Village Limits line, 1150.00 feet more or less to the North  $1/16$  line of said Section 29; thence West along said North  $1/16$  Section line and along the present Village of Chenequa limits

line 980.00 feet more or less to the Easterly line of lands described in Volume 182, page 414, Document #125950 of Deeds of Waukesha County records; thence North 13° 0' East along said line to the South line of lands described in Volume 212, page 195, Document #157566 of Deeds of Waukesha County records; thence North 82° 0' East along the South line of lands described in Volume 212, page 195, Document #157566, 662.00 feet; thence North 13° 30' West along the Easterly line of lands described in Volume 212, page 195, Document #157566, 584.00 feet to the most Northerly corner of said lands; thence Northerly along the Easterly line of lands described in Volume 182, page 414, Document #125950, 620.00 feet more or less to the point of beginning of land herein described.

(2) The above described territory is owned by the Provident Realty Company and is detached from the Town of Merton, pursuant to section 66.021, Wisconsin Statutes, and pursuant to the petition for direct annexation filed thereunder with the Village Clerk-Treasurer by the Provident Realty Company on March 7, 1963.

### **3.04 DETACHMENT - SWAN PROPERTY.**

(1) The following territory lying in the Village of Chenequa, Waukesha County, Wisconsin, is hereby detached from said Village, provided that the Town of Merton accepts the terms of this Ordinance as provided in section 66.022 of the Wisconsin Statutes and the failure of the Town Board of Merton to adopt an ordinance as provided in section 66.022 shall make this ordinance void:

All that part of the Northeast One-quarter of Section 31, Town 8 North, Range 18 East, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northeast Corner of Section 31; thence South 87 degrees 57 minutes West, along the North line of said section, 80.00 feet; thence South 1 degree 29 minutes 50 seconds East, parallel to the East line of Section 31, 24.00 feet to the place of beginning of the parcel hereinafter described; thence continuing South 1 degree 29 minutes 50 seconds East, 418.76 feet; thence North 88 degrees 30 minutes 10 seconds East, 30.00 feet; thence South 1 degree 29 minutes 50 seconds East, 60.00 feet; thence South 88 degrees 30 minutes 10 seconds West, 30.00 feet; thence South 1 degree 29 minutes 50 seconds East, 956.01 feet; thence South 88 degrees 32 minutes West, 20.00 feet; thence North 1 degree 29 minutes 50 seconds West, 1434.57 feet; thence North 87 degrees 57 minutes East, parallel to the aforementioned North line of Section 31, 20.00 feet to the place of beginning containing 0.700 acres.

(2) The above described real estate is owned by E. Earling Swan and Henrietta J. Swan, whose petition for detachment of the same from the Village of Chenequa, was filed with the Village Clerk-Treasurer on May 6, 1965, pursuant to section 66.022 of the Wisconsin Statutes.

(3) Upon the adoption by the Town Board of Merton of an ordinance accepting the terms of this ordinance as provided in section 66.022, the said real estate shall be exempt from further taxation and assessment by the Village of Chenequa and henceforth be subject to taxation

and assessment, if any, as a part of the Town of Merton for any and all purposes provided by law.

(4) No adjustment of assets and liabilities between the Town of Merton and the Village of Chenequa shall be made pursuant to section 66.03 of the Wisconsin Statutes with respect to the detachment of the above described real estate, and the general real estate taxes and special assessments levied against said real estate for the year 1965 shall be collected by the Village of Chenequa and shall not be apportioned between the Village and the Town of Merton.

### **3.05 SIGNS AND BILLBOARDS.**

(1) It shall be unlawful for any person, firm or corporation, to put up, erect, fasten, post, paint, or maintain any sign, billboard, picture, poster, or advertisement of any description whatever upon any curb, sidewalk, fence, board, post, pole, tree, structure, or building of any kind within the limits of the Village of Chenequa except as set forth herein.

#### **(2) Permitted Signs**

(a) This section 3.05 shall not apply to signs not exceeding nine (9) square feet in area which: (i) advertise real estate for sale when erected upon the premises so offered for sale, (ii) designate the names of owners or occupants or real estate on which such sign is located, (iii) designate the names of owners or occupants of real estate at the highway entrances leading thereto, (iv) designate the name of a subdivision at its entrance; provided that each parcel of real estate shall be limited to one of each of such signs, exclusive of names on mailboxes; (v) forbid trespassing, are warnings for the protection of persons or property, or of a similar nature; or (vi) relate to an election or any other local, state or federal governmental issue or the political process, subject to subsection 4 herein.

(b) This section 3.05 also shall not apply to official signs or notices of any governmental unit.

#### **(3) Temporary Signs**

(a) Temporary signs which direct persons to picnics, auctions, estate/garage sales, parties, outings, gatherings, meetings, exhibitions, or open houses are permitted but shall be limited to: (i) the hours of such an event and (ii) the premises or property to which the event is taking place or on private property where permission has been granted by the property owner. Such signs shall not exceed six (6) square feet but may be two-sided. The person who has posted or directed the posting of a temporary sign is responsible for its removal in a timely fashion.

(b) Contractor signs shall be permitted but limited to one (1) sign per construction site and shall be limited to that of the prime contractor or general contractor for the construction site. Contractor signs shall not exceed six (6) square feet but may be two-sided. The duration of the sign shall be limited to the time of the building permit issuance to the completion

of construction. Contractor signs shall be placed at the driveway entrance for the purpose of directing deliveries to the construction site.

(4) **Political Signs** Political signs are not permitted on public property, right-of ways or within one hundred feet (100) from a polling place entrance. Political signs shall not exceed six (6) square feet in size and shall be limited to the “election campaign period” as defined in Wisconsin Statutes (2001-02) Section 12.04 and any amendments thereto.

(5) **Violations**

(a) The Village is authorized to remove any signs posted that are in violation of this section. Any expenses incurred by the Village in the removal process may be billed to the person who has posted or directed the posting of the sign or the property owner.

(b) Any person, firm, or corporation violating any of the provisions of this section shall upon conviction thereof forfeit not less than Fifteen Dollars (\$15.00) nor more than Five Hundred Dollars (\$ \$500.00) for each day during which such violation shall continue, together with the costs of prosecution, and in default of the payment of such forfeiture and costs shall be imprisoned in the county jail of Waukesha County until payment of such forfeiture and costs of prosecution, but not exceeding ten (10) days.

(6) **Street Numbering Required (Created 02/2011)**

Every property in the Village of Chenequa shall be required to display a street number according to the established grids adopted by the Village Board. The Village shall furnish and install numbers and brackets to all properties per the standards of size, style, and color established by the Village Board. The Village Board may, however, in its discretion, establish specific requirements for the uniform location and/or method of display of street numbers for a specific development or subdivision. In such event, property owners within such development or subdivision shall display street numbers in compliance with the Village Board's requirements.

(a) **PURPOSE AND INTENT.** The Board of Trustees finds that the health, safety, and welfare of the public will benefit from the unobstructed view of street numbers for all properties in the Village. The Board of Trustees further finds that fire protection and safety will be enhanced by the unobstructed view of street numbers for fire department and law enforcement personnel responding to emergency calls.

(b) **DISPLAY.** Street numbers shall be displayed not greater than 10 feet from the edge of the roadway and not closer than three feet, nor more than 10 feet from the edge of the driveway.

(c) **MAINTENANCE/REPLACEMENT.** The property owner shall be responsible for maintaining street numbering required under this Section. In the event any street number becomes illegible from the roadway for any reason, or there is damage to or loss of any street number(s), such street number(s) shall be replaced in conformity with this Section within

30 days. Such replacement and/or maintenance shall be the property owner's responsibility and expense.

(d) **REMOVAL PROHIBITED.** No person shall deface, destroy, obstruct, or remove any street number required under this Section.

(e) **VIOLATIONS.** Any person violating any provision of this Section shall be subject to the Violations set forth in Section 3.05(5)(b) of the General Code of Ordinances of the Village of Chenequa.

### **3.06 BULKHEAD LINE - PINE LAKE.**

The bulkhead line of that part of the East shore of Pine Lake, hereinafter described and more particularly shown by a map on file with the Clerk-Treasurer, is established and determined as set forth in the following description, namely:

All that part of the Southwest 1/4 of Section 28 and the Northwest 1/4 of Section 33, Town 8 North, Range 18 East, Village of Chenequa, Waukesha County, Wisconsin, described as follows:

Commencing at the meander stone on the South line of Section 28, said stone being West of and 866.65 feet distant from the South 1/4 corner of said section; thence continuing West, along said South line 71.0 feet; thence S 29° 30' East, 62 feet; thence S 45° East, 13 feet; thence S 67° East, 10 feet to the South line of the John M. Friend property and the place of beginning of the bulkhead line hereinafter described; thence N 67° West, 10 feet; thence N 45° West, 13 feet; thence N 29° 30' West, 118 feet; thence N 34° West, 98 feet; thence N 42° West, 124 feet; thence N 33° West, 45 feet; thence N 43° West, 95 feet; thence N 32° West, 22 feet to the North line of the Paul Halmbacher property and the point of termination of said bulkhead line.

### **3.07 CARE OF TREES; VILLAGE FORESTER. (Rev. 5/15)**

(1) **INTENT AND PURPOSE.** It is hereby declared to be the intent of the Village of Chenequa to regulate and control the planting, removal, maintenance and protection of trees, plants and shrubs in or upon all public areas of the Village in order to:

(a) Avoid dangerous conditions which may result in injury to persons using the public highways and other public areas.

(b) Promote and enhance the aesthetics and general welfare of the Village.

(c) Prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in the public areas.

(d) Protect all trees and shrubs, both public and private, within the Village against the spread of disease, insects or pests.

(2) DEFINITIONS. Whenever the following words or terms are used in this Section 3.07, they shall be construed to have the following meanings:

Public Trees, Plants and Shrubs: All trees, plants and shrubs located or to be planted in or upon public areas.

Public Areas. All public rights of way, or lands owned or controlled by the Village.

(3) VILLAGE FORESTER. The Village Forester shall cause the provisions of this Section 3.07 to be enforced.

The Village Forester shall direct, control, and regulate the planting, removal, trimming, spraying, and otherwise maintain and protect all trees and shrubs in or upon all public areas, public rights of way, tree planting easements, and such areas as may be designated a part of a Village approved forestry program.

The Village Forester shall oversee all trees, plants, and shrubs within the Village to prevent the spread of disease, insects or pests. He or his authorized representative shall conduct inspections of trees located on private property upon request of the property owner or occupant, upon complaint, or if he has reasonable cause to believe that diseased, pestiferous trees, or trees otherwise injurious to the general tree population or some portion thereof, may exist: and to take necessary samples for examination to determine necessary and/or advisable tree care measures to be taken by the property owner at his expense; except that the cost of the inspection and examination shall be at the Village's expense.

(4) PERMIT TO PLANT. It shall be unlawful for any person to plant any tree, plant, or shrub or authorize any person to do so, in or upon any public area of the Village of Chenequa without first obtaining from the Village Forester a written permit to do so, and without complying with the conditions set forth in the written permit and with the provisions of this ordinance. Permits may be granted only after the Village Forester receives a written application and after inspection and approval of the proposed planting site and planting material. The Village Forester may request a detailed, scaled drawing of the landscape planting plans before any permit shall be issued. All planting plans shall show accurately:

(a) The proposed location, species/variety and size of all planting material together with the location, species and size of all existing trees.

(b) The proximity to proposed or existing highway, driveway or parking areas.

(c) The nature of the soil in the planting space to a depth of three feet, and the location of existing or altered drainage patterns. Permits shall expire one year after the date of permit.

(5) PERMIT TO REMOVE, TRIM OR MAINTAIN. Except upon order of the Village Forester, it shall be unlawful for any person without a permit from the Village Forester to remove, destroy, cut, do surgery, treat, alter or injure any public tree, plant, or shrub or portion thereof above or below ground or to cause or authorize or procure any person to do so. An application to the Village Forester for such permit must state the number and kind of trees to be trimmed, removed or treated and the kind and condition of nearest trees upon the adjoining property. If in the judgment of the Village Forester the desired removing, cutting, pruning, treatment or trimming shall appear necessary and the proposed method and workmanship thereof shall be such as the Village Forester approves, the Village Forester may thereupon issue a permit in writing for such work. Any work done under such written permit must be performed in strict accordance with the terms thereof, and the provisions of this section 3.07, and under the supervision and direction of the Village Forester or his duly authorized representative.

(6) INJURY TO PUBLIC TREES, PLANTS AND SHRUBS. No person shall without a written permit from the Village Forester in the case of a public tree, plant or shrub, do or cause to be done by others any of the following acts:

(a) Secure, fasten, or run any rope, chain, wire, sign, unprotected electrical installation or other device or material to, around, or through a tree, plant, or shrub.

(b) Break, injure, mutilate, deface, kill or destroy any tree, plant, or shrub or permit any fire to burn where it will injure any tree, plant or shrub.

(c) Permit any toxic chemical, gas, smoke, salt brine, oil, or other injurious substance to seep, drain or be emptied upon or about or onto any sidewalk, road, pavement or gutter at a point whence such substance may injure any tree, shrub, or plant.

(d) Remove any guard, stake, or other device or material intended for the protection of a tree, plant or shrub.

(e) Place any stone, cement, asphalt or other impervious material or substance in such a manner as to obstruct the free access of air and water to the roots of any tree, plant or shrub.

(f) Excavate any ditch, tunnel or trench or lay any drive within a radius of eight (8) feet from any tree, plant or shrub, unless authorized by permit to construct, maintain or repair utilities. Whenever a permit is required under this section 3.07 for new work to be done by a public utility, or contractor within a public area, the Village Forester may limit the work to be done to the actual necessities of the permittee, and may assign an inspector to supervise the work to be done under the provisions of the permit.

Any public utility and/or contractor planning underground work within or adjacent to a public area shall submit a drawing of the project area to the Village Forester and shall identify the location of the proposed installation and its overall dimensions and depth from ground surface, its anticipated date of installation; and in addition shall indicate on such drawing all trees



located along the project route within 8 feet of any proposed excavation. Such drawings shall be submitted 15 days prior to the start of any construction or excavation.

(g) Erect, alter, repair, raze or excavate without placing sufficient guards or protectors as shall prevent injury to public trees, plants and shrubs by such operations. All moving of public trees, plants, and shrubs made necessary by the moving of a building or structure, or for any other purpose shall be done by the Village Forester or under his supervision at the expense of the applicant. Should such moving or replanting cause the death of such tree, plant, or shrub, the applicant shall replace the same at his expense.

(7) NOTICE TO ABATE PUBLIC NUISANCES. Any tree or part thereof, whether alive or dead, which is infected or hazardous so as to endanger the public or other trees, plants or shrubs growing within the Village of Chenequa, whether growing upon public or private premises is hereby declared to be a public nuisance. No person shall permit any such public nuisance to remain on any premises owned or controlled by such person within the Village.

If the Village Forester determines that there exists a public nuisance or threat to the public health, safety and welfare within the Village, the Village Forester shall report such public nuisance to the Village Board. The Village Board shall, at the next regular Village Board meeting, but no sooner than (2) weeks following the Village Forester's report, consider any action to be taken as a result of the identification of the public nuisance. The Village Administrator/ Chief of Police shall serve notice personally or by registered mail upon the owner or occupant of the premises where such nuisance is permitted or maintained of the date and time of the meeting. Such notice shall describe the tree, plant or shrub determined to be a public nuisance or which otherwise represents a threat to the public health, safety and welfare; including the specific location of the tree, plant or shrub; and further describe the general nature of the contemplated changes or improvements required to abate, remove and/or destroy such public nuisance.

If the Village Board agrees that there exists a public nuisance, the Village Forester shall notify the owner or occupant of the premises where such nuisance is permitted or maintained that such public nuisance exists. Such notice shall direct the owner or occupant of the premises to abate, remove and destroy such nuisance within fourteen (14) days and shall state that unless such nuisance is so abated, removed and destroyed, the Village of Chenequa may cause the same to be abated and will charge the cost thereof to the owner; provided that upon written application of the owner or occupant of the premises to the Village President or the Village Forester, the Village President or the Village Forester may grant an extension of time (but in no event beyond the next succeeding first day of March) to so abate, remove and destroy such nuisance for good cause shown.

If the nuisance is not abated, removed and destroyed within the time provided, or as so extended, or if the owner or occupant cannot be found, the Village Forester may, subject to the direction of the Village Board, proceed under § 27.09, Wis. Stats., to cause the abatement or removal of such public nuisance. The entire cost of abating, removing and destroying such public nuisance shall be billed to, and collected from the owner of the property where the nuisance was situated, and if said costs are not paid within thirty (30) days after billing, then the cost shall be

reported to the Village Clerk-Treasurer who shall cause such cost to be assessed against the real estate as a special charge for current services pursuant to the procedure set forth in § 66.0627, Wis. Stats., and the same shall be collected in all respects like other Village taxes upon real estate.

Any person who violates any of the provisions of this Section 3.07(7) shall, upon conviction there, be subject to a penalty as provided in Section 1.01(9)(a).

(8) INTERFERENCE WITH VILLAGE FORESTER OR EMPLOYEES. It shall be unlawful for any person, firm or corporation to prevent, delay or interfere, or cause or authorize or procure any interference or delay with the Village Forester or any of his employees, agents or servants while they are engaged in and about the work herein specified.

### **3.08 ESTABLISHING SHORELINE - PINE LAKE.**

The shore line of that section of the shore of Pine Lake, hereinafter described, in the Village of Chenequa, Waukesha County, Wisconsin, is established and determined to be the line described as follows, and as designated on a map on file with the Village Clerk-Treasurer:

That certain line along the East shore of Pine Lake in the South East 1/4 of Section 32, Town 8 North, Range 18 East, and in the North East 1/4 of Section 5, Town 7 North, Range 18 East, in said Village, described as follows: Commencing at the North East corner of Section 5, Town 7 North, Range 18 East; thence due South along the East line of said Section 5, 1111.20 feet to a point on the North right-of-way line of U.S. Highway 16; thence South 86° 59' West along the North right-of-way line of said Highway 434.72 feet; thence South 74° 31' West along the North right-of-way line of said Highway 162.15 feet; thence South 86° 59' West along the North right-of-way line of said Highway 547.80 feet; thence North 79° 52' 30" West along the North right-of-way line of said Highway 21.57 feet; thence North 0° 12' East 338.85 feet, to the point of beginning of line to be described; thence South 74° 18' East 187.00 feet; thence North 50° 42' East 173.00 feet; thence North 86° 02' East 42.00 feet; thence South 6° 48' East 180.00 feet; thence South 54° 35' East 125.22 feet; thence North 56° 12' East 683.49 feet; thence North 11° 12' East 160.25 feet; thence North 41° 23' West 213.00 feet; thence North 9° 53' West 95.00 feet; thence North 8° 40' 02" East 163.64 feet; thence South 76° 40' West 121.10 feet; thence South 3° 20' East 50.00 feet; thence North 87° 20' West 20.00 feet; thence North 34° 36' 02" West 86.73 feet; thence North 11° 05' 29" West 199.35 feet; thence North 5° 52' 02" East 104.21 feet; thence North 40° 00' East 145.00 feet; thence South 58° 00' East 112.00 feet; thence North 72° 36' 49" East 134.80 feet to the end of said line, said point lying on the East Section line of Section 32, Town 8 North, Range 18 East.

### **3.09 GAS COMPANY LINES.**

(1) The Village of Chenequa does hereby grant unto Wisconsin Natural Gas Company, its successors and assigns, a franchise under and pursuant to the terms of section 66.061 of the Statutes of the State of Wisconsin, as a public utility to engage in the distribution and sale to the public of manufactured or natural gas in, upon and under the public streets and grounds within the corporate limits of the said Village.

(2) Before laying any main or pipe or constructing any manhole under the provisions of this section 3.09 a plan showing the proposed location of the same shall be submitted to, and approved by the Village Board of said Village or its duly authorized representative.

(3) All work under the authority of this section 3.09 shall be done in such manner as not to unnecessarily interfere with the ordinary use of the streets, alleys, parks or public grounds of said Village, and the Company, in the performance of such work, shall conform to all reasonable regulations now or hereafter prescribed by the Village in regard thereto.

(4) All excavations made under the authority of this section 3.09 shall be made with due and reasonable dispatch and the same shall be suitably guarded and all excavations or trenches shall be adequately backfilled and the surface of any street, alley, park or public ground shall be restored at the expense of the Company to as good or a better condition than that originally existing prior to the commencement of such excavation or trench.

(5) If the Company shall not suitably backfill any excavation or trench and restore the pavement or street surfacing or reconstruct the same so as to bring the excavation or trench to as good or a better condition than that existing prior to the opening of the same, the Village may remedy any defect occurring through the omission of the Company and the cost of so remedying the same shall be promptly paid by the Company to the Village.

(6) The Company shall furnish gas service from its distribution system within the Village of Chenequa to the public and to the Village without discrimination as between customers of any class, at rates and under rules and regulations filed with, and approved by, the Public Service Commission of Wisconsin.

(7) The Company, its successors and assigns, shall at all times in the construction and operation of the said pipe lines be liable for all acts of negligence on its part.

### **3.10 ELECTRIC COMPANY POLES.**

(1) No person shall string wires or cables, or erect poles or other electrical equipment upon or over any highway within the Village of Chenequa without first obtaining permission so to do from the Board of Trustees of said Village.

(2) Any person contemplating any change in, or the erection, construction or installation of any power, telephone or telegraph line, or any equipment connected therewith, upon any highway within the Village of Chenequa shall, before proceeding with any such work, submit detailed plans for such work to the Village Board of the Village of Chenequa and obtain a permit for such work from said Board.

(3) No permission shall be given to any public utility or other person to erect any poles for the purpose of carrying wires or cables or erecting any electrical equipment on any highway in the Village of Chenequa upon which poles now stand. Any such poles now or

hereafter erected upon any highway within the Village of Chenequa may be used by any person other than the owner upon payment of a reasonable charge therefore to such owner.

### **3.11 NO TRAILER CAMPS.**

(1) No premises or tract of land within the Village of Chenequa shall be used for camp ground or tourist camp, or for the parking, location or accommodation of more than one camp trailer or camp car or house car, or other vehicle designated for human habitation.

(2) No trailer, camp car, camp trailer, or house car shall be used for human habitation within the Village of Chenequa.

### **3.12 REGULATION OF THE APPLICATION AND USE OF FERTILIZERS. (added 12/10/07)**

(1) **PURPOSE AND INTENT.** The Board of Trustees finds that the Village's lakes and streams are a natural asset which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public. The purpose of this ordinance is to set forth regulations which will enable the Village to protect its water resources for the health, safety and welfare of the public without detracting from the natural beauty of homeowner's lawns and gardens. The Board of Trustees further finds that regulating the amount of nutrients and contaminants contained in fertilizer, including phosphorus, that enter the bodies of water as a result of runoff from lawns and turf will aid in the improvement and maintenance of lake water quality.

(2) **APPLICABILITY.** This ordinance applies in all areas of the Village.

(3) **DEFINITIONS.**

(a) *Fertilizer* has the meaning set forth in §94.64(1)(e), Wis. Stats.

(b) *Impervious* surface means a highway, street, sidewalk, parking lot, driveway or other surface that prevents infiltration of water into the soil.

(c) *Lawn fertilizer* means any fertilizer, whether distributed by property owner or commercial entity, distributed for nonagricultural use such as for lawns, golf courses, parks and cemeteries. *Lawn fertilizer* does not include fertilizer products intended primarily for garden and indoor plant application.

(4) **REGULATION OF APPLICATION OF LAWN FERTILIZER.**

(a) No person shall apply lawn fertilizer within the Village of Chenequa that is labeled as containing more than 0% phosphorus or other compound containing phosphorus such as phosphate, except as provided in sec. (5).

(b) No lawn fertilizer shall be applied when the ground is frozen.

(C) No lawn fertilizer shall be applied when conditions exist which promote or create runoff.

(d) No person shall apply any fertilizer to any impervious surface. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.

(e) No person shall apply any fertilizer to any established natural buffer zones.

(f) No person shall apply any fertilizer within 20 feet of any wetland, pond, shoreline, or ordinary high mark of any lake or river as established by the Wisconsin Department of Natural Resources.

(5) EXEMPTIONS. The prohibition against the use of fertilizer under sub. (4) shall not apply to:

(a) Turf or lawn areas newly established via seed or sod procedures during their first growing season.

(b) Turf or lawn areas that soil tests, performed within the past three years by a state-certified soil testing laboratory, confirm are below phosphorus levels established by the University of Wisconsin Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.

(c) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.

(d) Yard waste compost, biosolids or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

(6) ENFORCEMENT. This ordinance will be enforced by the Village Administrator or the Village Administrator's designee.

(7) PENALTY. Any person or property owner who violates any provision of this ordinance shall be subject to penalties as provided in § 1.01(a) Penalties of the Village Code.

SECTION 2. SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective on January 1, 2008, and upon passage and publication as required by law.

**3.13 UNDERGROUND UTILITY FACILITIES REQUIRED. (added 06/08)**

(1) DEFINITIONS. Terms used in this Section shall have the following meanings:

(a) *Electrical services.* The conductors and equipment for delivering energy from the electrical supply system to the wiring system of the premises served.

(b) *Permanent electrical services.* Electrical services which are anticipated to remain in place, or actually remain in place, for more than ninety (90) days; provided, however, overhead services of a temporary nature which are installed to provide electrical service during construction, remodeling, renovation, repair, or demolition of bridges, structures, equipment, or similar activities, or during emergencies or for tests or experiments relating to public safety, shall not constitute permanent electrical services.

(c) *Underground utility facilities.* The conductors, cable, conduit, and/or equipment necessary to transmit electrical or communications energy from the aerial or underground distribution system of the supplier to the main disconnect, junction, or protector panel in or on the customer's premises, including all electric, communications, signal, and cable television facilities.

(2) PURPOSE. The Village Board does hereby declare it to be the public policy of the Village to favor underground utility facilities. The exercise of the police power to implement this public policy is based on the public benefit received including, but not limited to, the following reasons:

(a) Enhancing scenic, aesthetic, and other recreational values;

(b) Improving civic appearance;

(c) Removing safety hazards which are a danger to pedestrians, motorists, and wildlife;

(d) Overcoming the threat of temporary loss of service due to high winds, ice, accident, or equipment failure;

(e) Protecting the integrity of trees and other vegetation; and

(f) Eliminating damage to overhead lines and poles caused by vandalism, wildlife, or accident.

(3) RELOCATION OF UTILITY LINES. Any property owner who desires or is required to relocate a utility servicing his property shall install underground utility facilities.

(4) NEW CONSTRUCTION. Any building, sign, signal, or structure hereafter constructed in the Village and requiring permanent electric service shall be constructed with underground utility facilities.

(5) REMODELING. Every existing building or structure requiring permanent electric service which is being remodeled and where the cost of such remodeling is estimated to exceed, or actually exceeds, fifty percent (50%) of the assessor's full market value of said building shall be constructed with underground utility facilities.

### **3.14 DETACHMENT - 32600 W. COUNTY HWY. K (added 9.2012)**

(1) The following territory lying in the Village of Chenequa, Waukesha County, Wisconsin, is hereby detached from said Village, and attached to the Town of Merton:

THAT PART OF THE EAST ONE HALF OF THE EAST ONE HALF OF THE SOUTH WEST ONE QUARTER OF SECTION 20, AND PART OF THE SOUTH EAST ONE QUARTER OF SECTION 20, ALL IN TOWN 8 NORTH, RANGE 18 EAST, IN THE TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF SAID SOUTH WEST 1/4 SECTION 20, WHICH POINT IS 200.00 FEET WEST OF THE NORTH EAST CORNER OF SAID 1/4 SECTION; THENCE CONTINUING WEST ALONG THE NORTH LINE OF SAID SOUTH WEST 1/4 SECTION 20, 418.25 FEET TO A POINT IN THE WEST LINE OF THE EAST ONE HALF OF THE EAST ONE HALF OF SAID SOUTH WEST 1/4 SECTION 20; THENCE S. 4° 19' W. ALONG THE WEST LINE OF THE EAST ONE HALF OF THE EAST ONE HALF OF SAID SOUTH WEST 1/4 SECTION 20, 1071.85 FEET TO A POINT IN THE CENTER LINE OF THE PRESENT PAVEMENT OF COUNTY TRUNK HIGHWAY K; THENCE S. 72° 05' 30" E. ALONG THE CENTER LINE OF THE PRESENT PAVEMENT OF SAID HIGHWAY, 79.00 FEET TO AN ANGLE POINT; THENCE S. 79° 34' 30" E. ALONG THE CENTER LINE OF THE PRESENT PAVEMENT OF SAID HIGHWAY, 277.10 FEET TO A POINT; THENCE N. 10° 42' E. ON A LINE, 358.12 FEET TO A POINT; THENCE N. 22° 20' E. ON A LINE, 103.89 FEET TO A POINT; THENCE N. 20° 46' E. ON A LINE, 101.00 FEET TO THE WEST CORNER OF LOT 19 IN WILDWOOD POINT, A SUBDIVISION; THENCE N. 36° 41' E. ALONG THE WESTERLY LINES OF LOTS 19, 18, 17, AND 16, 380 FEET TO A POINT; THENCE N. 36° 19' W. ON A LINE, 367.00 FEET TO THE PLACE OF BEGINNING; AND

ALSO: THAT PART OF THE SOUTH WEST QUARTER (S.W.1/4) OF SECTION 20, TOWN 8 NORTH, RANGE 18 EAST, IN THE TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST LINE OF SAID 1/4 SECTION AND THE CENTERLINE OF THE PRESENT PAVEMENT OF COUNTY TRUNK HIGHWAY "K"; THENCE NORTH 4 DEGREES 00 MINUTES 30 SECONDS WEST ALONG THE EAST LINE OF SAID 1/4 SECTION, 425.33 FEET TO THE PLACE OF BEGINNING OF THE LAND TO BE DESCRIBED, WHICH POINT IS MARKED BY A STONE MONUMENT; THENCE CONTINUING NORTH 4 DEGREES 00 MINUTES 30 SECONDS WEST, ALONG THE EAST LINE OF SAID 1/4 SECTION, 30.00 FEET TO A POINT; THENCE NORTH 83 DEGREES 44 MINUTES 30 SECONDS WEST ON A LINE, 78.00 FEET TO A POINT; THENCE NORTH 67 DEGREES 01 MINUTE 30 SECONDS WEST ON A LINE, 131.24 FEET TO A POINT; THENCE SOUTH 14 DEGREES 56 MINUTES WEST, ON A LINE,

103.89 FEET TO A POINT; THENCE NORTH 80 DEGREES 32 MINUTES EAST, ON A LINE, 236.66 FEET TO THE PLACE OF BEGINNING; AND

THAT PART OF THE SOUTH WEST ONE QUARTER OF SECTION 20, TOWN 8 NORTH, RANGE 18 EAST, IN THE TOWN OF MERTON, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST LINE OF SAID 1/4 SECTION AND THE CENTERLINE OF THE PRESENT PAVEMENT OF COUNTY TRUNK HIGHWAY "K"; THENCE N. 4° 00' 30" W. ALONG THE EAST LINE OF SAID 1/4 SECTION, 425.33 FEET TO A POINT MARKED BY A STONE MONUMENT; THENCE S. 80° 32' W. ON A LINE, 236.66 FEET TO A POINT; THENCE S. 3° 18' W. ON A LINE, 358.12 FEET TO A POINT IN THE CENTERLINE OF THE PRESENT PAVEMENT OF SAID HIGHWAY; THENCE S. 84° 23' E. ALONG THE CENTERLINE OF THE PRESENT PAVEMENT OF SAID HIGHWAY, 285.00 FEET TO THE PLACE OF BEGINNING.

(2) The Village of Chenequa Village Clerk is hereby directed to provide the Ordinance to the Town of Merton so that the Town of Merton may act upon the Ordinance with the time period as set forth in Section 66.0227 Wis. Stats. The Village Clerk is further directed to make the mailing pursuant to Wis. Stats. section 66.0217, i.e., to mail a copy of the Ordinance of Detachment to the Town Clerk of Merton, to the Secretary of State of the State of Wisconsin, and the Clerk of the Stone Bank School District and Arrowhead High School, a copy to any company that provides any utility services to the Property, and a copy to the Waukesha County Register of Deeds. All mailings shall occur within thirty (30) days of the date hereof pursuant to Wis. Stats. section 66.0235.