FIFTH REGULAR COMMON COUNCIL MEETING AGENDA

June 05, 2023 at 6:00 PM

City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI

"Action is the foundational key to all success." Pablo Picasso

This meeting may be viewed LIVE on Charter Spectrum Channel 990, AT&T U-Verse Channel 99 and: www.wscssheboygan.com/vod.

Notice of the 5th Regular Meeting of the 2023-2024 Common Council at 6:00 PM, MONDAY, June 5, 2023 in City Hall, 3rd Floor - Council Chambers, 828 Center Avenue, Sheboygan, WI. Persons with disabilities who need accommodations to attend the meeting should contact Meredith DeBruin at the City Clerk's Office, 828 Center Avenue, (920) 459-3361.

Members of the public who wish to participate in public forum remotely shall provide notice to the City Clerk at (920) 459-3361 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. **Roll Call**

2. **Pledge of Allegiance**

3. **Approval of Minutes**
   Fourth Regular Council Meeting held on May 15, 2023

4. **Resignation**
   Natasha L. Torry as Sheboygan Area Municipal Judge effective July 31, 2023.

5. **Resignations**
   Karen Kober from the Senior Services Commission effective immediately.
   Carolyn Miesfeld from the Mayor's International Committee effective immediately.

6. **Confirmation of Mayoral Appointments**
   Jeanne Pfeiffer as the Sheboygan Area School District's trustee to Mead Public Library Board

7. **Public Forum**
   Limit of five people having five minutes each with comments limited to items on this agenda.

8. **Presentation**
   LUCAS Devices (AFG FEMA Grant purchase)

9. **Mayor's Announcements**
   Upcoming Community Events, Proclamations, Employee Recognitions

CONSENT

10. Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances

11. R. O. No. 7-23-24 by Board of Water Commissioners submitting a copy of the 2022 Wisconsin Public Service Commission of Wisconsin Annual Report on the Sheboygan Water Utility.

12. R. O. No. 14-23-24 by Mead Public Library Board of Trustees submitting a Resolution in recognition of the service of Amanda Salazar to Mead Public Library.

13. R. O. No. 13-23-24 by Mead Public Library Board of Trustees submitting a Resolution in memory of the late Chris Campe and her 10 years of service to Mead Public Library.

14. R. O. No. 10-23-24 by City Clerk submitting an application for private well permit from Dennis Beske located at 2612 Mill Road.

15. R. C No. 20-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 6-23-24 by City Clerk submitting various license applications; recommends granting the license application with caveats.

16. R. C. No. 21-23-24 by Public Works Committee to whom was referred Gen. Ord. No. 2-23-24 by Alderpersons Dekker and Rust creating a no parking zone on the east side of South 12th Street north of Kentucky Avenue; recommends adopting the Ordinance.

17. R. C. No. 22-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred pursuant to R. O. No. 3-23-24 by City Clerk submitting various license applications; recommends granting the license applications listed with caveats.

REPORT OF OFFICERS

18. R. O. No. 15-23-24 by City Clerk submitting a Summons and Complaint in the matter of Bank United, N.A. vs. Joseph P. Champeau et al. REFER TO FINANCE AND PERSONNEL COMMITTEE

19. R. O. No. 9-23-24 by City Clerk submitting a Notice of Injury from Jacobs Injury Law, S.C. regarding alleged injuries to their client, Robert Autman. REFER TO FINANCE AND PERSONNEL COMMITTEE

20. R. O. No. 8-23-24 by City Clerk submitting a Summons and Complaint in the matter of Wisconsin Consumer Credit vs. Eduardo Angel Hernandez et. al. REFER TO FINANCE AND PERSONNEL COMMITTEE

21. R. O. No. 16-23-24 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

22. R. O. No. 12-23-24 by City Clerk submitting a Petition for Review received from the State of Wisconsin Tax Appeals Commission in the matter of Georgia-Pacific Corrugated, LLC v. Wisconsin Department of Revenue. REFER TO FINANCE AND PERSONNEL COMMITTEE

23. R. O. No. 11-23-24 by City Clerk submitting a Petition, Notice, and List of Tax Liens of Sheboygan County being foreclosed in the matter of the Foreclosure of Tax Liens under Wis. Stat. 75-521 by Sheboygan County, List of Tax Liens for 2018 and 2019. REFER TO FINANCE AND PERSONNEL COMMITTEE

RESOLUTIONS

24. Res. No. 17-23-24 by Alderpersons Dekker and Salazar authorizing the appropriate City officials to authorize payment to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection for provision of weights and measures inspection services. SUSPEND THE RULES AND ADOPT THE RESOLUTION

25. Res. No. 14-23-24 by Alderperson Dekker amending the boundaries of the James Madison Neighborhood Association and renaming it as the James Madison-Veterans Park Neighborhood Association. LAYS OVER

26. Res. No. 15-23-24 by Alderpersons Salazar and Felde approving the 2023 Mercury Racing Midwest Challenge and waiving the speed restrictions outlined in 2023 Sheboygan Municipal Code § 60-68 for motorboats during their participation in race activities. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

27. Res. No. 18-23-24 by Alderpersons Dekker and Rust authorizing the Director of Public Works to take necessary actions to receive a grant from Alliant Energy and a grant from Restoration of Our Trees Sheboygan for the purchase and planting of municipal trees and authorizing an adjustment to the 2023 budget. REFER TO PUBLIC WORKS COMMITTEE

28. Res. No. 16-23-24 by Alderpersons Mitchell and Perrella authorizing an amendment to the Offer to Purchase regarding 1214 South 11th Street approved by council via Res. No. 133-22-23. REFER TO FINANCE AND PERSONNEL COMMITTEE

REPORT OF COMMITTEES

29. R. C. No. 14-23-24 by Finance and Personnel Committee to whom was referred Res. No. 9-23-24 by Alderpersons Dekker and Salazar authorizing a budget amendment and establishing an internship budget item in the Mayor's office; recommends adopting the Resolution.

30. R. C. No. 15-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 11-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to enter into a Redevelopment Agreement with Partners for Community Development, Inc. for the rehabilitation of 14 residential buildings for low-income housing and authorizing the Finance Director to issue a $200,000 payment to Partners for Community Development, Inc. to assist in the rehabilitation efforts; recommends adopting the Resolution.

31. R. C. No. 16-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 12-23-24 by Alderpersons Mitchell and Filicky-Peneski supporting the waiver of certain judgment liens filed on behalf of the City against properties owned by William Sukowaty; recommends adopting the Resolution.

32. R. C. No. 17-23-24 by Finance and Personnel Committee to whom was referred Direct Referral Res. No. 13-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an adjustment to the 2023 budget to fund a KM International asphalt hotbox reclaimer; recommends adopting the Resolution.

33. R. C. No. 18-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Gen. Ord. No. 3-23-24 by Alderpersons Salazar and Felde adopting, enacting, and republishing the Code for the Code of Ordinances of Sheboygan, Wisconsin; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this ordinance shall become effective; recommends adopting the Ordinance.

34. R. C. No. 19-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Direct Referral Res. No. 10-23-24 by Alderpersons Salazar and Felde establishing a Joint Municipal Court Advisory Committee to identify qualified candidates for interim appointment as the Sheboygan Area Municipal Court Judge; recommends adopting the Resolution.

GENERAL ORDINANCES

35. Gen. Ord. No. 5-23-24 by Alderpersons Dekker and Rust repealing various ordinances so as to remove the one-way street designation for South 19th Street, South 20th Street, South 21st Street, South 22nd Street, South 23rd Street, and South 24th Street between Indiana Avenue and Georgia Avenue; removing parking on the west side of South 19th Street, South 20th Street, South 21st Street, South 22nd Street, and South 24th Street between Indiana Avenue and Georgia Avenue; and removing parking on the east side of South 23rd Street between Indiana Avenue and Georgia Avenue. SUSPEND THE RULES AND ADOPT THE ORDINANCE

36. Gen. Ord. No. 4-23-24 by Alderpersons Dekker and Rust amending Section 8-16 of the 2023 Sheboygan Municipal Code relating to allowing pets in parks and on public grounds. REFER TO PUBLIC WORKS COMMITTEE

37. Gen. Ord. No. 6-23-24 by Alderpersons Dekker and Rust repealing portions of Section 21 of Subs. of Gen. Ord. 28- 14-15, relating to certain parking restrictions on the east side of the 2200 block of North 5th Street and the 400 block of Euclid Avenue. REFER TO PUBLIC WORKS COMMITTEE

38. Gen. Ord. No. 7-23-24 by Alderpersons Dekker and Rust repealing Section 11 of Subs. of Gen. Ord. 28-14-15 and Gen. Ord. 25-03-04, relating to parking restrictions on the north side of the 1600 block of Illinois Avenue. REFER TO PUBLIC WORKS COMMITTEE

OTHER MATTERS AUTHORIZED BY LAW

39. R. O. No. 17-23-24 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

ADJOURN MEETING

40. Motion to Adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

City Hall • Mead Public Library
Sheboygan County Administration Building • City's website

CITY OF SHEBOYGAN

FOURTH REGULAR COMMON COUNCIL MEETING MINUTES

Monday, May 15, 2023

OPENING OF MEETING

1. **Roll Call**
   Alderpersons present: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust and Salazar – 7.
   Alderpersons excused: Filicky-Peneski, Felde, and Ramey – 3.

2. **Pledge of Allegiance**

3. **Approval of Minutes**
   Third Regular Council Meeting held on May 1, 2023

   MOTION TO APPROVE MINUTES FROM THE THIRD REGULAR COUNCIL MEETING HELD MAY 1, 2023
   Motion made by Dekker, Seconded by Salazar.
   Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

4. **Mayoral Appointments**
   Jeanne Pfeiffer as the Sheboygan Area School District's trustee to Mead Public Library Board.
   Lays over.

5. **Confirmation of Mayoral Appointments**
   Markus Savaglio to the Board of Zoning Appeals
   Nicole Brown to the Mayor's International Committee

   MOTION TO CONFIRM
   Motion made by Dekker, Seconded by Salazar.
   Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

6. **Public Forum**
   Limit of five people having five minutes each with comments limited to items on this agenda.
   No one spoke.

7. **Mayor's Announcements**
   Upcoming Community Events, Proclamations, Employee Recognitions, Poet Laureate to present the 2023 Sidewalk Poetry Program winners and poems

CONSENT

8. **Motion to Receive and File all R.O.'s, Receive all R.C.'s and Adopt all Resolutions and Ordinances**

Motion made by Dekker, Seconded by Salazar.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

9. R. O. No. 4-23-24 by Board of Water Commissioners submitting a copy of the 2022 Annual Audited Financial Statements, including Independent Auditor's Report, on the Sheboygan Water Utility.

   MOTION TO RECEIVE AND FILE THE R. O.
   Motion made by Dekker, Seconded by Salazar.
   Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

10. R. O. No. 5-23-24 by Board of Water Commissioners submitting the Board of Water Commissioners' Report on the Water Utility for the first quarter of 2023.

    MOTION TO RECEIVE AND FILE THE R. O.
    Motion made by Dekker, Seconded by Salazar.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

11. R. C. No. 5-23-24 by Public Works Committee to whom was referred Res. No. 172-22-23 by Alderpersons Dekker and Rust authorizing the Purchasing Agent to issue a purchase order for the furnishing and installation of a replacement electronic message board sign with monument base to be installed at Deland Park in Sheboygan; recommends adopting the Resolution.

    MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION
    Motion made by Dekker, Seconded by Salazar.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

12. R. C. No. 9-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 138-22-23 by Police Chief pursuant to section 54-65 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Police Department, for the period commencing January 1, 2023 and ending March 31, 2023; recommends filing the report.

    MOTION TO RECEIVE THE R. C. AND FILE THE REPORT
    Motion made by Dekker, Seconded by Salazar.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

13. R. C. No. 10-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 139-22-23 by Fire Chief pursuant to section 50-564 of the Municipal Code, submitting the quarterly report of Benchmark Measurements for the Fire Department, for the period commencing January 1, 2023 and ending March 31, 2023; recommends filing the report.

    MOTION TO RECEIVE THE R. C. AND FILE THE REPORT
    Motion made by Dekker, Seconded by Salazar.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

14. R. C. No. 11-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred Res. No. 3-23-24 by Alderpersons Salazar and Felde authorizing acceptance of the 2023

Wisconsin Bureau of Transportation Safety, Bicycle and Pedestrian Enforcement Grant; recommends adopting the Resolution.

MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION
Motion made by Dekker, Seconded by Salazar.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

15. R. C. No. 12-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 142-22-23 by City Clerk submitting various license applications; recommends that the Council grant authority to Blue Harbor Resort to use City property described as the premises extension for the consumption and sale of alcohol beverages and recommend approval of the change of premise application contingent upon said authority being granted.

MOTION TO RECEIVE THE R. C. AND GRANT THE APPLICATION
Motion made by Dekker, Seconded by Salazar.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

16. R. C. No. 13-23-24 by Licensing, Hearings, and Public Safety Committee to whom was referred R. O. No. 3-23-24 by City Clerk submitting various license applications; recommends approving the two sidewalk cafe applications; recommends approving the two change of premise applications of House Divided and Craft 30; recommends approving the ten change of premise applications of Legend Larry's contingent upon their obtaining a valid street festival permit for the dates and locations of their applications; hold the remainder of the applications on the R. O.

MOTION TO RECEIVE THE R. C. AND GRANT THE SPECIFIC APPLICATIONS (WITH CONTINGENCIES)
Motion made by Dekker, Seconded by Salazar.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

REPORT OF OFFICERS

17. R. O. No. 6-23-24 by City Clerk submitting various license applications. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

RESOLUTIONS

18. Res. No. 8-23-24 by Alderpersons Dekker and Salazar authorizing the City Attorney to engage the services of special outside legal counsel to represent the Licensing, Hearings, and Public Safety Committee and Common Council with regard to a quasi-judicial hearing regarding the non-renewal of "Class B" Alcohol Beverage License No. 3475 - JNCortez LLC (Mi Ranchito II - Elena Goya Cortez, Agent) and authorizing payment for said services.

MOTION TO SUSPEND THE RULES AND ADOPT THE RESOLUTION
Motion made by Dekker, Seconded by Salazar.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

19. Res. No. 9-23-24 by Alderpersons Dekker and Salazar authorizing a budget amendment and establishing an internship budget item in the Mayor's office. REFER TO FINANCE AND PERSONNEL COMMITTEE

REPORT OF COMMITTEES

20. R. C. No. 6-23-24 by Finance and Personnel Committee to whom was referred Res. No. 6-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to execute an engagement letter with Quarles & Brady LLP to serve as bond counsel for the City of Sheboygan; recommends adopting the Resolution.

    MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION
    Motion made by Mitchell, Seconded by Perrella.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

21. R. C. No. 3-23-24 by Finance and Personnel Committee to whom was referred Res. No. 5-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the issuance and establishing parameters for the sale of not to exceed $3,320,000 General Obligation Promissory Notes, Series 2023A; recommends adopting the Resolution.

    MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION
    Motion made by Mitchell, Seconded by Perrella.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

22. R. C. No. 4-23-24 by Finance and Personnel Committee to whom was referred Res. No. 2-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing establishing an appropriation in the 2023 budget for grant funds received under the 2023 Wisconsin Bureau of Transportation Safety, Bicycle and Pedestrian Enforcement Grant; recommends adopting the Resolution.

    MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION
    Motion made by Mitchell, Seconded by Perrella.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

23. R. C. No. 7-23-24 by Finance and Personnel Committee to whom was referred Res. No. 7-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the Finance Director to sign documents necessary to settle City Invoice No. 7323 for $73,921.56; recommends adopting the Resolution.

    MOTION TO RECEIVE THE R. C. AND ADOPT THE RESOLUTION
    Motion made by Mitchell, Seconded by Perrella.
    Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

24. R. C. No. 8-23-24 by Public Works Committee to whom was referred Gen. Ord. No. 1-23-24 by Alderpersons Dekker and Rust repealing and recreating Appendix D, Construction Site Erosion Control, of the Sheboygan Municipal Code, providing for construction site erosion control at sites where the construction activities do not include the construction of a building, and repealing and recreating Appendix E, Post-Construction Stormwater Management Zoning

Ordinance, of the Sheboygan Municipal Code, providing for the control of post-construction runoff to waters of the State; recommends adopting the Substitute Ordinance.

MOTION TO RECEIVE THE R. C. AND ADOPT THE SUBSTITUTE ORDINANCE
Motion made by Dekker, Seconded by Rust.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

GENERAL ORDINANCES

25. Gen. Ord. No. 2-23-24 by Alderperson Dekker and Rust creating a no parking zone on the east side of South 12th Street north of Kentucky Avenue. REFER TO PUBLIC WORKS COMMITTEE

26. Gen. Ord. No. 3-23-24 by Alderpersons Salazar and Felde adopting, enacting, and republishing the Code for the Code of Ordinances of Sheboygan, Wisconsin; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this ordinance shall become effective. REFER TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

OTHER MATTERS AUTHORIZED BY LAW
None.

CLOSED SESSION

27. MOTION TO CONVENE IN CLOSED SESSION under the exemption provided by Wis. Stat. sec. 19.85(1)(e), to wit: the investing of public funds to support the redevelopment of fourteen residential properties for low-income housing, and regarding a potential lease agreement for use of the Uptown Social building, where competitive or bargaining reasons require a closed session.

Motion made by Dekker, Seconded by Salazar.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

ADJOURN MEETING

28. Motion to Adjourn

MOTION TO ADJOURN AT 6:49 PM
Motion made by Dekker, Seconded by Salazar.
Voting Yea: Ackley, Dekker, Heidemann, Mitchell, Perrella, Rust, Salazar – 7.

June 5, 2023

Resignation

Natasha L. Torry as Sheboygan Area Municipal Judge effective July 31, 2023.

SHEBOYGAN AREA MUNICIPAL COURT

CITY OF SHEBOYGAN VILLAGE OF KOHLER

1315 North 23rd Street, Suite 102
Sheboygan, WI 53081

Phone: (920) 459-0212
Facsimile: (920) 459-0217

Natasha L. Torry
Judge

Caroline Fortin
Ann Wagner

May 24, 2023

Meredith DeBruin
828 Center Ave, Ste 103
Sheboygan, WI 53081

Laurie Lindow
319 Highland Dr
Kohler, WI 53044

Dear Colleagues:

As you know, on April 4, 2023, I was elected to a third term as judge for the Sheboygan Area Municipal Court and also to Branch 2 of the Sheboygan County Circuit Court. I am honored, however I am unable to serve in both of these positions simultaneously.

I am writing to resign my position as Sheboygan Area Municipal Judge effective July 31, 2023. I appreciate the opportunity that I have been afforded to serve the residents of the City of Sheboygan and Village of Kohler as judge for these past 8 years. I look forward to my expanded duties and service as judge to the entire county in the future.

I am willing and able to assist with the smooth transition and training of the next municipal judge.

Sincerely,

Natasha L. Torry
Sheboygan Area Municipal Judge

C: Carol Koschel, Jon Bellows

June 5, 2023

Resignations

Carolyn Miesfeld from the Mayor's International Committee effective immediately.

Karen Kober from the Senior Services Commission effective immediately.

Clevenger, Melissa

From: Sorenson, Ryan
Sent: Friday, May 12, 2023 1:47 PM
To: Clevenger, Melissa
Subject: FW: SASD Representative for the Mead Library Board

Melissa,

Please see this appointment for the library board.

Thanks

Ryan Sorenson
Mayor
City of Sheboygan
920-459-3317

From: Seth Harvatine <sharvatine@sasd.net>
Sent: Saturday, May 6, 2023 9:53 AM
To: Sorenson, Ryan <Ryan.Sorenson@sheboyganwi.gov>
Subject: SASD Representative for the Mead Library Board

Ryan -

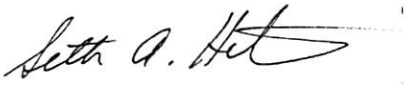
I hope all is well with you.

I am writing to request that Jeanne Pfeiffer be officially appointed as the Sheboygan Area School District's trustee to Mead Public Library Board.

Jeanne's education background, literacy knowledge, and passion for engaging others in reading will certainly be an asset to the Board.

Please let me know if you have any questions or need any additional information.

Seth



Superintendent of Schools
Sheboygan Area School District
Email - sharvatine@sasd.net
Phone - 920-459-3514

II

R. O. No. 7 - 23 - 24. By BOARD OF WATER COMMISSIONERS. June 5, 2023.

To the Honorable, the Mayor and Common Council:

We are, hereby, submitting a copy of the 2022 Wisconsin Public Service Commission of Wisconsin Annual Report on the Sheboygan Water Utility.

BOARD OF WATER COMMISSIONERS

Gerald R. Van De Kreeke, President

Thomas E. Howe, Secretary

Richard Dale, Member

Attachments

WATER, ELECTRIC, OR JOINT UTILITY ANNUAL REPORT

OF

SHEBOYGAN WATER UTILITY

72 PARK AVE
SHEBOYGAN, WI 53081-2958

For the Year Ended: DECEMBER 31, 2022

TO

PUBLIC SERVICE COMMISSION OF WISCONSIN

P.O. Box 7854
Madison, WI 53707-7854
(608) 266-3766

This form is required under Wis. Stat. Ä 196.07. Failure to file the form by the statutory filing date can result in the imposition of a penalty under Wis. Stat. Ä 196.66. The penalty which can be imposed by this section of the statutes is a forfeiture of not less than $25 nor more than $5,000 for each violation. Each day subsequent to the filing date constitutes a separate and distinct violation. The filed form is available to the public and personally identifiable information may be used for purposes other than those related to public utility regulation.

Filed: 04/26/2023

Water Service Started Date: 03/01/1909

DNR Public Water System ID: 46003540

Safe Drinking Water Information System (SDWIS) Total Population Served: 49288

I ***Lisa M Gottsacker***, ***CPA, Senior Accountant*** of ***SHEBOYGAN WATER UTILITY***, certify that I am the person responsible for accounts; that I have examined the following report and, to the best of my knowledge, information and belief, it is a correct statement of the business and affairs of said utility for the period covered by the report in respect to each and every matter set forth therein.

Date Signed: ***4/19/2023***

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Privately-Owned Water Service Lines	W-29
Water Residential Customer Data ï Disconnection, Arrears, and Tax Roll	W-30

Identification and Ownership - Contacts

Utility employee in charge of correspondence concerning this report

Name: LISA M. GOTTSACKER, CPA
Title: Senior Accountant
Mailing Address: 72 Park Avenue
Sheboygan, WI 53081
Phone: (920) 459-3804
Email Address: lgottsacker@sheboyganwater.org

Accounting firm or consultant preparing this report (if applicable)

Name:
Title:
Mailing Address:
Phone:
Email Address:

Name and title of utility General Manager (or equivalent)

Name: JOE TRUEBLOOD, PE
Title: Superintendent
Mailing Address: 72 Park Avenue
Sheboygan, WI 53081
Phone: (920) 459-3805
Email Address: joetrueblood@sheboyganwater.org

Outside contractor responsible for utility operations (if applicable)

Name:
Title:
Mailing Address:
Phone:
Email Address:

President, chairman, or head of utility commission/board or committee

Name: GERALD R. VAN DE KREEKE, CPA
Title: President
Mailing Address: 1530 S. 12th Street
Sheboygan, WI 53081
Phone: (920) 458-4351
Email Address: gvandekreeke@vdks.com

Contact person for cybersecurity issues and events

Name: JOE TRUEBLOOD, PE
Title: Superintendent
Mailing Address: 72 Park Avenue
Sheboygan, WI 53081
Phone: (920) 459-3805
Email Address: joetrueblood@sheboyganwater.org

Identification and Ownership - Contacts

Identification and Ownership - Governing Authority and Audit Information

Utility Governing Authority

Select the governing authority for this utility.

_x_Reports to utility board/commission

___Reports directly to city/village council

Audit Information

Are utility records audited by individulas or firms other than utility employees? _x_Yes __No

Date of most recent audit report: 04/19/2023

Period covered by most recent audit: 12/31/2022

Individual or firm, if other than utility employee, auditing utility records

Name:	JODI DOBSON, CPA
Title:	Partner
Organization Name:	Baker Tilly US, LLP
USPS Address:	Ten Terrace Court, PO Box 7398
City State Zip	Madison, WI 53707-7398
Telephone:	(608) 240-2469
Email Address:	jodi.dobson@bakertilly.com

Report Preparation

If an accounting firm or consultant assists with report preparation, select the type of assistance provided

Review

Identification and Ownership - Contract Operations

Do you have any contracts?

Are any of the Utility's administrative or operational functions under contract or agreement with an outside provider for the year covered by this annual report and /or current year (i.e., utility billing is done by another entity)?

NO

Workforce Diversity

- Decimal numbers for part time employees are acceptable values for this schedule. Please enter part time employees as a decimal based on the number of hours worked/2080 hours for a fiscal year. An employee who works 30% of full time would be recorded as .30.
- Use the Footnotes feature to provide an explanation for any variance with the number of employees listed in Schedule F-06 and information about how many staff are part-time employees.
- Staff classification of various employment categories can vary from utility to utility. Use the Footnotes feature to provide information about how the utility defines these categories. Additional information on classifying employees can be found in the help document.

	Employee Count			
Category (a)	**Total (b)**	**Management (c)**	**Executive Leadership (d)**	
Total Utility Employees	34.00	3.00	4.00	1
Women	8.00	1.00	0.00	2
Minorities	2.00	0.00	0.00	3
Veterans	2.00	1.00	0.00	4

Income Statement

Description (a)	This Year (b)	Last Year (c)	
UTILITY OPERATING INCOME			1
Operating Revenues (400)	10,461,270	9,702,392	2
Operating Expenses:			3
Operation and Maintenance Expense (401-402)	4,690,638	4,908,436	4
Depreciation Expense (403)	1,457,161	1,437,201	5
Amortization Expense (404-407)	0	0	6
Taxes (408)	1,183,524	1,299,403	7
Total Operating Expenses	**7,331,323**	**7,645,040**	8
Net Operating Income	**3,129,947**	**2,057,352**	9
Income from Utility Plant Leased to Others (412-413)			10
Utility Operating Income	**3,129,947**	**2,057,352**	11
OTHER INCOME			12
Income from Merchandising, Jobbing and Contract Work (415-416)	0	24,485	13
Income from Nonutility Operations (417)			14
Nonoperating Rental Income (418)			15
Interest and Dividend Income (419)	52,032	15,082	16
Miscellaneous Nonoperating Income (421)	4,524,187	0	17
Total Other Income	**4,576,219**	**39,567**	18
Total Income	**7,706,166**	**2,096,919**	19
MISCELLANEOUS INCOME DEDUCTIONS			20
Miscellaneous Amortization (425)	(25,134)	(25,132)	21
Other Income Deductions (426)	122,346	122,343	22
Total Miscellaneous Income Deductions	**97,212**	**97,211**	23
Income Before Interest Charges	**7,608,954**	**1,999,708**	24
INTEREST CHARGES			25
Interest on Long-Term Debt (427)	428,307	314,918	26
Amortization of Debt Discount and Expense (428)	3,814		27
Amortization of Premium on Debt--Cr. (429)	18,851	35,869	28
Interest on Debt to Municipality (430)	7,143	7,016	29
Other Interest Expense (431)	0	0	30
Interest Charged to Construction--Cr. (432)			31
Total Interest Charges	**420,413**	**286,065**	32
Net Income	**7,188,541**	**1,713,643**	33
EARNED SURPLUS			34
Unappropriated Earned Surplus (Beginning of Year) (216)	45,285,910	43,572,267	35
Balance Transferred from Income (433)	7,188,541	1,713,643	36
Miscellaneous Credits to Surplus (434)			37
Miscellaneous Debits to Surplus--Debit (435)			38
Appropriations of Surplus--Debit (436)			39
Appropriations of Income to Municipal Funds--Debit (439)			40
Total Unappropriated Earned Surplus End of Year (216)	**52,474,451**	**45,285,910**	41

Income Statement Account Details

- Å Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.
- Å Nonregulated sewer income should be reported as Miscellaneous Nonoperating Income, Account 421.
- Å If amount of Contributed Plant ï Water (421) does not match the total Additions During Year entered on Water Utility Plant in Service ï Plant Financed by Contributions, please provide a detailed explanation. Please see the help guide for more information.

Description (a)	Earnings (216.1) (b)	Contributions (216.2) (c)	Total This Year (d)	
UTILITY OPERATING INCOME				1
Operating Revenues (400)				2
Derived	10,461,270		10,461,270	3
Total (Acct. 400)	**10,461,270**	**0**	**10,461,270**	4
Operation and Maintenance Expense (401-402)				5
Derived	4,690,638		4,690,638	6
Total (Acct. 401-402)	**4,690,638**	**0**	**4,690,638**	7
Depreciation Expense (403)				8
Derived	1,457,161		1,457,161	9
Total (Acct. 403)	**1,457,161**	**0**	**1,457,161**	10
Amortization Expense (404-407)				11
Derived	0		0	12
Total (Acct. 404-407)	**0**	**0**	**0**	13
Taxes (408)				14
Derived	1,183,524		1,183,524	15
Total (Acct. 408)	**1,183,524**	**0**	**1,183,524**	16
TOTAL UTILITY OPERATING INCOME	**3,129,947**	**0**	**3,129,947**	17
OTHER INCOME				18
Income from Merchandising, Jobbing and Contract Work (415-416)				19
Derived	0	0	0	20
Total (Acct. 415-416)	**0**	**0**	**0**	21
Interest and Dividend Income (419)				22
INTEREST AND DIVIDENDS	52,032		52,032	23
Total (Acct. 419)	**52,032**	**0**	**52,032**	24
Miscellaneous Nonoperating Income (421)				25
Contributed Plant - Water			0	26
Impact Fees - Water			0	27
Grant Revenue		4,524,187	4,524,187	28
Total (Acct. 421)	**0**	**4,524,187**	**4,524,187**	29
TOTAL OTHER INCOME	**52,032**	**4,524,187**	**4,576,219**	30
MISCELLANEOUS INCOME DEDUCTIONS				31
Miscellaneous Amortization (425)				32
Regulatory Liability (253) Amortization	(25,134)		(25,134)	33
Total (Acct. 425)	**(25,134)**	**0**	**(25,134)**	34
Other Income Deductions (426)				35
Depreciation Expense on Contributed Plant - Water		122,346	122,346	36
Total (Acct. 426)	**0**	**122,346**	**122,346**	37
TOTAL MISCELLANEOUS INCOME DEDUCTIONS	**(25,134)**	**122,346**	**97,212**	38
INTEREST CHARGES				39

Income Statement Account Details

- Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.
- Nonregulated sewer income should be reported as Miscellaneous Nonoperating Income, Account 421.
- If amount of Contributed Plant ï Water (421) does not match the total Additions During Year entered on Water Utility Plant in Service ï Plant Financed by Contributions, please provide a detailed explanation. Please see the help guide for more information.

Description (a)	Earnings (216.1) (b)	Contributions (216.2) (c)	Total This Year (d)	
Interest on Long-Term Debt (427)				40
Derived	428,307		428,307	41
Total (Acct. 427)	**428,307**	**0**	**428,307**	42
Amortization of Debt Discount and Expense (428)				43
Bonds	3,814		3,814	44
Total (Acct. 428)	**3,814**	**0**	**3,814**	45
Amortization of Premium on Debt--Cr. (429)				46
Bonds	18,851		18,851	47
Total (Acct. 429)	**18,851**	**0**	**18,851**	48
Interest on Debt to Municipality (430)				49
Derived	7,143		7,143	50
Total (Acct. 430)	**7,143**	**0**	**7,143**	51
Other Interest Expense (431)				52
Derived	0		0	53
Total (Acct. 431)	**0**	**0**	**0**	54
TOTAL INTEREST CHARGES	**420,413**	**0**	**420,413**	55
NET INCOME	**2,786,700**	**4,401,841**	**7,188,541**	56
EARNED SURPLUS				57
Unappropriated Earned Surplus (Beginning of Year) (216)				58
Derived	40,709,716	4,576,194	45,285,910	59
Total (Acct. 216)	**40,709,716**	**4,576,194**	**45,285,910**	60
Balance Transferred from Income (433)				61
Derived	2,786,700	4,401,841	7,188,541	62
Total (Acct. 433)	**2,786,700**	**4,401,841**	**7,188,541**	63
UNAPPROPRIATED EARNED SURPLUS (END OF YEAR)	**43,496,416**	**8,978,035**	**52,474,451**	64

Income Statement Account Details

- Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.
- Nonregulated sewer income should be reported as Miscellaneous Nonoperating Income, Account 421.
- If amount of Contributed Plant ï Water (421) does not match the total Additions During Year entered on Water Utility Plant in Service ï Plant Financed by Contributions, please provide a detailed explanation. Please see the help guide for more information.

Income Statement Account Details (Page F-02)

General Footnote

Grant revenue is made up of $3,128 related to COVID19 funds received from the Road to Recovery Act, and $4,521,059 received from American Rescue Plan Act, spent in part for 2022 construction work on the Raw Water Improvement Project. Total ARPA funds received for this project are $9,550,000, $5,028,941 remains unspent as of 12/31/22.

Income from Merchandising, Jobbing & Contract Work (Accts. 415-416)

Particulars (a)	Water (b)	Electric (c)	Gas (d)	Sewer (e)	Total (f)	
Revenues						1
Revenues (account 415)	253,642				**253,642**	2
Cost and Expenses of Merchandising, Jobbing and Contract Work (416)						3
Cost of merchandise sold					**0**	4
Payroll					**0**	5
Materials	253,642				**253,642**	6
Taxes					**0**	7
Total costs and expenses	**253,642**	**0**	**0**	**0**	**253,642**	8
Net Income (or loss)	**0**	**0**	**0**	**0**	**0**	9

Income from Merchandising, Jobbing & Contract Work (Accts. 415-416)

Income from Merchandising, Jobbing & Contract Work (Accts. 415-416) (Page F-03)

General Footnote

Revenues received from the DNR Safe Drinking Water Loan program for the replacement of lead water service laterals. Expenses paid to plumbing contractors for the replacement of lead water service laterals.

Revenues Subject to Wisconsin Remainder Assessment

- Report data necessary to calculate revenue subject to Wisconsin remainder assessment pursuant to Wis. Stat Ä 196.85(2) and Wis. Admin. Code Ch. PSC 5.
- If the sewer department is not regulated by the PSC, do not report sewer department in data column (d).

Description (a)	Water Utility (b)	Electric Utility (c)	Gas Utility (d)	Sewer Utility (Regulated Only (e)	Total (f)	
Total operating revenues	10,461,270				**10,461,270**	1
Less: interdepartmental sales	0				**0**	2
Less: interdepartmental rents	0				**0**	3
Less: return on net investment in meters charged to regulated sewer department. (Do not report if nonregulated sewer.)					**0**	4
Less: uncollectibles directly expensed as reported in water acct. 904 (690 class D), sewer acct. 843, and electric acct. 904 -or- Net write-offs when Accumulated Provision for Uncollectible Accounts (acct. 144) is maintained	3,229				**3,229**	5
Revenues subject to Wisconsin Remainder Assessment	**10,458,041**	**0**	**0**	**0**	**10,458,041**	6

Distribution of Total Payroll

- Amounts charged to Utility Financed and to Contributed Plant accounts should be combined and reported in plant or accumulated depreciation accounts.
- Amount originally charged to clearing accounts as shown in column (b) should be shown as finally distributed in column (c).
- The amount for clearing accounts in column (c) is entered as a negative for account "Clearing Accounts" and the distributions to accounts on all other lines in column (c) will be positive with the total of column (c) being zero.
- Provide additional information in the schedule footnotes when necessary.
- Please see the help guide for examples of how to break out shared costs.

Accounts Charged (a)	Direct Payroll Distribution (b)	Allocation of Amounts Charged Clearing Accts. (c)	Total (d)	
Water operating expenses	2,068,294		**2,068,294**	1
Electric operating expenses			**0**	2
Gas operating expenses			**0**	3
Heating operating expenses			**0**	4
Sewer operating expenses			**0**	5
Merchandising and jobbing			**0**	6
Other nonutility expenses			**0**	7
Water utility plant accounts	131,658		**131,658**	8
Electric utility plant accounts			**0**	9
Gas utility plant accounts			**0**	10
Heating utility plant accounts			**0**	11
Sewer utility plant accounts			**0**	12
Accum. prov. for depreciation of water plant			**0**	13
Accum. prov. for depreciation of electric plant			**0**	14
Accum. prov. for depreciation of gas plant			**0**	15
Accum. prov. for depreciation of heating plant			**0**	16
Accum. prov. for depreciation of sewer plant			**0**	17
Clearing accounts			**0**	18
All other accounts			**0**	19
Total Payroll	**2,199,952**	**0**	**2,199,952**	20

Full-Time Employees (FTE)

- Use FTE numbers where FTE stands for Full-Time Employees or Full-Time Equivalency. FTE can be computed by using total hours worked/2080 hours for a fiscal year. Estimate to the nearest hundredth. If an employee works part time for more than one industry then determine FTE based on estimate of hours worked per industry.
- Example: An employee worked 35% of their time on electric jobs, 30% on water jobs, 20% on sewer jobs and 15% on municipal nonutility jobs. The FTE by industry would be .35 for electric, .30 for water and .20 for sewer.

	Industry (a)	FTE (b)	
1	Water	31.0	1
2	Electric		2
3	Gas		3
4	Sewer		4

Balance Sheet

Assets and Othe Debits (a)	Balance End of Year (b)	Balance First of Year (c)	
ASSESTS AND OTHER DEBITS			1
UTILITY PLANT			2
Utility Plant (101)	88,203,542	78,474,984	3
Less: Accumulated Provision for Depreciation and Amortization of Utility Plant (111)	27,827,390	26,219,555	4
Utility Plant Acquisition Adjustments (117-118)	0	0	5
Other Utility Plant Adjustments (119)	0	0	6
Net Utility Plant	**60,376,152**	**52,255,429**	7
OTHER PROPERTY AND INVESTMENTS			8
Nonutility Property (121)	0	0	9
Less: Accumulated Provision for Depreciation and Amortization of Nonutility Property (122)	0	0	10
Investment in Municipality (123)	0	0	11
Other Investments (124)	0	0	12
Sinking Funds (125)	644,320	668,414	13
Depreciation Fund (126)	0	0	14
Other Special Funds (128)	0	0	15
Total Other Property and Investments	**644,320**	**668,414**	16
CURRENT AND ACCRUED ASSETS			17
Cash (131)	0	0	18
Special Deposits (134)	0	0	19
Working Funds (135)	0	0	20
Temporary Cash Investments (136)	14,548,606	8,295,071	21
Notes Receivable (141)	0	0	22
Customer Accounts Receivable (142)	1,807,987	1,338,904	23
Other Accounts Receivable (143)	195,225	267,259	24
Accumulated Provision for Uncollectible Accounts- -Cr. (144)	0	0	25
Receivables from Municipality (145)	282,342	353,514	26
Plant Materials and Operating Supplies (154)	249,572	223,046	27
Merchandise (155)	0	0	28
Other Materials and Supplies (156)	0	0	29
Stores Expense (163)	0	0	30
Prepayments (165)	22,846	28,385	31
Interest and Dividends Receivable (171)	0	0	32
Accrued Utility Revenues (173)	0	0	33
Miscellaneous Current and Accrued Assets (174)	2,025,204	1,402,233	34
Total Current and Accrued Assets	**19,131,782**	**11,908,412**	35
DEFERRED DEBITS			36
Unamortized Debt Discount and Expense (181)	0	0	37
Extraordinary Property Losses (182)	0	0	38
Preliminary Survey and Investigation Charges (183)	0	0	39
Clearing Accounts (184)	0	0	40
Temporary Facilities (185)	0	0	41
Miscellaneous Deferred Debits (186)	992,887	769,762	42
Total Deferred Debits	**992,887**	**769,762**	43
TOTAL ASSETS AND OTHER DEBITS	**81,145,141**	**65,602,017**	44

Balance Sheet

Liabilities and Othe Credits (a)	Balance End of Year (b)	Balance First of Year (c)	
LIABILITIES AND OTHER CREDITS			1
PROPRIETARY CAPITAL			2
Capital Paid in by Municipality (200)	3,181,819	3,181,819	3
Appropriated Earned Surplus (215)	0	0	4
Unappropriated Earned Surplus (216)	52,474,451	45,285,910	5
Total Proprietary Capital	**55,656,270**	**48,467,729**	6
LONG-TERM DEBT			7
Bonds (221)	12,390,119	12,490,131	8
Advances from Municipality (223)	114,823	134,042	9
Other Long-Term Debt (224)	0	0	10
Total Long-Term Debt	**12,504,942**	**12,624,173**	11
CURRENT AND ACCRUED LIABILITIES			12
Notes Payable (231)	0	0	13
Accounts Payable (232)	3,099,909	140,030	14
Payables to Municipality (233)	0	0	15
Customer Deposits (235)	0	0	16
Taxes Accrued (236)	1,061,884	1,197,485	17
Interest Accrued (237)	187,172	57,384	18
Tax Collections Payable (241)	0	0	19
Miscellaneous Current and Accrued Liabilities (242)	2,475,600	1,818,653	20
Total Current and Accrued Liabilities	**6,824,565**	**3,213,552**	21
DEFERRED CREDITS			22
Unamortized Premium on Debt (251)	166,243	185,094	23
Customer Advances for Construction (252)	5,028,941	0	24
Other Deferred Credits (253)	215,363	407,262	25
Total Deferred Credits	**5,410,547**	**592,356**	26
OPERATING RESERVES			27
Property Insurance Reserve (261)	0	0	28
Injuries and Damages Reserve (262)	0	0	29
Pensions and Benefits Reserve (263)	0	0	30
Miscellaneous Operating Reserves (265)	748,817	704,207	31
Total Operating Reserves	**748,817**	**704,207**	32
TOTAL LIABILITIES AND OTHER CREDITS	**81,145,141**	**65,602,017**	33

Net Utility Plant

Å Report utility plant accounts and related accumulated provisions for depreciation and amortization after allocation of common plant accounts and related provisions for depreciation and amortization to utility departments as of December 31.

Particulars (a)	Water (b)	Electric (c)	Gas (d)	Sewer (e)	
First of Year					1
Total Utility Plant - First of Year	78,474,984	0	0	0	2
	78,474,984	**0**	**0**	**0**	3
Plant Accounts					4
Utility Plant in Service - Financed by Utility Operations or by the Municipality (101.1)	70,126,731				5
Utility Plant in Service - Contributed Plant (101.2)	6,395,941				6
Utility Plant Purchased or Sold (102)					7
Utility Plant Leased to Others (104)					8
Property Held for Future Use (105)					9
Completed Construction not Classified (106)					10
Construction Work in Progress (107)	11,680,870				11
Total Utility Plant	**88,203,542**	**0**	**0**	**0**	12
Accumulated Provision for Depreciation and Amortization					13
Accumulated Provision for Depreciation of Utility Plant in Service - Financed by Utility Operations or by the Municipality (111.1)	25,785,279				14
Accumulated Provision for Depreciation of Utility Plant in Service - Contributed Plant (111.2)	2,042,111				15
Accumulated Provision for Depreciation of Utility Plant Leased to Others (112)					16
Accumulated Provision for Depreciation of Property Held for Future Use (113)					17
Accumulated Provision for Amortization of Utility Plant in Service (114)					18
Accumulated Provision for Amortization of Utility Plant Leased to Others (115)					19
Accumulated Provision for Amortization of Property Held for Future Use (116)					20
Total Accumulated Provision	**27,827,390**	**0**	**0**	**0**	21
Accumulated Provision for Depreciation and Amortization					22
Utility Plant Acquisition Adjustments (117)					23
Accumulated Provision for Amortization of Utility Plant Acquisition Adjustments (118)					24
Other Utility Plant Adjustments (119)					25
Total Other Utility Plant Accounts	**0**	**0**	**0**	**0**	26
Net Utility Plant	**60,376,152**	**0**	**0**	**0**	27

Accumulated Provision for Depreciation of Utility Plant on Utility Plant Financed by Utility Operations or by the Municipality (Acct. 111.1)

Depreciation Accruals (Credits) during the year (111.1):

- Å Report the amounts charged in the operating sections to Depreciation Expense (403).
- Å If sewer operations are nonregulated, do not report sewer depreciation on this schedule.
- Å Report the Depreciation Expense on Meters charged to sewer operations as an addition in the Water Column. If the sewer is also a regulated utility by the PSC, report an equal amount as a reduction in the Sewer column.
- Å Report all other accruals charged to other accounts, such as to clearing accounts.

Description (a)	Water (b)	Electric (c)	Gas (d)	Sewer (e)	Total (f)	
Balance First of Year (111.1)	24,299,790	0	0	0	**24,299,790**	1
Credits during year						2
Charged Depreciation Expense (403)	1,457,161				**1,457,161**	3
Depreciation Expense on Meters Charged to Sewer	218,511				**218,511**	4
Salvage	0				**0**	5
Depreciation Charged to Equipment Clearing	32,833				**32,833**	6
Total credits	**1,708,505**	**0**	**0**	**0**	**1,708,505**	7
Debits during year						8
Book Cost of Plant Retired	223,016				**223,016**	9
Cost of Removal	0				**0**	10
Total debits	**223,016**	**0**	**0**	**0**	**223,016**	11
Balance end of year (111.1)	**25,785,279**	**0**	**0**	**0**	**25,785,279**	12

Accumulated Provision for Depreciation of Utility Plant on Contributed Plant in Service (Acct. 111.2)

Depreciation Accruals (Credits) during the year (111.2):

- Report the amounts charged in the operating sections to Other Income Deductions (426).
- If sewer operations are nonregulated, do not report sewer depreciation on this schedule.
- Report the Depreciation Expense on Meters charged to sewer operations as an addition in the Water Column. If the sewer is also a regulated utility by the PSC, report an equal amount as a reduction in the Sewer column.
- Report all other accruals charged to other accounts, such as to clearing accounts.

Description (a)	Water (b)	Electric (c)	Gas (d)	Sewer (e)	Total (f)	
Balance First of Year (111.2)	1,919,765	0	0	0	**1,919,765**	1
Credits during year						2
Charged Other Income Deductions (426)	122,346				**122,346**	3
Depreciation Expense on Meters Charged to Sewer					**0**	4
Salvage	0				**0**	5
Total credits	**122,346**	**0**	**0**	**0**	**122,346**	6
Debits during year						7
Book Cost of Plant Retired	0				**0**	8
Cost of Removal	0				**0**	9
Total debits	**0**	**0**	**0**	**0**	**0**	10
Balance end of year (111.2)	**2,042,111**	**0**	**0**	**0**	**2,042,111**	11

Net Nonutility Property (Accts. 121 & 122)

- Report separately each item of property with a book cost of $5,000 or more included in account 121.
- Other items may be grouped by classes of property.
- Describe in detail any investment in sewer department carried in this account.

Description (a)	Balance First of Year (b)	Additions During Year (c)	Deductions During Year (d)	Balance End of Year (e)	
Nonregulated sewer plant	0			**0**	1
Total Nonutility Property (121)	**0**	**0**	**0**	**0**	2
Less accum. prov. depr. & amort. (122)	**0**			**0**	3
Net Nonutility Property	**0**	**0**	**0**	**0**	4

Accumulated Provision for Uncollectible Accounts-Cr. (Acct. 144)

Description (a)	Amount (b)	
Balance first of year	0	1
Additions		2
Provision for uncollectibles during year	0	3
Collection of accounts previously written off: Utility Customers	0	4
Collection of accounts previously written off: Others	0	5
Total Additions	**0**	6
Accounts Written Off		7
Accounts written off during the year: Utility Customers	0	8
Accounts written off during the year: Others	0	9
Total Accounts Written Off	**0**	10
Balance End of Year	**0**	11

Accumulated Provision for Uncollectible Accounts-Cr. (Acct. 144)

Accumulated Provision for Uncollectible Accounts-Cr. (Acct. 144) (Page F-12)

General Footnote

The Sheboygan Water Utility uses the tax roll process, adding delinquent amounts to the tax roll, therefore no provision is made for uncollectible accounts.

Materials and Supplies

Account (a)	Generation (b)	Transmission (d)	Distribution (d)	Other (e)	Total End of Year (f)	Amount Prior Year (g)	
Electric Utility							1
Fuel (151)					**0**	**0**	2
Fuel stock expenses (152)					**0**	**0**	3
Plant mat. & oper. sup. (154)					**0**	**0**	4
Total Electric Utility	**0**	**0**	**0**	**0**	**0**	**0**	5

Account	Total End of Year	Amount Prior Year	
Electric utility total	**0**	**0**	1
Water utility (154)	249,572	**223,046**	2
Sewer utility (154)			3
Heating utility (154)			4
Gas utility (154)			5
Merchandise (155)			6
Other materials & supplies (156)			7
Stores expense (163)			8
Total Material and Supplies	**249,572**	**223,046**	9

Unamortized Debt Discount & Expense & Premium on Debt (Accts. 181 and 251)

Report net discount and expense or premium separately for each security issue.

Debt Issue to Which Related (a)	Written Off During Year: Amount (b)	Written Off During Year: Account Charged or Credited (c)	Balance End of Year (d)	
Unamortized debt discount & expense (181)				1
None				2
Total	**0**		**0**	3
Unamortized premium on debt (251)				4
Bonds	18,851	426	166,243	5
Total	**18,851**		**166,243**	6

Capital Paid in by Municipality (Acct. 200)

Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D, sewer and privates) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.

Description (a)	Amount (b)	
Balance first of year	3,181,819	1
Balance end of year	**3,181,819**	2

Capital Paid in by Municipality (Acct. 200)

Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D, sewer and privates) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.

Capital Paid in by Municipality (Acct. 200) (Page F-15)

General Footnote

Capital paid in by municipality includes $1,541,118 capital contribution in 2019 from municipality of water main and hydrants in the SouthPointe Enterprise Campus.

Bonds (Acct. 221)

- Report information required for each separate issue of bonds.
- If there is more than one interest rate for an aggregate obligation issue, average the interest rates and report one rate.
- Proceeds advanced by the municipality from sale of general obligation bonds, if repayable by utility, should be included in account 223.
- Enter interest rates in decimal form. For example, enter 6.75% as 0.0675

	Description of Issue (a)	Date of Issue (b)	Final Maturity Date (c)	Interest Rate (d)	Principal Amount End of Year (e)	
1	2004 SAFE DRINKING WATER LOAN	03/10/2004	05/01/2023	2.75%	209,630	
2	2013 WATER UTILITY REVENUE BONDS	04/03/2013	05/01/2033	2.00%	1,875,000	
3	2015 SAFE DRINKING WATER LOAN	05/13/2015	05/01/2035	1.65%	2,097,845	
4	2016 WATER UTILITY REVENUE BONDS	04/20/2016	04/20/2025	1.64%	690,000	
5	2018 WATER UTILITY REVENUE BONDS	05/01/2018	05/01/2033	4.00%	3,455,000	
6	2020 WATER UTILITY BOND ANTICIPATION NOTE	05/18/2020	05/01/2024	1.50%	0	*
7	2022 SAFE DRINKING WATER LOAN	06/22/2022	05/01/2052	2.15%	4,062,644	
8	**Total**				**12,390,119**	

Bonds (Acct. 221)

- Report information required for each separate issue of bonds.
- If there is more than one interest rate for an aggregate obligation issue, average the interest rates and report one rate.
- Proceeds advanced by the municipality from sale of general obligation bonds, if repayable by utility, should be included in account 223.
- Enter interest rates in decimal form. For example, enter 6.75% as 0.0675

Bonds (Acct. 221) (Page F-17)

General Footnote

The 2020 Bond Anticipation Note dated 5/18/2020 used for interim financing of preliminary construction costs for the Raw Water Improvement Project was paid in full on 6/24/22 with proceeds of the 2022 Safe Drinking Water Loan.

Notes Payable & Miscellaneous Long-Term Debt

- Report each class of debt included in Accounts 223, 224 and 231.
- Proceeds of general obligation issues, if subject to repayment by the utility, should be included in Account 223.
- If there is more than one interest rate for an aggregate obligation issue, average the interest rates and report one rate.
- Enter interest rates in decimal form. For example, enter 6.75% as 0.0675

Account and Description of Obligation (a and b)	Date of Issue (c)	Final Maturity Date (d)	Interest Rate (e)	Principal Amount End of Year (f)	
Advances from Municipality (223)					1
UNFUNDED PENSION	03/15/2008	03/15/2027	2.00%	114,823	2
Total for Account 223				**114,823**	3

Taxes Accrued (Acct. 236)

Description (a)	Amount (b)	
Balance first of year	1,197,485	1
Charged water department expense	1,183,524	2
Charged electric department expense		3
Charged gas department expense		4
Charged sewer department expense	32,633	5
Total accruals and other credits	**1,216,157**	6
County, state and local taxes	1,197,537	7
Social Security taxes	144,765	8
PSC Remainder Assessment	9,456	9
Gross Receipts Tax		10
Total payments and other debits	**1,351,758**	11
Balance end of year	**1,061,884**	12

Interest Accrued (Acct. 237)

- Report below interest accrued on each utility obligation.
- Report customer deposits under account 235.

Description of Issue (a)	Interest Accrued Balance First of Year (b)	Interest Accrued During Year (c)	Interest Paid During Year (d)	Interest Accrued Balance End of Year (e)	
Bonds (221)	0	0	0	**0**	1
2004 SAFE DRINKING WATER LOAN $3,152,000	371	9,160	8,570	**961**	2
2013 WATER UTILITY REVENUE BOND	9,944	60,902	60,925	**9,921**	3
2015 SAFE DRINKING WATER LOAN $3,122,030	6,165	35,404	35,799	**5,770**	4
2016 WATER UTILITY REVENUE BONDS $2,115,000	6,226	10,669	14,831	**2,064**	5
2018 WATER UTILITY REVENUE BONDS $4,705,000	23,140	130,038	132,238	**20,940**	6
2020 WATER UTILITY BOND ANTICIP NOTE $3,100,000	6,458	23,359	25,080	**4,737**	7
2022 SAFE DRINKING WATER LOAN $39,430,018		158,775	21,173	**137,602 ***	8
Subtotal Bonds (221)	**52,304**	**428,307**	**298,616**	**181,995**	9
Advances from Municipality (223)	0	0	0	**0**	10
UNFUNDED PENSION	5,080	7,143	7,046	**5,177**	11
Subtotal Advances from Municipality (223)	**5,080**	**7,143**	**7,046**	**5,177**	12
Other Long-Term Debt (224)	0	0	0	**0**	13
None				**0**	14
Subtotal Other Long-Term Debt (224)	**0**	**0**	**0**	**0**	15
Notes Payable (231)	0	0	0	**0**	16
None				**0**	17
Subtotal Notes Payable (231)	**0**	**0**	**0**	**0**	18
Customer Deposits (235)	0	0	0	**0**	19
None				**0**	20
Subtotal Customer Deposits (235)	**0**	**0**	**0**	**0**	21
Total	**57,384**	**435,450**	**305,662**	**187,172**	22

Interest Accrued (Acct. 237)

- Report below interest accrued on each utility obligation.
- Report customer deposits under account 235.

Interest Accrued (Acct. 237) (Page F-20)

General Footnote

Sheboygan Water Utility closed a WDNR Safe Drinking Water Loan on 6/22/2022 for the construction of the Raw Water Improvement Project for a term of 30 years at an interest rate of 2.145%.

Balance Sheet Detail - Other Accounts

Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.

Description (a)	Balance End of Year (b)		
Sinking Funds (125)	0		1
Bond Reserve Fund	644,320		2
Total (Acct. 125)	**644,320**		3
Cash and Working Funds (131)	0		4
Cash			5
Total (Acct. 131)	**0**		6
Temporary Cash Investments (136)	0		7
Temporary Cash Investments	14,548,606		8
Total (Acct. 136)	**14,548,606**		9
Customer Accounts Receivable (142)	0		10
Water	1,807,987		11
Total (Acct. 142)	**1,807,987**		12
Other Accounts Receivable (143)	0		13
Sewer (Non-regulated)			14
Merchandising, jobbing and contract work	195,225	*	15
Total (Acct. 143)	**195,225**		16
Receivables from Municipality (145)	0		17
Receivables for water main, laterals, and PFP	282,342	*	18
Total (Acct. 145)	**282,342**		19
Prepayments (165)	0		20
Prepayments	22,846		21
Total (Acct. 165)	**22,846**		22
Miscellaneous Current and Accrued Assets (174)	0		23
Deferred Outflow - Pension and OPEB	2,025,204		24
Total (Acct. 174)	**2,025,204**		25
Miscellaneous Deferred Debits (186)	0		26
Net Pension Asset	992,887		27
Total (Acct. 186)	**992,887**		28
Accounts Payable (232)	0		29
Accounts Payable	3,099,909		30
Total (Acct. 232)	**3,099,909**		31
Miscellaneous Current and Accrued Liabilities (242)	0		32

Balance Sheet Detail - Other Accounts

Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.

Accrued Payroll	73,400	33
Deferred Inflow - Pension and OPEB	2,402,200	34
Total (Acct. 242)	**2,475,600**	35
Customer Advances for Construction (252)	0	36
Unearned Revenue	5,028,941 *	37
Total (Acct. 252)	**5,028,941**	38
Other Deferred Credits (253)	0	39
Regulatory Liability	25,088	40
Net Pension Liability	190,275	41
Total (Acct. 253)	**215,363**	42
Miscellaneous Operating Reserves (265)	0	43
Accrued Vacation & Sick Leave	748,817	44
Total (Acct. 265)	**748,817**	45

Balance Sheet Detail - Other Accounts

Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D) and all other lesser amounts grouped as Miscellaneous. Describe fully using other than account titles.

Balance Sheet Detail - Other Accounts (Page F-22)

Explain amounts in Accounts 143, 145 and/or 233 in excess of $10,000. Provide a short list or detailed description, but do not use terms such as other revenues, general, miscellaneous, or repeat the account title.

Acct #143 pertains to accounts receivable for grant reimbursements from the DNR Safe Drinking Water Loan Program principal forgiveness for replacing lead water service laterals in the City of Sheboygan.

Acct #145 pertains to receivables from the City of Sheboygan for water main assessments, water lateral assessments, shared locating services, and charges for billing and collecting sewer and garbage payments.

General Footnote

Unearned revenue is related to American Rescue Plan Act grant provided by the municipality, to fund in part, the construction of the Raw Water Improvement Project. The total grant is $9,550,000, with $4,521,059 spent as of 12/31/22.

Return on Rate Base Computation

- Å The data used in calculating rate base are averages.
- Å Calculate those averages by summing the first-of-year and the end-of-year figures for each account and then dividing the sum by two.
- Å For municipal utilities, do not include contributed plant in service, property held for future use, or construction work in progress with utility plant in service. These are not rate base components.
- Å For private utilities, do not include property held for future use, or construction work in progress with utility plant in service. These are not rate base components.

Average Rate Base (a)	Water (b)	Electric (c)	Gas (d)	Sewer (e)	Total (f)	
Add Average						1
Utility Plant in Service (101.1)	69,185,691				**69,185,691**	2
Materials and Supplies	236,309				**236,309**	3
Less Average						4
Reserve for Depreciation (111.1)	25,042,534				**25,042,534**	5
Customer Advances for Construction					**0**	6
Regulatory Liability	37,655				**37,655**	7
Average Net Rate Base	**44,341,811**	**0**	**0**	**0**	**44,341,811**	8
Net Operating Income	3,129,947				**3,129,947**	9
Net Operating Income as a percent of Average Net Rate Base	**7.06%**	**N/A**	**N/A**	**N/A**	**7.06%**	10

Regulatory Liability - Pre-2003 Historical Accumulated Depreciation on Contributed Utility Plant (253)

Description (a)	Water (b)	Electric (c)	Gas (d)	Sewer (e)	Total (f)	
Balance First of Year	50,222	0	0	0	**50,222**	1
Credits During Year					**0**	2
None					**0**	3
Charges (Deductions)					**0**	4
Miscellaneous Amortization (425)	25,134				**25,134**	5
Balance End of Year	**25,088**	**0**	**0**	**0**	**25,088**	6

Important Changes During the Year

Report changes of any of the following types:

1. Acquisitions
None

2. Leaseholder changes
None

3. Extensions of service
None

4. Estimated changes in revenues due to rate changes
A rate increase was approved by the Public Service Commission of Wisconsin on January 20, 2022 to provide for a 4.9% rate of return. Since the last rate increase, operating revenues have decreased, while the utility has experienced increasing operating costs and has continued to invest in system replacements and improvements.

5. Obligations incurred or assumed, excluding commercial paper
Sheboygan Water Utility closed a WDNR Safe Drinking Water Loan Program Financial Assistance Agreement on June 22, 2022 in the amount of $39,430,018 for the construction of the Raw Water Improvement Project. $3,100,000 was used to retire the Bond Anticipation Note for interim financing of the project. Sheboygan Water Utility closed a WDNR Safe Drinking Water Loan Program Financial Assistance Agreement for principal forgiveness on September 14, 2022, to provide $405,000 in grants to property owners for lead service line replacement in the City of Sheboygan.

6. Formal proceedings with the Public Service Commission
None

7. Any additional matters
The Sheboygan Water Utility received American Rescue Plan Act grant funds of $9,550,000 from the City of Sheboygan in 2022, which was designated by the municipality to offset construction costs for the Raw Water Improvement Project.

Water Operating Revenues & Expenses

Description (a)	This Year (b)	Last Year (c)	
Operating Revenues - Sales of Water			1
Sales of Water (460-467)	10,231,008	9,540,076	2
Total Sales of Water	**10,231,008**	**9,540,076**	3
Other Operating Revenues			4
Forfeited Discounts (470)	123,240	52,946	5
Rents from Water Property (472)	29,483	28,624	6
Interdepartmental Rents (473)	0	0	7
Other Water Revenues (474)	77,539	80,746	8
Total Other Operating Revenues	**230,262**	**162,316**	9
Total Operating Revenues	**10,461,270**	**9,702,392**	10
Operation and Maintenenance Expenses			11
Source of Supply Expense (600-617)	10,260	8,990	12
Pumping Expenses (620-633)	805,912	753,398	13
Water Treatment Expenses (640-652)	1,402,059	1,166,744	14
Transmission and Distribution Expenses (660-678)	1,087,895	1,246,506	15
Customer Accounts Expenses (901-906)	263,813	264,655	16
Sales Expenses (910)	0	0	17
Administrative and General Expenses (920-932)	1,120,699	1,468,143	18
Total Operation and Maintenenance Expenses	**4,690,638**	**4,908,436**	19
Other Operating Expenses			20
Depreciation Expense (403)	1,457,161	1,437,201	21
Amortization Expense (404-407)			22
Taxes (408)	1,183,524	1,299,403	23
Total Other Operating Expenses	**2,640,685**	**2,736,604**	24
Total Operating Expenses	**7,331,323**	**7,645,040**	25
NET OPERATING INCOME	**3,129,947**	**2,057,352**	26

Water Operating Revenues - Sales of Water

- Where customer meters record cubic feet, multiply by 7.48 to obtain number of gallons.
- Report estimated gallons for unmetered sales.
- Sales to multiple dwelling buildings through a single meter serving 3 or more family units should be classified multifamily residential.
- Account 460, Unmetered Sales to General Customers - Gallons of Water Sold should not include in any way quantity of water, i.e. metered or measured by tank of pool volume. The quantity should be estimated based on size of pipe, flow, foot of frontage, etc. Bulk water sales should be Account 460 if the quantity is estimated and should be Account 461 if metered or measured by volume. Water related to construction should be a measured sale of water (Account 461).
- **Report average number of individually-metered accounts (meters). The amount reported should be the average meter count. E.g. if a hospital has 5 meters, a total of 5 meters should be reported on this schedule in column b (Average No. of Customers).**
- **Do not include meters or revenue billed under Schedule Am-1 (Additional Meter Rental Charge) in Account 461. Record revenues billed under Schedule Am-1 in Account 474.**

Description (a)	Average No. Customer (b)	Thousand of Gallons of Water Sold (c)	Amount (d)	
Unmetered Sales to General Customers (460)				1
Residential (460.1)				2
Commercial (460.2)				3
Industrial (460.3)				4
Public Authority (460.4)				5
Multifamily Residential (460.5)				6
Irrigation (460.6)				7
Total Unmetered Sales to General Customers (460)	**0**	**0**	**0**	8
Metered Sales to General Customers (461)				9
Residential (461.1)	17,082	728,735	2,680,290	10
Commercial (461.2)	1,313	228,799	625,216	11
Industrial (461.3)	150	2,397,230	4,474,381	12
Public Authority (461.4)	122	50,850	133,714	13
Multifamily Residential (461.5)	295	126,646	325,465	14
Irrigation (461.6)				15
Total Metered Sales to General Customers (461)	**18,962**	**3,532,260**	**8,239,066**	16
Private Fire Protection Service (462)	292		131,572	17
Public Fire Protection Service (463)	19,132		947,607	18
Other Water Sales (465)				19
Sales for Resale (466)	2	629,694	912,763	20
Interdepartmental Sales (467)				21
Total Sales of Water	**38,388**	**4,161,954**	**10,231,008**	22

Sales for Resale (Acct. 466)

Use a separate line for each delivery point.

Customer Name (a)	Point of Delivery (b)	Thousands of Gallons Sold (c)	Revenues (d)	
Kohler Municipal Water Utility	TAYLOR DR & ERIE AVE	249,524	347,986	1
Sheboygan Falls Utilities	TAYLOR DR & HWY 23	380,170	564,777	2
Total		**629,694**	**912,763**	3

Other Operating Revenues (Water)

- Report revenues relating to each account and fully describe each item using other than the account title.
- Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D and privates) and all other lesser amounts grouped as Miscellaneous.
- For a combined utility which also provides sewer service that is based upon water readings, report the return on net investment in meters charged to sewer department in Other Water Revenues (474).

Description (a)	Amount (b)	
Public Fire Protection Service (463)		1
Amount billed (usually per rate schedule F-1 or Fd-1)	947,607	2
Wholesale fire protection billed		3
Amount billed for fighting fires outside utility's service areas (usually per rate schedule F-2 or BW-1)		4
Total Public Fire Protection Service (463)	**947,607**	5
Forfeited Discounts (470)		6
Customer late payment charges	123,240	7
Total Forfeited Discounts (470)	**123,240**	8
Rents from Water Property (472)		9
Rent of tower for cellular antennas	29,483	10
Total Rents from Water Property (472)	**29,483**	11
Interdepartmental Rents (473)		12
None		13
Total Interdepartmental Rents (473)	**0**	14
Other Water Revenues (474)		15
Return on net investment in meters charged to sewer department	77,539 *	16
Total Other Water Revenues (474)	**77,539**	17

Other Operating Revenues (Water)

- Report revenues relating to each account and fully describe each item using other than the account title.
- Report each item (when individually or when like items are combined) greater than $10,000 (class AB), $5,000 (class C) and $2,000 (class D and privates) and all other lesser amounts grouped as Miscellaneous.
- For a combined utility which also provides sewer service that is based upon water readings, report the return on net investment in meters charged to sewer department in Other Water Revenues (474).

Other Operating Revenues (Water) (Page W-04)

Explain all amounts in Account 474 in excess of $10,000.

Revenue related to sewer only and sewer deduct charges, meter charges and tap charges.

Water Operation & Maintenance Expenses

- Å Fully explain each expense account that has a difference between This Year and the previous three year average that is greater than 15 percent and $10,000 (class AB), 15 percent and $5,000 (class C), 15 percent and $1,000 (class D). Include a breakdown of costs that contributed to the difference.
- Å Class C and class D report all expenses in Other Expense (column c).

Description (a)	Labor Expense (b)	Other Expense (c)	Total This Year (d)	Last Year (e)	
SOURCE OF SUPPLY EXPENSES					
Operation Supervision and Engineering (600)			0	0	
Operation Labor and Expenses (601)			0	0	
Purchased Water (602)			0	0	
Miscellaneous Expenses (603)			0	0	
Rents (604)			0	0	
Maintenance Supervision and Engineering (610)			0	0	
Maintenance of Structures and Improvements (611)			0	0	
Maintenance of Collecting and Impounding Reservoirs (612)			0	0	
Maintenance of Lake, River and Other Intakes (613)		10,260	10,260	8,990	
Maintenance of Wells and Springs (614)			0	0	
Maintenance of Supply Mains (616)			0	0	
Maintenance of Miscellaneous Water Source Plant (617)			0	0	
Total Source of Supply Expenses	**0**	**10,260**	**10,260**	**8,990**	
PUMPING EXPENSES					
Operation Supervision and Engineering (620)	40,371		40,371	36,774	
Fuel for Power Production (621)			0	0	
Power Production Labor and Expenses (622)			0	0	
Fuel or Power Purchased for Pumping (623)		500,650	500,650	454,978	
Pumping Labor and Expenses (624)			0	0	
Expenses Transferred--Credit (625)			0	0	
Miscellaneous Expenses (626)	46,163	69,321	115,484	72,605	*
Rents (627)			0	0	
Maintenance Supervision and Engineering (630)	12,455		12,455	11,804	
Maintenance of Structures and Improvements (631)	130,912	5,263	136,175	164,573	*
Maintenance of Power Production Equipment (632)			0	0	
Maintenance of Pumping Equipment (633)	777		777	12,664	*
Total Pumping Expenses	**230,678**	**575,234**	**805,912**	**753,398**	
WATER TREATMENT EXPENSES					
Operation Supervision and Engineering (640)	43,159		43,159	31,561	*
Chemicals (641)		370,578	370,578	224,364	*
Operation Labor and Expenses (642)	498,750	372,742	871,492	815,931	
Miscellaneous Expenses (643)	5,567	24,624	30,191	21,212	
Rents (644)			0	0	
Maintenance Supervision and Engineering (650)			0	0	
Maintenance of Structures and Improvements (651)	46,428	8,787	55,215	42,651	*
Maintenance of Water Treatment Equipment (652)	7,553	23,871	31,424	31,025	
Total Water Treatment Expenses	**601,457**	**800,602**	**1,402,059**	**1,166,744**	
TRANSMISSION AND DISTRIBUTION EXPENSES					
Operation Supervision and Engineering (660)	49,493		49,493	43,936	

Water Operation & Maintenance Expenses

- Fully explain each expense account that has a difference between This Year and the previous three year average that is greater than 15 percent and $10,000 (class AB), 15 percent and $5,000 (class C), 15 percent and $1,000 (class D). Include a breakdown of costs that contributed to the difference.
- Class C and class D report all expenses in Other Expense (column c).

Description (a)	Labor Expense (b)	Other Expense (c)	Total This Year (d)	Last Year (e)		
Storage Facilities Expenses (661)	1,582	18,600	20,182	24,144		41
Transmission and Distribution Lines Expenses (662)	101,348	5,388	106,736	99,579		42
Meter Expenses (663)	38,338	4,082	42,420	37,903		43
Customer Installations Expenses (664)	22,814	122,243	145,057	225,876	*	44
Miscellaneous Expenses (665)	99,521	50,729	150,250	129,998		45
Rents (666)			0	0		46
Maintenance Supervision and Engineering (670)			0	0		47
Maintenance of Structures and Improvements (671)	72,295	14,564	86,859	62,148	*	48
Maintenance of Distribution Reservoirs and Standpipes (672)	114	843	957	65,879	*	49
Maintenance of Transmission and Distribution Mains (673)	251,871	178,647	430,518	475,605		50
Maintenance of Services (675)	732	992	1,724	2,002		51
Maintenance of Meters (676)	25,490	3,982	29,472	30,958		52
Maintenance of Hydrants (677)	7,109	17,118	24,227	48,478	*	53
Maintenance of Miscellaneous Plant (678)			0	0		54
Total Transmission and Distribution Expenses	**670,707**	**417,188**	**1,087,895**	**1,246,506**		55
CUSTOMER ACCOUNTS EXPENSES						56
Supervision (901)	44,325		44,325	34,215	*	57
Meter Reading Expenses (902)	20,414	13,718	34,132	30,527		58
Customer Records and Collection Expenses (903)	107,109	75,018	182,127	195,316		59
Uncollectible Accounts (904)		3,229	3,229	4,597		60
Miscellaneous Customer Accounts Expenses (905)			0	0		61
Customer Service and Informational Expenses (906)			0	0		62
Total Customer Accounts Expenses	**171,848**	**91,965**	**263,813**	**264,655**		63
SALES EXPENSES						64
Sales Expenses (910)			0	0		65
Total Sales Expenses	**0**	**0**	**0**	**0**		66
ADMINISTRATIVE AND GENERAL EXPENSES						67
Administrative and General Salaries (920)	386,181		386,181	246,128	*	68
Office Supplies and Expenses (921)		23,517	23,517	16,899		69
Administrative Expenses Transferred--Credit (922)			0	0		70
Outside Services Employed (923)		103,290	103,290	82,376	*	71
Property Insurance (924)		49,053	49,053	45,074		72
Injuries and Damages (925)		46,915	46,915	48,471		73
Employee Pensions and Benefits (926)		440,809	440,809	942,157	*	74
Regulatory Commission Expenses (928)		1,143	1,143	28,558	*	75
Duplicate Charges--Credit (929)			0	0		76
Miscellaneous General Expenses (930)	7,423	45,449	52,872	47,445		77
Rents (931)			0	0		78
Maintenance of General Plant (932)		16,919	16,919	11,035		79
Total Administrative and General Expenses	**393,604**	**727,095**	**1,120,699**	**1,468,143**		80

Water Operation & Maintenance Expenses

- Å Fully explain each expense account that has a difference between This Year and the previous three year average that is greater than 15 percent and $10,000 (class AB), 15 percent and $5,000 (class C), 15 percent and $1,000 (class D). Include a breakdown of costs that contributed to the difference.
- Å Class C and class D report all expenses in Other Expense (column c).

Description (a)	Labor Expense (b)	Other Expense (c)	Total This Year (d)	Last Year (e)	
TOTAL OPERATION AND MAINTENANCE EXPENSES	**2,068,294**	**2,622,344**	**4,690,638**	**4,908,436**	81

Water Operation & Maintenance Expenses

- Å Fully explain each expense account that has a difference between This Year and the previous three year average that is greater than 15 percent and $10,000 (class AB), 15 percent and $5,000 (class C), 15 percent and $1,000 (class D). Include a breakdown of costs that contributed to the difference.
- Å Class C and class D report all expenses in Other Expense (column c).

Water Operation & Maintenance Expenses (Page W-05)

Explain all This Year amounts that are more than 15% and $10,000 higher or lower than the Last Year amount. Please see the help document for examples.

Acct 626 - increase in 2022 due to an increase in grounds keeping at pump site and pumping salaries at Park Avenue.
Acct 631 - decrease in 2022 due to a decrease in pumping structures maintenance at Park Avenue from 2021.
Acct 633 - decrease in 2022 due to a decrease in pumping equipment maintenance at Park Avenue from 2021.
Acct 640 - increase in 2022 due to an increase in supervisor salaries in 2022 from 2021.
Acct 641 - increase in 2022 due to an increase in chemical costs from 2021.
Acct 651 - increase in 2022 due to maintenance of fiber systems and PLC processor at treatment plant.
Acct 664 - decrease in 2022 due to additional DNR funding for LSL replacement.
Acct 671 - increase in 2022 due to distribution system asphalt patching work.
Acct 672 - decrease in 2022 due to reservoir maintenance, painting of Georgia standpipe in 2021.
Acct 677 - decrease in 2022 due to fewer hydrants painted from 2021.
Acct 901 - increase in 2022 due to an increase in supervisor salaries from 2021.
Acct 920 - increase in 2022 due to an increase in administrative salaries from 2021.
Acct 923 - increase in 2022 due to consulting fees for health insurance and IT security.
Acct 926 - decrease in 2022 due to a decrease in medical claims and fees from 2021, and pension expense credit.
Acct 928 - decrease in 2022 due to regulatory commission fees for review of a rate case in 2021.

Taxes (Acct. 408 - Water)

When allocation of taxes is made between departments, explain method used.

	Description of Tax (a)	This Year (b)	Last Year (c)	
	Property Tax Equivalent	1,061,884	1,197,489	1
	Less: Local and School Tax Equivalent on Meters Charged to Sewer Department	32,633	33,506	2
Net Property Tax Equivalent		**1,029,251**	**1,163,983**	3
	Social Security	144,765	125,212	4
	PSC Remainder Assessment	9,456	10,156	5
	Town of Sheboygan Property Tax	52	52	6
Total Tax Expense		**1,183,524**	**1,299,403**	7

Water Property Tax Equivalent - Detail

- No property tax equivalent shall be determined for sewer utilities or town sanitary district water utilities.
- Tax rates are those issued in November (usually) of the year being reported and are available from the municipal treasurer. Report the tax rates in mills to six (6) decimal places.
- The assessment ratio is available from the municipal treasurer. Report the ratio as a decimal to six (6) places.
- The utility plant balance first of year should include the gross book values of plant in service (total of utility financed and contributed plant), property held for future use and construction work in progress.
- An "other tax rate" is included in the "Net Local and School Tax Rate Calculation" to the extent that it is local. An example is a local library tax. Fully explain the rate in the Property Tax Equivalent schedule footnotes.
- **Property Tax Equivalent - Total**
  If the municipality has authorized a lower tax equivalent amount, the authorization description and date of the authorization must be reported in the schedule footnotes. If the municipality has NOT authorized a lower amount, leave the cell blank.

COUNTY: SHEBOYGAN(1)

SUMMARY OF TAX RATES		
1. State Tax Rate	mills	0.000000
2. County Tax Rate	mills	4.561830
3. Local Tax Rate	mills	7.989050
4. School Tax Rate	mills	7.317620
5. Vocational School Tax Rate	mills	0.694410
6. Other Tax Rate - Local	mills	0.000000
7. Other Tax Rate - Non-Local	mills	0.000000
8. Total Tax Rate	mills	**20.562910**
9. Less: State Credit	mills	1.302351
11. Net Tax Rate	mills	**19.260559**

PROPERTY TAX EQUIVALENT CALCULATION		
12. Local Tax Rate	mills	**7.989050**
13. Combined School Tax Rate	mills	**8.012030**
14. Other Tax Rate - Local	mills	**0.000000**
15. Total Local & School Tax Rate	mills	**16.001080**
16. Total Tax Rate	mills	**20.562910**
17. Ratio of Local and School Tax to Total	dec.	**0.778153**
18. Total Tax Net of State Credit	mills	**19.260559**
19. Net Local and School Tax Rate	mills	**14.987652**
20. Utility Plant, Jan 1	$	78,474,984
21. Materials & Supplies	$	223,046
22. Subtotal	$	**78,698,030**
23. Less: Plant Outside Limits	$	2,204,368
24. Taxable Assets	$	**76,493,662**
25. Assessment Ratio	dec.	0.926228
26. Assessed Value	$	**70,850,572**
27. Net Local and School Tax Rate	mills	**14.987652**
28. Tax Equiv. Computed for Current Year	$	**1,061,884**

PROPERTY TAX EQUIVALENT - TOTAL

PROPERTY TAX EQUIVALENT CALCULATION		
1. Utility Plant, Jan 1	$	78,474,984
2. Materials & Supplies	$	223,046
3. Subtotal	$	**78,698,030**
4. Less: Plant Outside Limits	$	2,204,368
5. Taxable Assets	$	**76,493,662**
6. Assessed Value	$	**70,850,572**
7. Tax Equiv. Computed for Current Year	$	**1,061,884**
8. Tax Equivalent per 1994 PSC Report	$	560,533
9. Amount of Lower Tax Equiv. as Authorized by Municipality for Current Year (see notes)	$	
10. Tax Equivalent for Current Year (see notes)	**$**	**1,061,884**

Water Utility Plant in Service - Plant Financed by Utility or Municipality

- All adjustments, corrections and reclassifications (including to/from plant financed by contributions) should be reported in Column (e), Adjustments.
- Explain fully as a footnote the nature of all entries reported in Column (e), Adjustments.
- For each account over $50,000 (class AB) or $25,000 (class C) or $10,000 (class D), explain in the footnotes section the dollar additions and retirements. If applicable, the footnotes should cite construction authorization, complete with PSC docket number.
- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount as a schedule footnote.
- The treatment plant accounts have changed since 2008 and that they should confirm the dollar amounts are in the right account.
- PSC Uniform System of Accounts

Accounts (a)	Balance First of Year (b)	Additions During Year (c)	Retirements During Year (d)	Adjustments Increase or (Decrease) (e)	Balance End of Year (f)	
INTANGIBLE PLANT						1
Organization (301)	0				**0**	2
Franchises and Consents (302)	0				**0**	3
Miscellaneous Intangible Plant (303)	0				**0**	4
Total Intangible Plant	**0**	**0**	**0**	**0**	**0**	5
SOURCE OF SUPPLY PLANT						6
Land and Land Rights (310)	0				**0**	7
Structures and Improvements (311)	0				**0**	8
Collecting and Impounding Reservoirs (312)	0				**0**	9
Lake, River and Other Intakes (313)	627,615				**627,615**	10
Wells and Springs (314)	0				**0**	11
Supply Mains (316)	0				**0**	12
Other Water Source Plant (317)	0				**0**	13
Total Source of Supply Plant	**627,615**	**0**	**0**	**0**	**627,615**	14
PUMPING PLANT						15
Land and Land Rights (320)	2,475				**2,475**	16
Structures and Improvements (321)	2,643,181	44,467			**2,687,648**	17
Other Power Production Equipment (323)	553,250				**553,250**	18
Electric Pumping Equipment (325)	2,511,858	14,215			**2,526,073**	19
Diesel Pumping Equipment (326)	0				**0**	20
Other Pumping Equipment (328)	653,951				**653,951**	21
Total Pumping Plant	**6,364,715**	**58,682**	**0**	**0**	**6,423,397**	22
WATER TREATMENT PLANT						23
Land and Land Rights (330)	13,330				**13,330**	24
Structures and Improvements (331)	5,067,448				**5,067,448**	25
Sand or Other Media Filtration Equipment (332)	6,098,431	155,539	4,465		**6,249,505** *	26
Membrane Filtration Equipment (333)	0				**0**	27
Other Water Treatment Equipment (334)	1,688,611				**1,688,611**	28
Total Water Treatment Plant	**12,867,820**	**155,539**	**4,465**	**0**	**13,018,894**	29
TRANSMISSION AND DISTRIBUTION PLANT						30
Land and Land Rights (340)	359,433				**359,433**	31
Structures and Improvements (341)	828,736				**828,736**	32
Distribution Reservoirs and Standpipes (342)	6,672,505				**6,672,505**	33
Transmission and Distribution Mains (343)	30,557,375	1,598,821	25,742		**32,130,454** *	34
Services (345)	0				**0**	35
Meters (346)	4,617,261	209,222	130,059		**4,696,424** *	36

Water Utility Plant in Service - Plant Financed by Utility or Municipality

- All adjustments, corrections and reclassifications (including to/from plant financed by contributions) should be reported in Column (e), Adjustments.
- Explain fully as a footnote the nature of all entries reported in Column (e), Adjustments.
- For each account over $50,000 (class AB) or $25,000 (class C) or $10,000 (class D), explain in the footnotes section the dollar additions and retirements. If applicable, the footnotes should cite construction authorization, complete with PSC docket number.
- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount as a schedule footnote.
- The treatment plant accounts have changed since 2008 and that they should confirm the dollar amounts are in the right account.
- PSC Uniform System of Accounts

Accounts (a)	Balance First of Year (b)	Additions During Year (c)	Retirements During Year (d)	Adjustments Increase or (Decrease) (e)	Balance End of Year (f)	
Hydrants (348)	2,429,587	48,305	2,960		**2,474,932**	37
Other Transmission and Distribution Plant (349)	0				**0**	38
Total Transmission and Distribution Plant	**45,464,897**	**1,856,348**	**158,761**	**0**	**47,162,484**	39
GENERAL PLANT						40
Land and Land Rights (389)	0				**0**	41
Structures and Improvements (390)	588,199				**588,199**	42
Office Furniture and Equipment (391)	77,615	3,870			**81,485**	43
Computer Equipment (391.1)	231,818	3,784	28,507		**207,095**	44
Transportation Equipment (392)	561,109				**561,109**	45
Stores Equipment (393)	0				**0**	46
Tools, Shop and Garage Equipment (394)	279,300		8,761		**270,539**	47
Laboratory Equipment (395)	31,709				**31,709**	48
Power Operated Equipment (396)	463,874		8,992		**454,882**	49
Communication Equipment (397)	60,372				**60,372**	50
SCADA Equipment (397.1)	625,608	26,873	13,530		**638,951**	51
Miscellaneous Equipment (398)	0				**0**	52
Total General Plant	**2,919,604**	**34,527**	**59,790**	**0**	**2,894,341**	53
Total utility plant in service directly assignable	**68,244,651**	**2,105,096**	**223,016**	**0**	**70,126,731**	54
Common Utility Plant Allocated to Water Department	0				**0**	55
TOTAL UTILITY PLANT IN SERVICE	**68,244,651**	**2,105,096**	**223,016**	**0**	**70,126,731**	56

Water Utility Plant in Service - Plant Financed by Utility or Municipality

- All adjustments, corrections and reclassifications (including to/from plant financed by contributions) should be reported in Column (e), Adjustments.
- Explain fully as a footnote the nature of all entries reported in Column (e), Adjustments.
- For each account over $50,000 (class AB) or $25,000 (class C) or $10,000 (class D), explain in the footnotes section the dollar additions and retirements. If applicable, the footnotes should cite construction authorization, complete with PSC docket number.
- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount as a schedule footnote.
- The treatment plant accounts have changed since 2008 and that they should confirm the dollar amounts are in the right account.
- PSC Uniform System of Accounts

Water Utility Plant in Service - Plant Financed by Utility or Municipality (Page W-08)

Additions for one or more accounts exceed $50,000, please explain. If applicable, provide construction authorization and PSC docket number.

Acct 332 - additions include the rehabilitation of Filter #5 including underdrain and media replacement.
Acct 343 - additions include water main replacement at several locations in the City of Sheboygan.
Acct 346 - additions include meter replacements and addition of radio read units at several locations in the City of Sheboygan.

Retirements for one or more accounts exceed $50,000, please explain.

Acct 346 - retirements include meter replacements for the 20-year meter change-out program at several locations in the City of Sheboygan.

Water Utility Plant in Service - Plant Financed by Contributions

- All adjustments, corrections and reclassifications (including to/from plant financed by contributions) should be reported in Column (e), Adjustments.
- Explain fully as a footnote the nature of all entries reported in Column (e), Adjustments.
- For each account over $50,000 (class AB) or $25,000 (class C) or $10,000 (class D), explain in the footnotes section the dollar additions and retirements. If applicable, the footnotes should cite construction authorization, complete with PSC docket number.
- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount as a schedule footnote.
- The treatment plant accounts have changed since 2008 and that they should confirm the dollar amounts are in the right account.
- PSC Uniform System of Accounts

Accounts (a)	Balance First of Year (b)	Additions During Year (c)	Retirements During Year (d)	Adjustments Increase or (Decrease) (e)	Balance End of Year (f)	
INTANGIBLE PLANT						1
Organization (301)	0				**0**	2
Franchises and Consents (302)	0				**0**	3
Miscellaneous Intangible Plant (303)	0				**0**	4
Total Intangible Plant	**0**	**0**	**0**	**0**	**0**	5
SOURCE OF SUPPLY PLANT						6
Land and Land Rights (310)	0				**0**	7
Structures and Improvements (311)	0				**0**	8
Collecting and Impounding Reservoirs (312)	0				**0**	9
Lake, River and Other Intakes (313)	0				**0**	10
Wells and Springs (314)	0				**0**	11
Supply Mains (316)	0				**0**	12
Other Water Source Plant (317)	0				**0**	13
Total Source of Supply Plant	**0**	**0**	**0**	**0**	**0**	14
PUMPING PLANT						15
Land and Land Rights (320)	0				**0**	16
Structures and Improvements (321)	0				**0**	17
Other Power Production Equipment (323)	0				**0**	18
Electric Pumping Equipment (325)	0				**0**	19
Diesel Pumping Equipment (326)	0				**0**	20
Other Pumping Equipment (328)	0				**0**	21
Total Pumping Plant	**0**	**0**	**0**	**0**	**0**	22
WATER TREATMENT PLANT						23
Land and Land Rights (330)	0				**0**	24
Structures and Improvements (331)	298,865				**298,865**	25
Sand or Other Media Filtration Equipment (332)	94,222				**94,222**	26
Membrane Filtration Equipment (333)	0				**0**	27
Other Water Treatment Equipment (334)	201,135				**201,135**	28
Total Water Treatment Plant	**594,222**	**0**	**0**	**0**	**594,222**	29
TRANSMISSION AND DISTRIBUTION PLANT						30
Land and Land Rights (340)	0				**0**	31
Structures and Improvements (341)	0				**0**	32
Distribution Reservoirs and Standpipes (342)	0				**0**	33
Transmission and Distribution Mains (343)	5,404,183				**5,404,183**	34
Services (345)	0				**0**	35
Meters (346)	0				**0**	36

Water Utility Plant in Service - Plant Financed by Contributions

- All adjustments, corrections and reclassifications (including to/from plant financed by contributions) should be reported in Column (e), Adjustments.
- Explain fully as a footnote the nature of all entries reported in Column (e), Adjustments.
- For each account over $50,000 (class AB) or $25,000 (class C) or $10,000 (class D), explain in the footnotes section the dollar additions and retirements. If applicable, the footnotes should cite construction authorization, complete with PSC docket number.
- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount as a schedule footnote.
- The treatment plant accounts have changed since 2008 and that they should confirm the dollar amounts are in the right account.
- PSC Uniform System of Accounts

Accounts (a)	Balance First of Year (b)	Additions During Year (c)	Retirements During Year (d)	Adjustments Increase or (Decrease) (e)	Balance End of Year (f)	
Hydrants (348)	397,536				**397,536**	37
Other Transmission and Distribution Plant (349)	0				**0**	38
Total Transmission and Distribution Plant	**5,801,719**	**0**	**0**	**0**	**5,801,719**	39
GENERAL PLANT						40
Land and Land Rights (389)	0				**0**	41
Structures and Improvements (390)	0				**0**	42
Office Furniture and Equipment (391)	0				**0**	43
Computer Equipment (391.1)	0				**0**	44
Transportation Equipment (392)	0				**0**	45
Stores Equipment (393)	0				**0**	46
Tools, Shop and Garage Equipment (394)	0				**0**	47
Laboratory Equipment (395)	0				**0**	48
Power Operated Equipment (396)	0				**0**	49
Communication Equipment (397)	0				**0**	50
SCADA Equipment (397.1)	0				**0**	51
Miscellaneous Equipment (398)	0				**0**	52
Total General Plant	**0**	**0**	**0**	**0**	**0**	53
Total utility plant in service directly assignable	**6,395,941**	**0**	**0**	**0**	**6,395,941**	54
Common Utility Plant Allocated to Water Department	0				**0**	55
TOTAL UTILITY PLANT IN SERVICE	**6,395,941**	**0**	**0**	**0**	**6,395,941**	56

Water Accumulated Provision for Depreciation - Plant Financed by Utility or Municipality

- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount in a schedule footnote.
- If more than one depreciation rate is used, report the average rate in column (c).
- Enter depreciation rates in decimal form. For example, enter 6.75% as 0.0675

Primary Plant Accounts (a)	Balance First of Year (b)	Rate % Used (c)	Accruals During Year (d)	Book Cost of Plant Retired (e)	Cost of Removal (f)	Salvage (g)	Adjustments Increase or (Decrease) (h)	Balance End of Year (i)	
SOURCE OF SUPPLY PLANT									1
Structures and Improvements (311)	0							**0**	2
Collecting and Impounding Reservoirs (312)	0							**0**	3
Lake, River and Other Intakes (313)	475,236	1.70%	10,669					**485,905**	4
Wells and Springs (314)	0							**0**	5
Supply Mains (316)	0							**0**	6
Other Water Source Plant (317)	0							**0**	7
Total Source of Supply Plant	**475,236**		**10,669**	**0**	**0**	**0**	**0**	**485,905**	8
PUMPING PLANT									9
Structures and Improvements (321)	1,094,429	3.20%	85,293					**1,179,722**	10
Other Power Production Equipment (323)	201,887	4.40%	24,344					**226,231**	11
Electric Pumping Equipment (325)	1,837,283	4.40%	110,834					**1,948,117**	12
Diesel Pumping Equipment (326)	0							**0**	13
Other Pumping Equipment (328)	653,951	4.40%						**653,951**	14
Total Pumping Plant	**3,787,550**		**220,471**	**0**	**0**	**0**	**0**	**4,008,021**	15
WATER TREATMENT PLANT									16
Structures and Improvements (331)	2,531,021	3.20%	162,159					**2,693,180**	17
Sand or Other Media Filtration Equipment (332)	2,858,251	3.30%	203,742	4,465				**3,057,528**	18
Membrane Filtration Equipment (333)	0							**0**	19
Other Water Treatment Equipment (334)	588,737	6.00%	101,317					**690,054**	20
Total Water Treatment Plant	**5,978,009**		**467,218**	**4,465**	**0**	**0**	**0**	**6,440,762**	21
TRANSMISSION AND DISTRIBUTION PLANT									22
Structures and Improvements (341)	596,057	3.20%	26,519					**622,576**	23
Distribution Reservoirs and Standpipes (342)	1,846,142	1.90%	126,777					**1,972,919**	24
Transmission and Distribution Mains (343)	6,103,258	1.30%	389,858	25,742				**6,467,374**	25
Services (345)	0							**0**	26
Meters (346)	2,564,375	5.50%	256,126	130,059				**2,690,442**	

Water Accumulated Provision for Depreciation - Plant Financed by Utility or Municipality

- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount in a schedule footnote.
- If more than one depreciation rate is used, report the average rate in column (c).
- Enter depreciation rates in decimal form. For example, enter 6.75% as 0.0675

Primary Plant Accounts (a)	Balance First of Year (b)	Rate % Used (c)	Accruals During Year (d)	Book Cost of Plant Retired (e)	Cost of Removal (f)	Salvage (g)	Adjustments Increase or (Decrease) (h)	Balance End of Year (i)	
Hydrants (348)	689,765	2.20%	49,849	2,960				**736,654**	28
Other Transmission and Distribution Plant (349)	0							**0**	29
Total Transmission and Distribution Plant	**11,799,597**		**849,129**	**158,761**	**0**	**0**	**0**	**12,489,965**	30
GENERAL PLANT									31
Structures and Improvements (390)	357,209	2.90%	16,768					**373,977**	32
Office Furniture and Equipment (391)	28,878	5.80%	4,614					**33,492**	33
Computer Equipment (391.1)	197,740	26.70%	20,170	28,507				**189,403**	34
Transportation Equipment (392)	561,109	13.30%						**561,109**	35
Stores Equipment (393)	0							**0**	36
Tools, Shop and Garage Equipment (394)	226,732	5.80%	15,945	8,761				**233,916**	37
Laboratory Equipment (395)	21,785	5.80%	1,839					**23,624**	38
Power Operated Equipment (396)	258,338	7.50%	34,452	8,992				**283,798**	39
Communication Equipment (397)	51,312	15.00%	9,060					**60,372**	40
SCADA Equipment (397.1)	556,292	9.20%	58,170	13,530				**600,932**	41
Miscellaneous Equipment (398)	0							**0**	42
Total General Plant	**2,259,395**		**161,018**	**59,790**	**0**	**0**	**0**	**2,360,623**	43
Total accum. prov. directly assignable	**24,299,787**		**1,708,505**	**223,016**	**0**	**0**	**0**	**25,785,276**	44
Common Utility Plant Allocated to Water Department	0							**0**	45
TOTAL ACCUM, PROV, FOR DEPRECIATION	**24,299,787**		**1,708,505**	**223,016**	**0**	**0**	**0**	**25,785,276**	46

Water Accumulated Provision for Depreciation - Plant Financed by Contributions

- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount in a schedule footnote.
- If more than one depreciation rate is used, report the average rate in column (c).
- Enter depreciation rates in decimal form. For example, enter 6.75% as 0.0675

Primary Plant Accounts (a)	Balance First of Year (b)	Rate % Used (c)	Accruals During Year (d)	Book Cost of Plant Retired (e)	Cost of Removal (f)	Salvage (g)	Adjustments Increase or (Decrease) (h)	Balance End of Year (i)	
SOURCE OF SUPPLY PLANT									1
Structures and Improvements (311)	0							**0**	2
Collecting and Impounding Reservoirs (312)	0							**0**	3
Lake, River and Other Intakes (313)	0							**0**	4
Wells and Springs (314)	0							**0**	5
Supply Mains (316)	0							**0**	6
Other Water Source Plant (317)	0							**0**	7
Total Source of Supply Plant	**0**		**0**	**0**	**0**	**0**	**0**	**0**	8
PUMPING PLANT									9
Structures and Improvements (321)	0							**0**	10
Other Power Production Equipment (323)	0							**0**	11
Electric Pumping Equipment (325)	0							**0**	12
Diesel Pumping Equipment (326)	0							**0**	13
Other Pumping Equipment (328)	0							**0**	14
Total Pumping Plant	**0**		**0**	**0**	**0**	**0**	**0**	**0**	15
WATER TREATMENT PLANT									16
Structures and Improvements (331)	43,037	3.20%	9,564					**52,601**	17
Sand or Other Media Filtration Equipment (332)	94,220	3.30%						**94,220**	18
Membrane Filtration Equipment (333)	0							**0**	19
Other Water Treatment Equipment (334)	76,920	6.00%	12,068					**88,988**	20
Total Water Treatment Plant	**214,177**		**21,632**	**0**	**0**	**0**	**0**	**235,809**	21
TRANSMISSION AND DISTRIBUTION PLANT									22
Structures and Improvements (341)	0							**0**	23
Distribution Reservoirs and Standpipes (342)	0							**0**	24
Transmission and Distribution Mains (343)	1,464,053	1.30%	87,866					**1,551,919**	25
Services (345)	0							**0**	26
Meters (346)	0							**0**	

Water Accumulated Provision for Depreciation - Plant Financed by Contributions

- Use only the account titles listed. If the utility has subaccounts other than accounts 391.1 and 397.1, combine them into one total and detail by subaccount in a schedule footnote.
- If more than one depreciation rate is used, report the average rate in column (c).
- Enter depreciation rates in decimal form. For example, enter 6.75% as 0.0675

Primary Plant Accounts (a)	Balance First of Year (b)	Rate % Used (c)	Accruals During Year (d)	Book Cost of Plant Retired (e)	Cost of Removal (f)	Salvage (g)	Adjustments Increase or (Decrease) (h)	Balance End of Year (i)	
Hydrants (348)	241,535	2.00%	12,848					**254,383**	28
Other Transmission and Distribution Plant (349)	0							**0**	29
Total Transmission and Distribution Plant	**1,705,588**		**100,714**	**0**	**0**	**0**	**0**	**1,806,302**	30
GENERAL PLANT									31
Structures and Improvements (390)	0							**0**	32
Office Furniture and Equipment (391)	0							**0**	33
Computer Equipment (391.1)	0							**0**	34
Transportation Equipment (392)	0							**0**	35
Stores Equipment (393)	0							**0**	36
Tools, Shop and Garage Equipment (394)	0							**0**	37
Laboratory Equipment (395)	0							**0**	38
Power Operated Equipment (396)	0							**0**	39
Communication Equipment (397)	0							**0**	40
SCADA Equipment (397.1)	0							**0**	41
Miscellaneous Equipment (398)	0							**0**	42
Total General Plant	**0**		**0**	**0**	**0**	**0**	**0**	**0**	43
Total accum. prov. directly assignable	**1,919,765**		**122,346**	**0**	**0**	**0**	**0**	**2,042,111**	44
Common Utility Plant Allocated to Water Department	0							**0**	45
TOTAL ACCUM, PROV, FOR DEPRECIATION	**1,919,765**		**122,346**	**0**	**0**	**0**	**0**	**2,042,111**	46

Age of Water Mains

- If asset management, capital improvement, or other infrastructure-related documents are not available, the utility should consult other potential sources of information: the year the utility was formed, year of initial build-out area, year in which new developments, subdivisions, etc. were added. This information can be used to develop estimated figures.
- If pipe diameter value is between those offered in the column, choose the diameter that is closest to the actual value.
- Report all pipe larger than 72òin diameter in the 72òcategory.

	Feet of Main												
Pipe Size (a)	**pre-1900 (b)**	**1901-1920 (c)**	**1920-1940 (d)**	**1941-1960 (e)**	**1961-1970 (f)**	**1971-1980 (g)**	**1981-1990 (h)**	**1991-2000 (i)**	**2001-2010 (j)**	**2011-2020 (k)**	**2021-2030 (l)**	**Total (m)**	
1.000					204							**204**	1
1.250		185	203									**388**	2
1.500				140	45							**185**	3
2.000		85										**85**	4
3.000		250										**250**	5
4.000	2,270	16,880	2,679	348	650	1,706				83	18	**24,634**	6
6.000	54,105	72,585	115,304	79,836	80,197	25,786	4,566	7,252	401	1,362	195	**441,589**	7
8.000	10,747	14,946	16,482	8,826	14,902	25,028	34,104	34,059	8,242	7,400	637	**175,373**	8
10.000	6,888	7,316	6,369	9,941	7,067	532	398			4	28	**38,543**	9
12.000	12,020	19,382	19,007	23,511	26,058	26,284	40,773	26,947	20,003	21,558	5,518	**241,061**	10
14.000			5,639									**5,639**	11
16.000	6,351	8,852	3,110	6,226	3,579	6,070	5,814	11,190	11,185	17,549		**79,926**	12
18.000	470					2,658						**3,128**	13
20.000		9,058		3,778				2,905	2,512	15,222		**33,475**	14
24.000						8,466		5,468	9,404	4,267		**27,605**	15
30.000			8,971		7,263	1,191			5,582			**23,007**	16
36.000							678					**678**	17
Total	**92,851**	**149,539**	**177,764**	**132,606**	**139,965**	**97,721**	**86,333**	**87,821**	**57,329**	**67,445**	**6,396**	**1,095,770**	18

Describe source of information used to develop data:
Electronic database using mapping software and systems.

Sources of Water Supply - Statistics

- For Raw Water Withdrawn, use metered volume of untreated water withdrawn from the source.
- For Finished Water Pumped, use metered volume of water pumped, adjusted for known meter errors. Describe known meter errors in Notes Section.
- If Finished Water is not metered, use Raw Water Withdrawn and subtract estimated water used in treatment.

	Sources of Water Supply (000's gal)						Total Gallons	
	Raw Water Withdrawn		Finished Water Pumped		Purchased Water (Imported)		Entering Distribution	
Month (a)	Ground Water (b)	Surface Water (c)	Ground Water (d)	Surface Water (e)	Ground Water (f)	Surface Water (g)	System (h)	
January		366,514		363,789			**363,789**	1
February		354,732		352,820			**352,820**	2
March		363,783		363,196			**363,196**	3
April		350,527		345,046			**345,046**	4
May		389,200		375,637			**375,637**	5
June		398,908		393,877			**393,877**	6
July		425,837		418,679			**418,679**	7
August		448,768		437,861			**437,861**	8
September		402,650		397,134			**397,134**	9
October		392,783		379,463			**379,463**	10
November		355,420		340,745			**340,745**	11
December		330,484		320,275			**320,275**	12
TOTAL	**0**	**4,579,606**	**0**	**4,488,522**	**0**	**0**	**4,488,522**	13

Water Audit and Other Statistics

- Where possible, report actual metered values. If water uses are not metered, estimate values for each line based on best available information. For assistance, refer to AWWA M36 Manual ï Water Audits and Loss Control Programs.
- For unbilled, unmetered gallons (line 16), include water used for system operation and maintenance and water used for non-regulated sewer utility.
- If gallons estimated due to theft, data, and billing errors is unknown, multiply net gallons entering distribution system (line 3) by .0025.

Description (a)	Value (b)	
WATER AUDIT STATISTICS		1
Finished Water pumped or purchased (000s)	4,488,522	2
Less: Gallons (000s) sold to wholesale customers (exported water)	629,694	3
Subtotal: Net gallons (000s) entering distribution system	**3,858,828**	4
Less: Gallons (000s) sold to retail customers (billed, metered)	3532260	6
Less: Gallons (000s) sold to retail customers (billed, unmetered)	0	7
Gallons (000s) of Non-Revenue Water	**326,568**	8
Gallons (000s) of unbilled-metered (including customer use to prevent freezing)	500	9
Gallons (000s) of unbilled-unmetered (including unmetered flushing, fire protection)	16,583	10
Subtotal: Unbilled Authorized Consumption	**17,083**	11
Total Water Loss	**309,485**	12
Gallons (000s) estimated due to unauthorized consumption (includes theft) default option	772	14
Gallons (000s) estimated due to data and billing errors	7331	15
Gallons (000s) estimated due to customer meter under-registration	1,544	16
Subtotal Apparent Losses	**9,647**	17
Gallons (000s) estimated due to reported leakage (mains, services, hydrants, overflows)	19,104	18
Gallons (000s) estimated due to unreported and background leakage	280,734	19
Subtotal Real Losses (leakage)	**299,838**	20
Non-Revenue Water as percentage of net water supplied	8%	21
Total Water Loss as percentage of net water supplied	8%	22
OTHER STATISTICS		23
Maximum gallons (000s) pumped by all methods in any one day during reporting year	17,388	24
Date of maximum	07/19/2022	25
Cause of maximum		26
Seasonal demand and usage increase		27
Minimum gallons (000s) pumped by all methods in any one day during reporting year	7,102	28
Date of minimum	12/25/2022	29
Total KWH used by the utility (including pumping, treatment facilities and other utility operations)	6,507,125	30
If water is purchased:		31
Vendor Name		32
Point of Delivery		33
Source of purchased water		34
Vendor Name (2)		35
Point of Delivery (2)		36
Source of purchased water (2)		37
Vendor Name (3)		38
Point of Delivery (3)		39
Source of purchased water (3)		40
Number of main breaks repaired this year	35	41
Number of service breaks repaired this year	12	42
Does the utility have an asset management plan?	Yes	43

Water Audit and Other Statistics

- Where possible, report actual metered values. If water uses are not metered, estimate values for each line based on best available information. For assistance, refer to AWWA M36 Manual ï Water Audits and Loss Control Programs.
- For unbilled, unmetered gallons (line 16), include water used for system operation and maintenance and water used for non-regulated sewer utility.
- If gallons estimated due to theft, data, and billing errors is unknown, multiply net gallons entering distribution system (line 3) by .0025.

Sources of Water Supply - Well Information

- Enter characteristics for each of the utilityôs functional wells (regardless of whether it is ñin serviceò or not).
- Do not include abandoned wells on this schedule.
- All abandoned wells should be retired from the plant accounts and no longer listed in the utilityôs annual report.
- Abandoned wells should be permanently filled and sealed per Wisconsin Administrative codes Chapters NR811 and NR812.

- - - THIS SCHEDULE NOT APPLICABLE TO THIS UTILITY- - -

Sources of Water Supply - Intake Information

	Description (a)	Distance From Shore (feet) (b)	Depth Below Surface (feet) (c)	Diameter (inches) (d)	
	LAKE MICHIGAN 1	2,100	30	36	1
	LAKE MICHIGAN 2	5,000	46	30	2

Pumping & Power Equipment

	Pump							Pump Motor or Standby Engine				
Identification (a)	Location (b)	DNR Well Id (c)	Primary Purpose (d)	Primary Destination (e)	Year Installed (f)	Type (g)	Actual Capacity (gpm) (h)	Year Installed (i)	Year Actual Capacity Determined (j)	Type (k)	Horse-power (l)	
EE #1	4200 COUNTY RD OK		Booster	Distribution	2008	Centrifugal	350	2008	350	Electric	20	1
ERIE #1	4024 ERIE AVE		Booster	Distribution	2007	Centrifugal	4,200	2007	4000	Electric	200	2
ERIE #2	4024 ERIE AVE		Booster	Distribution	2007	Centrifugal	4,200	2007	4000	Electric	200	3
ERIE #3	4024 ERIE AVE		Booster	Distribution	2007	Centrifugal	4,200	2007	4000	Electric	200	4
ERIE GENERATOR	4024 ERIE AVE		Standby	Distribution	2007	Other	8,400	2007	8400	Natural Gas	500	5
GEORGIA #3	2935 GEORGIA AVE		Booster	Distribution	1971	Vertical Turbine	1,040	1971	1000	Electric	30	6
GEORGIA #4	2935 GEORGIA		Booster	Distribution	2000	Centrifugal	2,600	2008	2400	Electric	125	7
GEORGIA #5	2935 GEORGIA AVE		Booster	Distribution	2008	Centrifugal	5,000	2008	4800	Electric	200	8
GEORGIA #6	2935 GEORGIA AVE		Booster	Distribution	2019	Centrifugal	5,000	2019	4800	Electric	150	9
GEORGIA GENERATOR	2935 GEORGIA AVE		Standby	Distribution	2019	Other	5,000	2019	5000	Natural Gas	636	10
HIGH LIFT #1	72A PARK AVE HIGH LIFT		Primary	Distribution	1990	Centrifugal	10,069	1990	9999	Electric	700	11
HIGH LIFT #2	72A PARK AVE		Primary	Distribution	1937	Centrifugal	6,380	2005	5486	Electric	400	12
HIGH LIFT #3	72A PARK AVE HIGH LIFT		Primary	Distribution	1951	Centrifugal	6,800	2013	6180	Electric	350	13
HIGH LIFT #3 GAS	72A PARK AVE HIGH LIFT		Standby	Distribution	1951	Centrifugal	6,800	1990	6180	Natural Gas	400	14
HIGH LIFT #4	72A PARK AVE HIGH LIFT		Primary	Distribution	1990	Centrifugal	10,069	2004	9999	Electric	700	15
HIGH LIFT #4 GAS	72A PARK AVE		Standby	Distribution	1990	Centrifugal	10,069	1990	9999	Natural Gas	700	16
HIGH LIFT #5	72A PARK AVE HIGH LIFT		Primary	Distribution	1972	Centrifugal	10,000	2003	8900	Electric	700	17
LOW LIFT #6	72A PARK AVE LOW LIFT		Primary	Treatment	1980	Centrifugal	5,556	1992	5000	Electric	150	18
LOW LIFT #7	72A PARK AVE LOW LIFT		Standby	Treatment	1931	Centrifugal	8,400	1991	8000	Natural Gas	200	19
LOW LIFT #9	72A PARK AVE LOW LIFT		Primary	Treatment	1959	Centrifugal	9,000	2004	8700	Electric	150	20
LOWLIFT #8	72A PARK AVE LOW LIFT		Primary	Treatment	1991	Centrifugal	13,200	1991	9999	Electric	200	21

Pumping & Power Equipment

	Pump							Pump Motor or Standby Engine				
Identification (a)	Location (b)	DNR Well Id (c)	Primary Purpose (d)	Primary Destination (e)	Year Installed (f)	Type (g)	Actual Capacity (gpm) (h)	Year Installed (i)	Year Actual Capacity Determined (j)	Type (k)	Horse-power (l)	
PLANT GENERATOR	72A PARK AVE		Standby	Treatment	1991	Other	9,000	1991	9000	Natural Gas	375	22
WASH PUMP #10	72A PARK AVE WASH PUMP		Primary	Treatment	1959	Centrifugal	5,200	1959	5200	Electric	100	23
WASH PUMP 2 #11	72A PARK AVE WASH PUMP		Standby	Treatment	2013	Centrifugal	8,000	2013	8000	Electric	200	24
WILGUS #1	3169 WILGUS AVE		Booster	Distribution	1986	Centrifugal	250	1986	250	Electric	7	25
WILGUS #2	3169 WILGUS AVE		Booster	Distribution	1986	Centrifugal	650	2006	250	Electric	20	26
WILGUS #2 GAS	3169 WILGUS AVE		Standby	Distribution	1986	Centrifugal	650	2011	250	Natural Gas	30	27
WILGUS #3	3169 WILGUS AVE		Booster	Distribution	1986	Centrifugal	1,500	2011	650	Electric	60	28

Reservoirs, Standpipes and Elevated Tanks

Å Enter elevation difference between highest water level in Standpipe or Elevated Tank, (or Reservoir only on an elevated site) and the water main where the connection to the storage begins branching into the distribution system.

	Facility Name (a)	Facility ID Site Code (b)	Year Constructed (c)	Type (d)	Primary Material (e)	Elevation Difference in Feet (f)	Total Capacity In Gallons (g)	
1	EE TOWER	1	1989	Elevated Tank	Steel	146	500,000	1
2	ERIE - NORTH	4	2007	Reservoir	Concrete	60	3,000,000	2
3	ERIE - SOUTH	5	2007	Reservoir	Concrete	60	3,000,000	3
4	GEORGIA AVE STANDPIPE	2	1959	Standpipe	Steel	104	2,000,000	4
5	Horizon Drive Tower	6	2019	Elevated Tank	Steel	120	600,000	5
6	TAYLOR	3	1933	Elevated Tank	Steel	54	4,000,000	6

Water Treatment Plant

- Provide a generic description for (a). Do not give specific address of location.
- Please select all that apply for (d) and (e). If Other is selected please explain in Notes (h).
- Please identity the point of application for each treatment plant for (g). For example, please list each well or central treatment facility served by this unit.

Unit Description (a)	Year Constructed (b)	Rated Capacity (mgd) (c)	Disinfection (d)	Additional Treatment (e)	Fluoridated (f)	Point of Application (g)	Notes (h)	
EE TOWER	1989	500000	x Ultraviolet Light x Liquid Chlorine _ Gas Chlorine _ Ozone _ Other _ None	x Flocculation/Sedimentation x Sand Filtraton _ Activated Carbon Filtration _ Membrane Filtration _ Ion Exchange _ Iron/Manganese _ Nitrate Removal _ Radium Removal _ Corrosion _ Other	Yes	CENTRAL FACILITIES		1
ERIE AVE TWIN TANKS	2007	6000000	x Ultraviolet Light x Liquid Chlorine _ Gas Chlorine _ Ozone _ Other _ None	x Flocculation/Sedimentation x Sand Filtraton _ Activated Carbon Filtration _ Membrane Filtration _ Ion Exchange _ Iron/Manganese _ Nitrate Removal _ Radium Removal _ Corrosion _ Other	Yes	CENTRAL FACILITIES		2
GEORGIA AVE STANDPIPE	1959	2000000	x Ultraviolet Light x Liquid Chlorine _ Gas Chlorine _ Ozone _ Other _ None	x Flocculation/Sedimentation x Sand Filtraton _ Activated Carbon Filtration _ Membrane Filtration _ Ion Exchange _ Iron/Manganese _ Nitrate Removal _ Radium Removal _ Corrosion _ Other	Yes	CENTRAL FACILITIES		3
HORIZON TOWER	2019	600000	x Ultraviolet Light x Liquid Chlorine _ Gas Chlorine _ Ozone _ Other _ None	x Flocculation/Sedimentation x Sand Filtraton _ Activated Carbon Filtration _ Membrane Filtration _ Ion Exchange _ Iron/Manganese _ Nitrate Removal _ Radium Removal _ Corrosion _ Other	Yes	CENTRAL FACILITIES		4

Water Treatment Plant

- Provide a generic description for (a). Do not give specific address of location.
- Please select all that apply for (d) and (e). If Other is selected please explain in Notes (h).
- Please identity the point of application for each treatment plant for (g). For example, please list each well or central treatment facility served by this unit.

Unit Description (a)	Year Constructed (b)	Rated Capacity (mgd) (c)	Disinfection (d)	Additional Treatment (e)	Fluoridated (f)	Point of Application (g)	Notes (h)
TAYLOR	1933	4000000	x Ultraviolet Light x Liquid Chlorine _ Gas Chlorine _ Ozone _ Other _ None	x Flocculation/Sedimentation x Sand Filtraton _ Activated Carbon Filtration _ Membrane Filtration _ Ion Exchange _ Iron/Manganese _ Nitrate Removal _ Radium Removal _ Corrosion _ Other	Yes	CENTRAL FACILITIES	5

Water Mains

- Report mains separately by pipe material, function, diameter and either within or outside the municipal boundaries.
- Explain all reported adjustments as a schedule footnote.
- For main additions reported in column (e), as a schedule footnote:
  - Explain how the additions were funded.
  - Also report the amount assessed and the feet of main recorded under this method.
  - If installed by a developer, explain the basis of recording the cost of the additions, the total amount, and the feet of main recorded under this method.
- Report all pipe larger than 72òin diameter in the 72òcategory.

			Number of Feet					
Pipe Material (a)	Main Function (b)	Diameter (inches) (c)	First of Year (d)	Added During Year (e)	Retired During Year (f)	Adjustments Increase or (Decrease) (g)	End of Year (h)	
Other Metal	Distribution	1	204				**204**	1
Other Metal	Distribution	1 1/4	388				**388**	2
Other Metal	Distribution	1 1/2	185				**185**	3
Other Plastic	Distribution	2	85				**85**	4
Other Metal	Distribution	3	250				**250**	5
Other Metal	Distribution	4	24,593		56		**24,537**	6
PVC	Distribution	4	77				**77**	7
Other Metal	Distribution	6	441,519	33	435		**441,117**	8
PVC	Distribution	6	242	7			**249**	9
Other Metal	Distribution	8	172,281		2,388		**169,893**	10
PVC	Distribution	8	1,483	445			**1,928**	11
Other Metal	Distribution	10	38,515				**38,515**	12
PVC	Distribution	10	28				**28**	13
Other Metal	Distribution	12	216,775				**216,775**	14
PVC	Distribution	12	11,410	2,388			**13,798**	15
Other Metal	Distribution	14	5,639				**5,639**	16
Other Metal	Distribution	16	77,049				**77,049**	17
PVC	Distribution	16	44				**44**	18
Other Metal	Distribution	18	3,128				**3,128**	19
Concrete	Transmission	20	3,430				**3,430**	20
Other Metal	Distribution	20	29,069				**29,069**	21
Other Metal	Distribution	24	5,389				**5,389**	22
Other Metal	Transmission	24	22,216				**22,216**	23
Other Metal	Distribution	30	9,772				**9,772**	24
Other Metal	Transmission	30	12,605				**12,605**	25
Other Metal	Transmission	36	678				**678**	26
Total Within Municipality			**1,077,054**	**2,873**	**2,879**		**1,077,048**	27
Other Metal	Distribution	6	210				**210**	28
Other Metal	Distribution	8	3,552				**3,552**	29
Other Metal	Distribution	12	10,471				**10,471**	30
Other Metal	Distribution	16	2,833				**2,833**	31
PVC	Distribution	20	976				**976**	32
Other Metal	Transmission	30	680				**680**	33
Total Outside Municipality			**18,722**				**18,722**	34

Water Mains

- Report mains separately by pipe material, function, diameter and either within or outside the municipal boundaries.
- Explain all reported adjustments as a schedule footnote.
- For main additions reported in column (e), as a schedule footnote:
  - Explain how the additions were funded.
  - Also report the amount assessed and the feet of main recorded under this method.
  - If installed by a developer, explain the basis of recording the cost of the additions, the total amount, and the feet of main recorded under this method.
- Report all pipe larger than 72òin diameter in the 72òcategory.

			Number of Feet					
Pipe Material (a)	Main Function (b)	Diameter (inches) (c)	First of Year (d)	Added During Year (e)	Retired During Year (f)	Adjustments Increase or (Decrease) (g)	End of Year (h)	
Total Utility			**1,095,776**	**2,873**	**2,879**		**1,095,770**	35

Water Mains

- Report mains separately by pipe material, function, diameter and either within or outside the municipal boundaries.
- Explain all reported adjustments as a schedule footnote.
- For main additions reported in column (e), as a schedule footnote:
  - Explain how the additions were funded.
  - Also report the amount assessed and the feet of main recorded under this method.
  - If installed by a developer, explain the basis of recording the cost of the additions, the total amount, and the feet of main recorded under this method.
- Report all pipe larger than 72òin diameter in the 72òcategory.

Water Mains (Page W-21)

Added During Year total is greater than zero, please explain financing following the criteria listed in the schedule headnotes.

Water mains added during 2022 were financed by regular water revenues; new properties within city limits are assessed on street frontage at the rate stated in municipal code; properties outside city limits are assessed on street frontage at the rate stated in municipal code and deferred to the city for payment.

General Footnote

The Sheboygan Water Utility continues to update water main records into an electronic database using mapping software and systems. The use of mapping tools has enabled the utility to more accurately account for water main in the distribution system. Adjustments, if any, are the result of continued work on this project.

Utility-Owned Water Service Lines

- The utility's service line is the pipe from the main to and through the curb stop.
- Explain all reported adjustments as a schedule footnote.
- Report in column (h) the number of utility-owned service lines included in columns (g) which are temporarily shut off at the curb box or otherwise not in use at end of year.
- For service lines added during the year in column (d), as a schedule footnote:
  - Explain how the additions were financed.
  - If assessed against property owners, explain the basis of the assessments.
  - If installed by a property owner or developer, explain the basis of recording the cost of the additions, the total amount and the number of service lines recorded under this method.
  - If any were financed by application of Cz-1, provide the total amount recorded and the number of service lines recorded under this method.
- Report service lines separately by diameter and pipe materials.

Pipe Material (a)	Diameter (inches) (b)	First of Year (c)	Added During Year (d)	Removed or Permanently Disconnected During Year (e)	Adjustments Increase or (Decrease) (f)	End of Year (g)	NOT in Use at End of Year (h)	
Ductile Iron, Lined (late 1960's to present)	0.500	10			(2)	8		1
Galvanized	0.500	515		1	(37)	477		2
Lead	0.500	35			10	45		3
Copper	0.500	565			(36)	529		4
Other Plastic	0.500	111			4	115		5
Unlined Cast Iron (pre-early 1950's)	0.500	43			(31)	12		6
PVC	0.500	4			1	5		7
Unknown - May Contain Lead	0.500	1,800			(528)	1,272		8
Ductile Iron, Lined (late 1960's to present)	0.625	3			(3)	0		9
Galvanized	0.625	9			(4)	5		10
Lead	0.625	4,435		71	(350)	4,014		11
Copper	0.625	50			(16)	34		12
Other Plastic	0.625	38			49	87		13
Unknown - May Contain Lead	0.625	116			(92)	24		14
Ductile Iron, Lined (late 1960's to present)	0.750	47			(35)	12		15
Galvanized	0.750				3	3	*	16
Lead	0.750				8	8	*	17
Copper	0.750	6,709			(380)	6,329		18
Other Plastic	0.750	82			(29)	53		19
Unlined Cast Iron (pre-early 1950's)	0.750	10			(5)	5		20
Unknown - May Contain Lead	0.750	2,055			(1,083)	972		21
Ductile Iron, Lined (late 1960's to present)	1.000	14			(8)	6		22
Copper	1.000	1,652			(172)	1,480		23
Other Plastic	1.000	106	72		(78)	100	72	24
Unlined Cast Iron (pre-early 1950's)	1.000	5			(2)	3		25
Unknown - May Contain Lead	1.000	175			(39)	136		26
Ductile Iron, Lined (late 1960's to present)	1.500	12			(9)	3		27
Other Plastic	1.500	116			(14)	102		28
Unknown - May Contain Lead	1.500	1				1		29

Utility-Owned Water Service Lines

- Å The utility's service line is the pipe from the main to and through the curb stop.
- Å Explain all reported adjustments as a schedule footnote.
- Å Report in column (h) the number of utility-owned service lines included in columns (g) which are temporarily shut off at the curb box or otherwise not in use at end of year.
- Å For service lines added during the year in column (d), as a schedule footnote:
  - Ŭ Explain how the additions were financed.
  - Ŭ If assessed against property owners, explain the basis of the assessments.
  - Ŭ If installed by a property owner or developer, explain the basis of recording the cost of the additions, the total amount and the number of service lines recorded under this method.
  - Ŭ If any were financed by application of Cz-1, provide the total amount recorded and the number of service lines recorded under this method.
- Å Report service lines separately by diameter and pipe materials.

Ductile Iron, Lined (late 1960's to present)	2.000	13			(6)	7			30
Copper	2.000				1	1	*		31
Other Plastic	2.000	3				3			32
Unlined Cast Iron (pre-early 1950's)	2.000	2				2			33
Unknown - May Contain Lead	2.000	13			(13)	0			34
Unknown - Does Not Contain Lead	2.000				5	5	*		35
Ductile Iron, Lined (late 1960's to present)	2.500	1				1			36
Ductile Iron, Lined (late 1960's to present)	3.000	2				2			37
Lined Cast Iron (mide-1950's to early 1970)	3.000	3			(1)	2			38
PVC	3.000	1			(1)	0			39
Ductile Iron, Lined (late 1960's to present)	4.000	18			(4)	14			40
Unlined Cast Iron (pre-early 1950's)	4.000	26			(3)	23			41
Unknown - Does Not Contain Lead	4.000	4			(3)	1			42
Ductile Iron, Lined (late 1960's to present)	6.000	23			(9)	14			43
Unlined Cast Iron (pre-early 1950's)	6.000	19			(7)	12			44
PVC	6.000	2			1	3			45
Unknown - Does Not Contain Lead	6.000	28			(25)	3			46
Ductile Iron, Lined (late 1960's to present)	8.000	51			(23)	28			47
Unlined Cast Iron (pre-early 1950's)	8.000	26			(18)	8			48
PVC	8.000	9			(6)	3			49
Ductile Iron, Lined (late 1960's to present)	10.000	1				1			50
Unlined Cast Iron (pre-early 1950's)	10.000	4			(4)	0			51
Copper	12.000	1			(1)	0			52
Unlined Cast Iron (pre-early 1950's)	12.000	4				4			53
Unlined Cast Iron (pre-early 1950's)	30.000	1				1			54
Utility Total		**18,973**	**72**	**72**	**(2,995)**	**15,978**		**72**	55

Utility-Owned Water Service Lines

- Å The utility's service line is the pipe from the main to and through the curb stop.
- Å Explain all reported adjustments as a schedule footnote.
- Å Report in column (h) the number of utility-owned service lines included in columns (g) which are temporarily shut off at the curb box or otherwise not in use at end of year.
- Å For service lines added during the year in column (d), as a schedule footnote:
  - Ŭ Explain how the additions were financed.
  - Ŭ If assessed against property owners, explain the basis of the assessments.
  - Ŭ If installed by a property owner or developer, explain the basis of recording the cost of the additions, the total amount and the number of service lines recorded under this method.
  - Ŭ If any were financed by application of Cz-1, provide the total amount recorded and the number of service lines recorded under this method.
- Å Report service lines separately by diameter and pipe materials.

Utility-Owned Water Service Lines (Page W-22)

Additions are greater than zero AND Additions on both of the Plant in Service schedules (Account 345) are zero, please explain.

The Sheboygan Water Utility does not own any portion of water service lines in the City of Sheboygan. Water service lines from the water main to the meter setting are owned by property owners. Water service lines are not recorded as plant or assets on the utility's financial statements.

Additions are greater than zero, please explain financing by following criteria listed in the schedule headnotes.

Lead water service lines added in 2022 from the water main to the curb stop were financed by Sheboygan Water Utility Lead Water Service Replacement Program using a combination of 50% grant up to $6,000 and zero interest loans. The amount remaining after the grant may also be paid in full, or in part, by the property owner.

Adjustments are nonzero for one or more accounts, please explain.

The Sheboygan Water Utility does not own any portion of water service lines. Utility staff are working to identify water service line material and diameter. Adjustments are the result of on-going research and updating utility records as materials and/or diameter are identified through various methods. Sheboygan Water Utility made progress in identification of materials in 2022, as well as more accurate reporting of materials by removing duplicate records, and duplicate counts where one lateral feeds several meters.

General Footnote

Water service laterals counted for this report were obtained using utility records, plumber's records, and electronic databases. Because the utility does not own any portion of the lateral, there are a number of them where the material and/or diameter are unknown at this time. As of the date of this report, unknown total 2,412.

Retirements are greater than zero AND Retirements on both of the Plant in Service schedules (Account 345) are zero, please explain.

The Sheboygan Water Utility does not own any portion of water service lines in the City of Sheboygan. Water service lines from the water main to the meter setting are owned by property owners. Water service lines are not recorded as plant or assets on the utility's financial statements.

Meters

- Include in Columns (b-f) meters in stock as well as those in service.
- Report in Column (c) all meters purchased during the year and in Column (d) all meters junked, sold or otherwise permanently retired during the year.
- Use Column (e) to show correction to previously reported meter count because of inventory or property record corrections
- Totals by size in Column (f) should equal same size totals in Column (s).
- Explain all reported adjustments as schedule footnote.
- Do not include station meters in the meter inventory used to complete these tables.

Number of Utility-Owned Meters

Classification of All Meters at End of Year by Customers

Size of Meter	First of Year	Added During Year	Retired During Year	Adjust. Increase or Decrease	End of Year	Tested During Year	Residential	Commercial	Industrial	Public Authority	Multifamily Residential	Irrigation	Wholesale	Inter-Departmental	Utility Use	Additional Meters	In Stock	Total	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(0)	(p)	(q)	(r)	(s)	
3/4	19,136	1,800	1,865	(34)	19,037	1,167	17,066	904	53	16	106					47	845	**19,037**	1
1	402	10	1	(7)	404	20	53	239	25	29	37					11	10	**404**	2
1 1/2	241		0		241	49	5	80	14	26	79					7	30	**241**	3
2	234		2		232	49		71	32	39	55					9	26	**232**	4
3	58	11	0	(3)	66	19		19	8	10	18					2	9	**66**	5
4	20	3	0		23	14		3	8	2	1						9	**23**	6
6	8		0		8	8			7				1					**8**	7
8	5		0		5	5			3				2					**5**	8
10	2		0		2	2							2					**2**	9
Total	**20,106**	**1,824**	**1,868**	**(44)**	**20,018**	**1,333**	**17,124**	**1,316**	**150**	**122**	**296**		**5**			**76**	**929**	**20,018**	10

Meters

- Å Include in Columns (b-f) meters in stock as well as those in service.
- Å Report in Column (c) all meters purchased during the year and in Column (d) all meters junked, sold or otherwise permanently retired during the year.
- Å Use Column (e) to show correction to previously reported meter count because of inventory or property record corrections
- Å Totals by size in Column (f) should equal same size totals in Column (s).
- Å Explain all reported adjustments as schedule footnote.
- Å Do not include station meters in the meter inventory used to complete these tables.

1. Indicate your residential meter replacement schedule:

Meters tested once every 10 years and replaced as needed

X All meters replaced within 20 years of installation

Other schedule as approved by PSC

2. Indicate the method(s) used to read customer meters

X Manually - inside the premises or remote register (# of meter: 490)

X Automatic meter reading (AMR), drive or walk by technology, wand or touchpad (# of meter: 18599)

Advanced Metering Infrastructure (AMI) - fixed network

Other

Meters

- Å Include in Columns (b-f) meters in stock as well as those in service.
- Å Report in Column (c) all meters purchased during the year and in Column (d) all meters junked, sold or otherwise permanently retired during the year.
- Å Use Column (e) to show correction to previously reported meter count because of inventory or property record corrections
- Å Totals by size in Column (f) should equal same size totals in Column (s).
- Å Explain all reported adjustments as schedule footnote.
- Å Do not include station meters in the meter inventory used to complete these tables.

Meters (Page W-23)

Adjustments are nonzero for one or more meter sizes, please explain.

All adjustments are reclassifications made by the Utility to correct previously reported meter counts and/or inventory counts.

Wisconsin Administrative Code requires that meters 1 1/2 and 2 inches be tested or replaced every 4 years. You did not meet these requirements. Please explain your program for testing and replacing meters.

Remaining untested meters are less than 4 years old or were tested within the prior 4 year period.

Wisconsin Administrative Code requires that meters 3 and 4 inches be tested or replaced every 2 years. You did not meet these requirements. Please explain your program for testing and replacing meters.

Remaining untested meters are less than 2 years old or were tested within the prior 2 year period.

Hydrants and Distribution System Valves

- Distinguish between fire and flushing hydrants by lead size.
  - Fire hydrants normally have a lead size of 6 inches or greater.
  - Record as a flushing hydrant where the lead size is less than 6 inches or if pressure is inadequate to provide fire flow.
- Explain all reported adjustments in the schedule footnotes.
- Report fire hydrants as within or outside the municipal boundaries.
- Number of hydrants operated during year means: opened and water withdrawn.
- Number of distribution valves operated during year means: fully opened and closed (exercised).

Hydrant Type (a)	Number In Service First of Year (b)	Added During Year (c)	Removed During Year (d)	Adjustments Increase or (Decrease) (e)	Number In Service End of Year (f)	
Fire - Outside Municipality	**47**				**47**	1
Fire - Within Municipality	**2,031**	12	10		**2,033**	2
Total Fire Hydrants	**2,078**	**12**	**10**	**0**	**2,080**	3
Flushing Hydrants	**0**				**0**	4

NR810.13(2)(a) recommends that a schedule shall be adopted and followed for operating each system valve and hydrant at least once each two years. Please provide the number operated during the year.

Number of Hydrants operated during year	941
Number of Distribution System Valves end of year	3,294
Number of Distribution Valves operated during Year	436

List of All Station and Wholesale Meters

- Å Definition of Station Meter is any meter in service not used to measure customer consumption.
- Å Definition of Wholesale Meter is any meter used to measure sales to other utilities.
- Å Retail customer meters should not be included in this inventory.

	Purpose (a)	Meter Size (inches) (b)	Location or Description (c)	Type (d)	Date of Last Meter Test (e)	
1	Station Meter	>= 24-inch	High Lift (east)	Magnetic	11/08/2022	1
2	Station Meter	>= 24-inch	High Lift (west)	Magnetic	11/08/2022	2
3	Station Meter	>= 24-inch	Low Lift (east/west)	Magnetic	11/08/2022	3
4	Station Meter	>= 24-inch	Low Lift (south)	Magnetic	11/08/2022	4
5	Wholesale Meter	6	Kohler South 3925 Washington	Turbine	11/08/2022	5
6	Wholesale Meter	8	Kohler East 3400 Union Ave	Turbine	10/18/2022	6
7	Wholesale Meter	8	Kohler West 3400 Union Ave	Turbine	04/14/2022	7
8	Wholesale Meter	10	Kohler North 3207 Erie Ave	Magnetic	11/08/2022	8
9	Wholesale Meter	10	Sheboygan Falls 927 N Taylor	Turbine	11/08/2022	9

Water Conservation Programs

- Å List all water conservation-related expenditures for the reporting year. Include administrative costs, customer outreach and education, other program costs, and payments for rebates and other customer incentives. Do not include leak detection, other water loss program costs.
- Å If the Commission has approved conservation program expenses, these should be charged to Account 186. Otherwise, these expenses are reported in Account 906 on Schedule W-05 (Account 691 for class D utilities).

Item Description (a)	Expenditures (b)	Number of Rebates (c)	Water Savings Gallons (d)	
Administrative and General Expenses				1
Program Administration	0	0	0	2
Customer Outreach & Education	0	0	0	3
Other Program Costs	0	0	0	4
Total Administrative and General Expenses	**0**	**0**	**0**	5
Customer Incentives				6
Residential Toilets	0	0	0	7
Multifamily/Commercial Toilets	0	0	0	8
Faucets	0	0	0	9
Showerheads	0	0	0	10
Clothes Washers	0	0	0	11
Dishwashers	0	0	0	12
Smart Irrigation Controller	0	0	0	13
Commercial Pre-Rinse Spray Valves	0	0	0	14
Cost Sharing Projects (Nonresidential Customers)	0	0	0	15
Customer Water Audits	0	0	0	16
Other Incentives	0	0	0	17
Total Customer Incentives	**0**	**0**	**0**	18
TOTAL CONSERVATION	**0**	**0**	**0**	19

Water Customers Served

- List the number of customer accounts in each municipality for which your utility provides retail general service. Do not include wholesale customers or fire protection accounts.
- Per Wisconsin state statute, a city, village, town or sanitary district owning water plant or equipment may serve customers outside its corporate limits, including adjoining municipalities. For purposes of this schedule, customers located ñWithin Muni Boundaryò refers to those located inside the jurisdiction that owns the water utility.

Municipality (a)	Customers End of Year (b)	
Kohler (Village)	1	1
Sheboygan (City) **	18,958	2
Sheboygan Falls (City)	1	3
Sheboygan Falls (Town)	2	4
Total - Sheboygan County	**18,962**	5
Total - Customers Served	**18,962**	6
Total - Outside Muni Boundary	**4**	7
Total - Within Muni Boundary **	**18,958**	8

*** = Within municipal boundary*

Privately-Owned Water Service Lines

- Å The privately owned service line is the pipe from the curb stop to the meter.
- Å Explain all reported adjustments in columns(f) as a schedule footnote.
- Å Report in column (h) the number of privately-owned service lines included in column (g) which are temporarily shut off at the curb box or otherwise not in use at end of year.
- Å Separate reporting of service lines by diameter and pipe material.

Pipe Material (a)	Diameter (inches) (b)	First of Year (c)	Added During Year (d)	Removed or Permanently Disconnected During Year (e)	Adjustments Increase or (Decrease) (f)	End of Year (g)	Customer Owned Service Laterals Not in Use at End of Year (h)	Replaced During Year Using Financial Assistance from Utility (i)	
Galvanized	0.500	746		1	(71)	674			1
Lead	0.500	377			(13)	364			2
Copper	0.500	590			(72)	518			3
Other Plastic	0.500	72			11	83			4
Unlined Cast Iron (pre-early 1950's)	0.500				18	18		*	5
Unknown - May Contain Lead	0.500	1,214			(478)	736			6
Galvanized	0.625	4			(2)	2			7
Lead	0.625	4,719		67	(441)	4,211			8
Copper	0.625	50			(24)	26			9
Other Plastic	0.625	46			47	93			10
Unlined Cast Iron (pre-early 1950's)	0.625				5	5		*	11
Unknown - May Contain Lead	0.625	32			(22)	10			12
Ductile Iron, Lined (late 1960's to present)	0.750				12	12		*	13
Galvanized	0.750	34			(4)	30			14
Lead	0.750	347			(30)	317			15
Copper	0.750	7,162			(754)	6,408			16
Other Plastic	0.750	153			(33)	120			17
Unlined Cast Iron (pre-early 1950's)	0.750				5	5		*	18
Unknown - May Contain Lead	0.750	1,547			(733)	814			19
Ductile Iron, Lined (late 1960's to present)	1.000				6	6		*	20
Galvanized	1.000				1	1		*	21
Copper	1.000	1,187			(156)	1,031			22
Other Plastic	1.000	138	68		(78)	128		68	23
Unlined Cast Iron (pre-early 1950's)	1.000				2	2		*	24
Unknown - May Contain Lead	1.000	181			(58)	123			25
Ductile Iron, Lined (late 1960's to present)	1.500				3	3		*	26
Other Plastic	1.500	104			(7)	97			27
Unknown - May Contain Lead	1.500	19			(18)	1			28
Ductile Iron, Lined (late 1960's to present)	2.000				7	7		*	29
Copper	2.000	2			(1)	1			30
Other Plastic	2.000	3				3			31

Privately-Owned Water Service Lines

- Å The privately owned service line is the pipe from the curb stop to the meter.
- Å Explain all reported adjustments in columns(f) as a schedule footnote.
- Å Report in column (h) the number of privately-owned service lines included in column (g) which are temporarily shut off at the curb box or otherwise not in use at end of year.
- Å Separate reporting of service lines by diameter and pipe material.

Unlined Cast Iron (pre-early 1950's)	2.000				2	2	*	32
Unknown - May Contain Lead	2.000	21			(21)	0		33
Unknown - Does Not Contain Lead	2.000				5	5	*	34
Ductile Iron, Lined (late 1960's to present)	2.500				1	1	*	35
Ductile Iron, Lined (late 1960's to present)	3.000				2	2	*	36
Unlined Cast Iron (pre-early 1950's)	3.000				2	2	*	37
Unknown - May Contain Lead	3.000	5			(5)	0		38
Ductile Iron, Lined (late 1960's to present)	4.000				14	14	*	39
Unlined Cast Iron (pre-early 1950's)	4.000				22	22	*	40
Unknown - Does Not Contain Lead	4.000	48			(47)	1		41
Ductile Iron, Lined (late 1960's to present)	6.000				14	14	*	42
Unlined Cast Iron (pre-early 1950's)	6.000				12	12	*	43
PVC	6.000				3	3	*	44
Unknown - Does Not Contain Lead	6.000	72			(69)	3		45
Ductile Iron, Lined (late 1960's to present)	8.000	85			(61)	24		46
Unlined Cast Iron (pre-early 1950's)	8.000				8	8	*	47
PVC	8.000	2				2		48
Ductile Iron, Lined (late 1960's to present)	10.000	4			1	5		49
Unlined Cast Iron (pre-early 1950's)	10.000	1				1		50
PVC	10.000	2			1	3		51
Unlined Cast Iron (pre-early 1950's)	12.000	5			(1)	4		52
Unlined Cast Iron (pre-early 1950's)	30.000	1				1		53
Utility Total		**18,973**	**68**	**68**	**(2,995)**	**15,978**		54

Privately-Owned Water Service Lines

- The privately owned service line is the pipe from the curb stop to the meter.
- Explain all reported adjustments in columns(f) as a schedule footnote.
- Report in column (h) the number of privately-owned service lines included in column (g) which are temporarily shut off at the curb box or otherwise not in use at end of year.
- Separate reporting of service lines by diameter and pipe material.

Privately-Owned Water Service Lines (Page W-29)

General Footnote

The Sheboygan Water Utility does not own any portion of water service laterals in the City of Sheboygan. Property owners own the full length of water service laterals from the water main to the meter setting. Replacement of water service laterals that are not lead or galvanized are paid for by the property owner. Water service laterals that are lead or galvanized are funded by Sheboygan Water Utility Lead Water Service Lateral Replacement Program through a combination of 50% grant up to $6,000 and zero interest loans.

Utility staff are working to identify water service lateral material and diameter. Since Sheboygan Water Utility does not own any portion of the water service lateral, identification is challenging and will take several years. Adjustments are the result of on-going research and updating utility records as materials and diameter are identified through various methods. Sheboygan Water Utility made progress in identification of materials in 2022, as well as more accurate reporting of materials by removing duplicate records, and duplicate counts where one lateral feeds several meters.

Water service laterals counted for this report were obtained using utility records, plumber's records, and electronic databases. Because the utility does not own any portion of the lateral, there are a number of them where the material and/or diameter are unknown at this time. As of the date of this report, unknown total 1,693.

Water Residential Customer Data ï Disconnection, Arrears, and Tax Roll

- Å For disconnection notices sent to residential customers for non-payment, report only the 10-day disconnection notice (e.g., printed on bill, separate mailed notice, etc.) for residential customers, and do not count subsequent reminders, such as 5-day notices, door tags or other personal contact attempts.
- Å For residential customers, include any account that includes a service being used primarily for residential living, including multifamily residential.
- Å For residential arrears, include billed amounts past due and unpaid.
- Å For tax roll customers, report number of residential customers transferred to the tax roll as required by Wis. Stat. Ä 66.0809.
- Å For tax roll arrears, report dollar amount of residential arrears transferred to the tax roll as required by Wis. Stat. Ä 66.0809.

	Description (a)	Amount (b)
Disconnections		
1.	Total number of disconnection notices sent to residential customers for non-payment during the year	919
2.	Total number of residential disconnections of service performed for non-payment during the year	85
Arrears		
1.	Total number of residential customers with arrears as of March 31	1,744
2.	Total dollar amount of residential customer arrears as of March 31	81,203
3.	Total number of residential customers with arrears as of June 30	1,781
4.	Total dollar amount of residential customer arrears as of June 30	91,612
5.	Total number of residential customers with arrears as of September 30	1,936
6.	Total dollar amount of residential customer arrears as of September 30	108,652
7.	Total number of residential customers with arrears as of December 31	2,666
8.	Total dollar amount of residential customer arrears as of December 31	60,311
Tax Roll		
1.	Total number of residential customers with arrears placed on the tax roll	1,151
2.	Total dollar amount of residential arrears placed on the tax roll	102,658
	Footnotes	**No**

II

R. O. No. 14 - 23 - 24. MEAD PUBLIC LIBRARY BOARD OF TRUSTEES.
June 5, 2023.

Submitting a Resolution in recognition of the service of Amanda Salazar to Mead Public Library.

MEAD PUBLIC LIBRARY BOARD OF TRUSTEES

MEAD LIBRARY

A RESOLUTION in recognition of the service of **Amanda Salazar** to Mead Public Library.

WHEREAS, **Amanda Salazar** was first appointed to the Library Board in July 2021, and

WHEREAS, **Amanda Salazar** helped maintain positive relationships with city officials on behalf of the library while serving as the liaison to the Sheboygan Common Council, and

WHEREAS, **Amanda Salazar** participated diligently as a member of the Finance Committee and Marketing/Services Committee, and

WHEREAS, **Amanda Salazar** helped secure pay increases for city workers, which in turn had a positive impact on library staff, and

WHEREAS, **Amanda Salazar** was an advocate for Mead Public Library's vision of creating a vibrant, informed and cohesive community, and

WHEREAS, **Amanda Salazar** served as a model for the conduct of the responsibilities of a Library Trustee in a well-informed and reasoned manner, and

WHEREAS, **Amanda Salazar** took seriously her responsibilities as a board member and worked conscientiously for the benefit of the citizens of Sheboygan, and

NOW THEREFORE BE IT RESOLVED that the Mead Public Library Board does hereby publicly commend **Amanda Salazar** for the time and attention she so generously devoted to her responsibilities as a Trustee. The Board thanks her for her commitment in serving as a Mead Public Library Trustee and recognizes her service through designation of appropriate book titles for purchase in her honor. The Mead Public Library wishes her all the best following her service to Sheboygan residents as a Library Trustee.

Dated this 25th day of May, 2023

Garrett Erickson Library Director

Maeve Quinn Board President

II

R. O. No. 13 - 23 - 24. MEAD PUBLIC LIBRARY BOARD OF TRUSTEES.
June 5, 2023.

Submitting a Resolution in memory of the late Chris Campe and her 10 years of service to Mead Public Library.

MEAD PUBLIC LIBRARY BOARD OF TRUSTEES

MEAD LIBRARY

A RESOLUTION in memory of the late **Chris Campe** and her 10 years of service to Mead Public Library.

WHEREAS, **Chris Campe** was first appointed to the Mead Public Library Board of Trustees in May 2013 and served in that role until May 2023, and

WHEREAS, **Chris Campe** helped maintain positive relationships with Sheboygan Area School District officials on behalf of the library while serving as the liaison between the school district and library, and

WHEREAS, **Chris Campe** participated diligently as a member of multiple standing committees, including mostly recently serving as chair of the Marketing/Services Committee, along with numerous ad hoc committees, and

WHEREAS, **Chris Campe** was an advocate for Mead Public Library's vision of creating a vibrant, informed and cohesive community, and

WHEREAS, **Chris Campe** strived to uphold Mead Public Library's core value of inclusiveness, and

WHEREAS, **Chris Campe** served as a model for the conduct of the responsibilities of a Library Trustee in a well-informed and reasoned manner, and

WHEREAS, **Chris Campe** took seriously her responsibilities as a board member and worked conscientiously for the benefit of the citizens of Sheboygan, and

NOW THEREFORE BE IT RESOLVED that the Mead Public Library Board does hereby publicly commend **Chris Campe** for the time and attention she so generously devoted to her responsibilities as a Trustee. Her hard work, leadership and dedication contributed to the excellent reputation that Mead Public Library enjoys in the community.

Dated this 25th day of May, 2023

Garrett Erickson Library Director

Maeve Quinn Board President

II

R. O. No. 10 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting an application for private well permit from Dennis Beske located at 2612 Mill Road.

_____

CITY CLERK

No. 231176

APPLICATION FOR PRIVATE WELL PERMIT

Sheboygan, Wisconsin Original Application Date: 05/17/2023

Parcel: 657787

1. Location of Structure 2612 MILL RD

2. Owner BESKE, DENNIS D Phone _____

   Address 2612 MILL RD SHEBOYGAN, WI 53083-2042

1. Is property served by public water system? Yes ____ No ____

2. Well and pump installation must meet the requirements of Chapter NR 112, Wisconsin Administrative Code, and a letter from a licensed well and pump installer must accompany the application, which provides that the well meets the requirements of NR 112, Wisconsin Administrative Code.

3. List proposed use of well: Outside faucets - Lawn Irrigation

4. Duration of permit requested (not to exceed 5 years): 5 years

Note: Report indicating well produces safe water as evidenced by one (1) sampling must accompany the application.

The Applicant recognizes the following:

1. The granting of this permit does not mean that the City has determined that the well or water taken from it are safe or in conformity with any rules or regulations thereon.

2. The City is not responsible for the maintenance of the well or for informing the owner of new or existing regulations pertaining thereto.

3. The City assumes no responsibility in regards to monitoring water taken from it.

4. This Well Operation Permit is only valid for five (5) years from its being granted, except as provided for above.

THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO THE TERMS AND CONDITIONS SPECIFIED ABOVE.

_____ Date: 5/17/23
Applicant's Signature

DATE CITY PLUMBING INSPECTOR INSPECTED TO VERIFY NO CROSS CONNECTION BETWEEN PIPING OF THE PUBLIC WATER SYSTEM AND THE PRIVATE WELL.

_____ Date: 5/17/23
Plumbing Inspector

DATE PRESENTED TO THE COMMON COUNCIL: / /

APPROVED: ____ DENIED: ____

State of Wisconsin
Department of Natural Resources
dnr.wisconsin.gov

Property Transfer Well and Pressure System Insp

Form 3300-221 (R 08/21)

Notice: Pursuant to ch. 280, Wis. Stats., and ch. NR 812, Wis. Adm. Code, this form shall be used to document any well and pressure system inspection conducted as part of a property transfer. Inspections are voluntary, and well owners are not required to bring systems into compliance as a result of the inspection. Inspectors must provide the completed form to the requester of the inspection. Do not send forms to DNR.

Contact Information

Inspection Requested By			Telephone Number
Patty Beske			920-254-9185
Mailing Address	**City**	**State**	**ZIP Code**
2612 Mill Rd	Sheboygan	WI	53083
Well Owner's Name			**Telephone Number**
Patty Beske			920-254-9185
Mailing Address	**City**	**State**	**ZIP Code**
2612 Mill Rd	Sheboygan	WI	53083

Property Location

Fire Number	Street or Road		County
2612	Mill Rd	○ City ○ Town ○ Village of Sheboygan	Sheboygan

¼ ¼	¼	Section	Township	Range	Latitude (DD, ex. 44.444)	Longitude (DD, ex. -89.999)	WUWN
SW	NE	9	15 N	23 E ○ W ○	43.78586	-87.7421	

Identified noncomplying features (noted below with a check mark)

1. ☐ Unused Well
2. ☐ Stovepipe or Thin-Walled Well Casing
3. ☐ Dug Well
4. ☐ Buried Suction Line
5. ☐ Alcove (Subsurface Pumproom) or Pit
6. ☐ Non-Walkout Basement or Below-Grade Crawl Space Well
7. ☐ Poor Well Casing Pipe Condition
8. ☐ Contamination Source less than minimum separation distance from well: _____
9. ☐ Well in Floodway or Flood Fringe
10. ☐ Well at Risk from Localized Flooding
11. ☐ Cross-Connection
12. ☐ Driven Point Well < 25 well casing pipe or installed after 1-31-1991 with no well construction report
13. ☐ Nonpressure Conduit
14. ☐ Hand Pump
15. ☐ Offset Pump or Piping Height Above Basement Floor
16. ☐ Yard Hydrant
17. ☐ Materials for Pump and Supply Piping
18. ☐ Flowing Well Installation
19. ☐ Check Valve Location
20. ☐ Well Cap or Seal
21. ☐ Casing Height
22. ☐ Electrical Wires at Wellhead Not Enclosed in Conduit
23. ☐ Sample Faucet is Missing or Noncomplying
24. ☐ Casing less than 6" in diameter for a well terminating in limestone, dolomite, shale, quartz or granite
25. ☐ Extreme Health/Safety Hazard

Comments

- ☐ Evidence of Some Corrosion on Well Casing Pipe
- ☐ Inaccessible or Difficult Location for Future Well Work
- ☐ Inaccessible or Difficult Location for Future Pump Work
- ☐ Unable to confirm whether well terminates in limestone, dolomite, shale, quartz or granite
- ☐ Pre-1979 Two-Wire Submersible Pump
- ☐ Pre-1991 Driven Point Pipe Depth < 25 feet
- ☐ Well Construction Report Not on File or Unlocatable
- ☐ Well Located in Special Well Casing Depth Area
- ☐ Non-Vermin-Proof Well Cap or Well Seal
- ☐ Other: _____

Compliance Determination

Based on my personal inspection of the real property, the well and pressure system: (check one)

- ◉ **Complies** with NR 812, Wis. Adm. Code
- ○ **Does not Comply** with NR 812, Wis. Adm. Code
- ○ **Complies** with NR 812, Wis. Adm. Code, except that a more comprehensive search or additional research is needed to evaluate potential violations that may exist but are not fully identifiable as part of the basic visual inspection, such as:
  - ☐ an unused well ☐ floodway/floodplain ☐ contamination source
  - ☐ other: _____

This form lists the visible conditions of the well and pressure system on the property at the time of inspection and does not imply or give any guarantee. Some features such as well cap, casing height or nonpressure conduit may comply for purposes of this inspection, but may require an upgrade the next time work is done on the well or pressure system.

Printed Name of Licensed Water Well Driller or Pump Installer	Individual License #	Telephone Number
Tyler J. Hyink	#3854	920-467-0566
Signature of Licensed Water Well Driller or Pump Installer		**Date**
Tyler J. Hyink		5/5/2023

Clean Water Testing

1990 Prospect Ct., Appleton, WI 54914 * 800-801-7590

HYINK WELL DRILLING, INC.
N6250 Alpine Rd
SHEBOYGAN FALLS, WI 53085

Home Owner PATTY BESKE
Well ID/Address 2612 MILL RD
Well City SHEBOYGAN, WI 53083
Sample Location PRESSURE TANK
Lab # 614508
Collected By/Date TYLER 05/05/2023

Report Date *09-May-23*

Analyte	Result	Units	LOD	LOQ	Dil	Dig Date	Run Date	Mthd	Analyst	QC Code
Inorganic										
General										
Nitrate Nitrogen	**None Detected**	mg/l	0.08	0.27	1		05/06/2023	4500F	AK	1
NITRATE (as NO3+NO2)…A small amount of nitrate may be natural; however, elevated levels are an indication of nutrients entering the groundwater due to human activity. The maximum contaminant level set by the EPA is 10 mg/L (part per million).										
Metals										
Arsenic, Total	**1.7**	ug/l	0.8	2.7	1		05/09/2023	3113B	AS	1
(as total As) Elevated arsenic levels are believed to cause skin cancer, and blood and nervous system disorders. The EPA and the WI DNR consider levels above 10 ug/L (parts per billion) in drinking water harmful.										
Organic										
Coliform and E-coli Bacteria										
E-coli	**None Detected**	mpn	1	1	1		05/08/2023	9223B	JM	1
E-COLI BACTERIA - Found in human and animal waste. The presence of E-coli is an indication of septic contamination, barnyard runoff, or another direct source of waste entering the drinking water system. RESULT– ABSENT - No E-coli bacteria were detected in this sample.										
Coliform	**None Detected**	mpn	1	1	1		05/08/2023	9223B	JM	1
COLIFORM BACTERIA…Coliform bacteria are very common in the open environment. They can be found in the soil and in surface water. However, any detection of coliform bacteria colonies in drinking water is unnatural. RESULT - Coliform bacteria were ABSENT in this sample. No Coliform bacteria were found in this sample. NOTE: The absence of bacteria does not necessarily mean that other pollutants are not present in the water. If you are concerned about other contaminants, further testing will be necessary.										

LOD Limit of Detection None Detected = Result was less than the LOD LOQ Limit of Quantitation

Code	*Comment*
1	All laboratory QC requirements were met for this sample.

Laboratory Director Matthew Stowe

INSPECTION FIELD SHEET 05/17/23
Printed by SCOTT WINTER 13:04:44

INSPECTION: 61241 PLUMBING WELL INSPECTION

LOC: 2612 MILL RD
SHEBOYGAN

PROPERTY ID: 657787

OWNER: BESKE, DENNIS D.

CONTRACTOR: _____

REQUEST BY: _____

WORK ORDER:

INSPECTOR:	107	RESULT:	CONDITIONALLY APPROVED
REQUESTED:		PRIORITY:	
SCHEDULED:	05/17/23 10:00	COMPLETED:	05/17/23 10:21:38
UNPAID FEES:	.00		Date Time
MILEAGE:	.00	TIME: TRAVEL	ONSITE

COMMENTS:

From mobile - SCOTT WINTER 920-459-4081 - 05/17/2023 10:21:32
5/17/2023 - Inspected water system. There is no cross connection between City water and the private water supply present.

R. C. No. 20 - 23 - 24. By LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE. June 5, 2023.

Your Committee to whom was referred R. O. No. 6-23-24 by City Clerk submitting various license applications; recommends granting the applications with caveats (*)(**):

CHANGE OF AGENT

Lisa McIntyre is replacing Frank D. Gonzales as agent effective immediately for Applebee's Neighborhood Grill located at 526 S. Taylor Drive.

CHANGE OF AGENT

Anthony Marx is replacing Mary Beth Mueller as agent effective immediately for CVS Pharmacy #10549 located at 1108 N. 14th Street.

CHANGE OF AGENT

Tracy J. Couch is replacing Laurie A. Holtz as agent effective immediately for Speedup 7 located at 1006 Geele Avenue.

CHANGE OF AGENT

Tracy J. Couch is replacing Laurie A. Holtz as agent effective immediately for Speedup 11 located at 1211 Weeden Creek Road.

SIDEWALK CAFE (April 14, 2024)

No.	Name	Address
3412	Local Press Eatery	502 S. 8th Street

CHANGE OF PREMISE

No.	Name	Address
1926	Il Ritrovo	515 S. 8th Street - One day event to be held 6/6/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb

	of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 6/13/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 6/20/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 6/27/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 7/11/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner

	of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 7/18/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 7/25/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 8/1/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.

1926 Il Ritrovo	515 S. 8th Street - One day event to be held 8/8/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 8/15/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 6/6/23: to include temporarily add to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St. the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west Corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.
1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 6/13/23: to include temporarily add to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St.

	the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.
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1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 8/1/23: to include temporarily add

	to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St. the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.
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3412 Local Press Eatery	502 S. 8th Street - one day event to be

	held 6/6/23: to include temporarily add to the existing premises the area within the following 4 points: the north east corner of the existing premise, the south East corner of the existing premise, the point at the center of 8th street east of the south east corner of the existing premises, and the center of 8th street where 8th meets Pennsylvania Avenue's South edge.
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	South edge.
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3412 Local Press Eatery	502 S. 8th Street - one day event to be held 8/15/23: to include temporarily add to the existing premises the area within the following 4 points: the north east corner of the existing premise, the south East corner of the existing premise, the point at the center of 8th street east of the south east corner of the existing premises, and the center of 8th street where 8th meets Pennsylvania Avenue's South edge.

"CLASS A" LIQUOR LICENSE (June 30, 2024) (NEW)

No.	Name	Address
**3596	SSS Wisconsin LLC (SQRL Service Station #713)	2235 North Avenue
**3597	SSS Wisconsin LLC (SQRL Service Station #716)	3715 Washington Avenue

"CLASS A" LIQUOR LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3132	Ultimate Mart LLC Owned by Roundy (Pick 'N Save #432)	1317 N. 25th Street
3245	Skogen's Foodliner, Inc. (Festival Foods)	595 S. Taylor Drive

*2423	Wal-Mart Stores East LP (Wal-Mart Supercenter #1276)	3711 S. Taylor Drive

CLASS "A" FERMENTED MALT BEVERAGE LICENSE (June 30, 2023) (RENEW)

No.	Name	Address
3476	Meharjot Investment LLC (Gill C-Store)	610 S. 14th Street
3586	BPB Convenience Stores LLC (J Mart 5)	1441 N. 26th Street
3287	Sheboygan Minimart LLC (Sheboygan BP)	1030 S. 14th Street
2984	Jai Marketing LLC (Everest Enterprises)	1710 Indiana Avenue

CLASS "A" BEER/"CLASS A" CIDER ONLY LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3147	Wisconsin CVS Pharmacy, LLC (CVS Pharmacy #10549)	1108 N. 14th Street
*3526	Fast Fill Inc. (Fast Fill)	1508 S. 8th Street
3522	Speedup 7 LLC (Speedup 7)	1006 Geele Avenue
3525	Speedup 11 LLC (Speedup 11)	1211 Weeden Creek Road
2920	Kwik Trip Inc. (Kwik Trip #873)	625 S. Taylor Drive
2763	Kwik Trip Inc. (Kwik Trip #897)	2033 North Avenue
1998	Kwik Trip Inc. (Kwik Trip #780)	2622 S. Business Drive
3520	Kwik Trip Inc. (Kwil Trip #1138)	1526 Broadway Avenue

1193	Kwik Trip Inc. (Kwik Trip #361)	1618 Calumet Drive

"CLASS B" LIQUOR LICENSE (June 30, 2024)(RENEW)

No.	Name	Address
3423	Wisconsin Apple LLC (Applebee's Neighborhood Grill)	526 S. Taylor Drive
2762	Markevitch's Braveheart Pub LLC (Braveheart Pub)	2120 Calumet Drive
2100	Final Quest LLC (Whats Up)	1635 Michigan Avenue
3404	Sheboygan Scenic Bar LLC (Scenic Bar)	1635 Indiana Avenue
3086	Las Brisas LLC (Las Brisas)	1129 S. 8th Street
1353	Sheboygan Yacht Club Inc. (Sheboygan Yacht Club)	214 Pennsylvania Avenue
1199	Playdium Lanes Of Sheboygan, Inc. (Lakeshore Lanes)	2519 S. Business Drive
3373	Union Tap Bar LLC (Union Tap Bar)	1401 Union Avenue
3504	Screamers II LLC (Screamers II)	2201 N. 15th Street
1799	James T. Passmore (George Michaels)	513 N. 8th Street
3146	Bump's Grill Tavern LLC (Bumps Grill Tavern)	1902 S. 12th Street
2020	Terry A Lawrence (Terrys)	1028 Lincoln Avenue
3389	Al & Al's Inc. (Al & Al's)	1502 S. 12th Street

2207	Silver Fern LLC (The Silver Fern)	2538 N. 15th Street
3119	Sheboygan Entertainment LLC (Vibez Bar)	2513 S. 8th Street
3087	Santana's Place LLC (Santanas Place)	1019 Erie Avenue
1525	Shar Inc. (Fountain Park Lounge)	922 N. 8th Street
1303	Richard W Rupp Inc. (Rupps Downtown)	925 N. 8th Street
2740	Pog Mo Thione, LTD (Mannings Irish Pub)	3015 N. 15th Street
2563	DTG LLC (Penn Ave Pub)	827 Pennsylvania Avenue
1699	Erin M Hutton (On The House)	1153 High Avenue
1267	Richard C Lambrecht (Poor Richards)	1105 Geele Avenue
1252	Stanley J Petek (Peteks Tavern)	2702 S. 8th Street
3576	South Pier Hospitality Group LLC (Driftwood)	518 South Pier Drive
1892	1909 Union Avenue Inc. (The Northwestern House)	1909 Union Avenue
3333	Kohler Company (Kohler Company)	Golf Course
3271	Sheboygan Tavern Enterprises LLC (Limelight Pub)	1702 S. 17th Street
3427	Pacific Grill 3 LLC (Pacifico Mexican Bar and Grill)	820 Indiana Avenue
3162	K & M Solutions LLC (Sundance Saloon)	1509 S. 12th Street

3325	Power Pubs LLC (Sheboygan Biergarten)	511 Kiwanis Park Drive
3478	Bar 9 LLC (Bar 9)	1034 Michigan Avenue
1346	Sheboygan Pine Club Inc. (CLUB) (Sheboygan Pine Club)	1716 Geele Avenue
1286	Riverside Boat Club Inc. (CLUB) (Sheboygan Riverside Boat Club)	1228A Wisconsin Avenue
2840	4th Street Tap LLC (4th Street Tap)	520 N. 4th Street
3254	Bookworm Gardens Inc. (Bookworm Gardens)	1415 Campus Drive
2849	Hops Haven LLC (Hops Haven)	1327 N. 14th Street
3448	Sheboygan Axe Bar LLC (Longhouse Axe Bar)	1133 Indiana Avenue
1226	Judith A Meyer (Meyers Lakeview Pub)	550 Wilson Avenue
3217	Viand Hospitality LLC (Parker Johns BBQ & Pizza)	705 Riverfront Drive
1411	Tommys Inc. (Tommys Bar)	2335 N. 15th Street
2566	Joseph M Brost (That Place On 8th)	1432 S. 8th Street
1420	Sheboygan Memorial Post #9156 (VFW Post 9156)	552 S. Evans Street

CLASS "B" BEER LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
1328	Sheboygan Athletic Club Inc. (Sheboygan Athletic Club)	2338 New Jersey Avenue

3362	Jai Marketing LLC (Jay's)	1710 Indiana Avenue
3407	Two Fingers LLC (Taqueria Sheboygan)	1410 Indiana Avenue
3587	BPB Convenience Stores LLC (Monte's Bar and Grill)	1441 N. 26th Street
2706	Faye's Pizza LLC (Fayes Pizza)	1821 Calumet Drive

"CLASS C" LICENSE (June 30, 2024) (RENEW)

3407	Two Fingers LLC (Taqueria Sheboygan)	1410 Indiana Avenue
3587	BPB Convenience Stores LLC (Monte's Bar and Grill)	1441 N. 26th Street
2706	Faye's Pizza LLC (Fayes Pizza)	1821 Calumet Drive

CIGARETTE/TOBACCO (June 30, 2024) (RENEW)

No.	Name	Address
2895	Superior Discount Liquor	823 S. 8th Street
3387	Sheboygan Vapor LLC	3116 S. Business Drive
*2889	Family Dollar #25587	2821 N. 15th Street
3043	SR Tobacco Sheboygan	2529 S. Business Drive

*Grant with warning
**Grant as Class "A" Beer and Cider Only

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

II

R. O. No. 6 - 23 - 24. By CITY CLERK. May 15, 2023.

Submitting various license applications.

City Clerk

CHANGE OF AGENT

Lisa McIntyre is replacing Frank D. Gonzales as agent effective immediately for Applebee's Neighborhood Grill located at 526 S. Taylor Drive.

CHANGE OF AGENT

Anthony Marx is replacing Mary Beth Mueller as agent effective immediately for CVS Pharmacy #10549 located at 1108 N. 14th Street.

CHANGE OF AGENT

Tracy J. Couch is replacing Laurie A. Holtz as agent effective immediately for Speedup 7 located at 1006 Geele Avenue.

CHANGE OF AGENT

Tracy J. Couch is replacing Laurie A. Holtz as agent effective immediately for Speedup 11 located at 1211 Weeden Creek Road.

SIDEWALK CAFE (April 14, 2024)

No.	Name	Address
3412	Local Press Eatery	502 S. 8th Street

CHANGE OF PREMISE

No.	Name	Address
1926	Il Ritrovo	515 S. 8th Street - One day event to be held 6/6/23: to include temporarily add to the existing premises the area within the

LHPS 5-24-23 Grant with comments: #2889, #3526, #2423 with warning, #3596 (Grant Class "A" Beer & Cider only) #3597 (Grant Class "A" Beer & Cider only)

	following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 6/13/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 6/20/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 6/27/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.

1926 Il Ritrovo	515 S. 8th Street - One day event to be held 7/11/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 7/18/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 7/25/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 8/1/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the

	point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 8/8/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1926 Il Ritrovo	515 S. 8th Street - One day event to be held 8/15/23: to include temporarily add to the existing premises the area within the following 4 points: The north west corner of the existing premise, the south west corner of the existing premises, the point on the west curb of 8th street west of the south west corner of the existing premises, and the point on the west curb of 8th street west of the north west corner of the existing premises.
1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 6/6/23: to include temporarily add to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St. the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west Corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.

1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 6/13/23: to include temporarily add to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St. the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.
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	premise to the described addition.
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1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 7/25/23: to include temporarily add to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St. the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th

	Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.
1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 8/1/23: to include temporarily add to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St. the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.
1412 Trattoria Stefano	522 S. 8th Street - One day event to be held 8/8/23: to include temporarily add to the existing premises the area within the following 4 points: The south west corner of the building at 515 S. 8th St. the north west corner of the building at 511 S. 8th Street, the point on the west curb of 8th Street west of the south west corner of the building at 515 S. 8th Street, and the point on the west curb of 8th Street, west of the north west corner of the building at 511 S. 8th Street. Also include the sidewalk on the West side of 8th Street from the existing premise to the described addition.
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	East corner of the existing premise, the point at the center of 8th street east of the south east corner of the existing premises, and the center of 8th street where 8th meets Pennsylvania Avenue's South edge.
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3043	SR Tobacco Sheboygan	2529 S. Business Drive

IX

R. C. No. 21 - 23 - 24. By PUBLIC WORKS COMMITTEE. June 5, 2023.

Your Committee to whom was referred Gen. Ord. No. 2-23-24 by Alderpersons Dekker and Rust creating a no parking zone on the east side of South 12th Street north of Kentucky Avenue; recommends adopting the Ordinance.

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

Gen. Ord. No. 2 - 23 - 24. By Alderperson Dekker and Rust. May 15, 2023.

AN ORDINANCE creating a no parking zone on the east side of South 12th Street north of Kentucky Avenue.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Pursuant to Section 118-126 of the Municipal Code entitled "Prohibitions and Restrictions Authorized," the east side of South 12th Street from 60 feet north of the north curb line of Kentucky Avenue to 95 feet north of the north curb line of Kentucky Avenue is hereby added to the list of locations where parking is not permitted.

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to install the signs to give notification of the aforementioned parking restriction.

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Public Works

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

VII

R. C. No. 22 - 23 - 24. By LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE. June 5, 2023.

Your Committee to whom was referred pursuant to R. O. No. 3-23-24 by City Clerk submitting various license applications; recommends granting the following license applications with caveats (*):

CHANGE OF AGENT

Justin Colby is replacing Krisi Kaiser as agent effective immediately for Lushlounge located at 1133 Michigan Avenue.
*Grant with warning

"CLASS A" LIQUOR LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
2929	Aldi Inc. Wisconsin (Aldi #94)	919 S. Taylor Drive
3357	Aneek Inc. (Alex's Corner Market)	723 Center Avenue
2532	Fischer's Food & Liquor LLC (Fischer's Food & Liquor)	4554 S. 12th Street
3381	Meijer Stores Limited Partnership (Meijer Store #305)	924 N. Taylor Drive
2820	Superior Discount Liquors, Inc. (Superior Discount Liquors)	823 S. 8th Street
2702	Oneguide, Inc. (Tietz's Piggly Wiggly #331)	2905 N. 15th Street
3214	Oneguide, Inc. (Tietz's Piggly Wiggly #332)	3124 S. Business Drive
3517	Union Asian Market LLC (Union Asian Market)	2022 S. 17th Street
3553	Watershed Hotel Group LLC (Watershed Hotel)	838 N. 15th Street

CLASS "A" BEER/"CLASS A" CIDER ONLY LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3192	Founders Three Management Company (Harbor Centre Marina)	821 Broughton Drive

3382	Meijer Stores Limited Partnership (Meijer Gas Station #305)	902 N. Taylor Drive
3523	Speedup 9 LLC (Speedup 9)	1230 N. Taylor Drive
2710	Vish LLC (The Pig Stop)	2917 N. 15th Street

CLASS "A" FERMENTED MALT BEVERAGE LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3447	Krishna 1 Petroleum LLC (Fountain Park Stop-N-Go)	905 Erie Avenue

"CLASS B" LIQUOR LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3461	HCM Hospitality LLC (Bar 43 At Harbor Centre Marina)	821 Broughton Drive
1936	Catering With Culinary Artists (Black Pig)	821 N. 8th Street
1040	Tankard Inc. (Brennans On Michigan)	1101 Michigan Avenue
3150	The Brew Hub LLC (Craft 30)	908 Michigan Avenue
1089	Daves Whos Inn Inc. (Daves Whos Inn)	835 Indiana Avenue

*Grant with letter explaining continuation of conditions

3515	Sack Realty LLC (Dog House)	2123 N. 15th Street
1516	Wayne H Emmer (Emmers)	906 S. 15th Street
1752	Patrick J. Martin (The End Zone)	904 Indiana Avenue
3418	Sheb Pro LLC (Fairfield Inn By Marriott)	4117 S. Taylor Drive

3136	Sack Realty LLC (Franks Place)	3023 N. 15th Street
2192	Calumet Diner, Inc. (Harry's Diner)	2504 Calumet Drive
1926	Trattoria Stefano Inc. (Il Ritrovo)	515 S. 8th Street
2807	Sheboygan Columbus Institute (Knights Of Columbus)	833 Center Avenue
2085	Legend Larrys LLC (Legend Larry's Wings & Things)	733 Pennsylvania Avenue
2685	Lino Ristorante Italiano LLC (Lino Ristorante Italiano)	422 South Pier Drive
1795	Luigis Italian Restaurant (Luigis Italian Restaurant)	2910 Kohler Memorial Drive
3518	Lushlounge Two LLC (Lushlounge)	1133 Michigan Avenue
3475	Jncortez LLC (Mi Ranchito)	1235 Indiana Avenue
2301	One More Time LLC (Mojo)	1235 Pennsylvania Avenue
3001	Ranieri LLC (Ranieri's Four of a Kind)	811 Indiana Avenue
3355	Bentley's LLC (Sharpie's On Broadway)	1645 S. 12th Street
1337	Sheboygan Elks Lodge #299 (Sheboygan Elks Lodge #299)	1943 Erie Avenue
3198	Cynthia M Goetsch (Skiper Inn)	808 Broadway Avenue
3479	Stefano's Slo Food Market LLC (Stefano's Slo Food Market)	731 Pennsylvania Avenue
3186	Lehmann LLC (Suscha's Bar)	1054 Pennsylvania Avenue
3573	Thai Café LLC (Thai Café LLC)	1227 N. 14th Street

2193	The Kaddyshack LLC (The Kaddyshack)	1502 S. 13th Street
1412	Trattoria Stefano Inc. (Trattoria Stefano)	522 S. 8th Street
3307	Umi Sushi & Steakhouse Inc. (Umi Sushi & Steak House)	519 N. 8th Street
2029	Weill Center Foundation Inc. (Weill Center)	826 N. 8th Street

CLASS "B" BEER LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
2696	Delavan Family Restaurant Inc. (Sheboygans Family Restaurant)	2704 S. Business Drive
3583	Club Leon Bar and Grill LLC (Club Leon Bar and Grill)	933 Indiana Avenue
3034	Family Entertainment LLC (Marc Cinemas)	3226 Kohler Memorial Drive
2604	Z Spot Espresso & Coffee Inc. (Z Spot Espresso & Coffee)	1024 Indiana Avenue

"CLASS C" LICENSE (June 30, 2024) (RENEW)

2696 Delavan Family Restaurant Inc. (Sheboygans Family Restaurant)	2704 S. Business Drive
3583 Club Leon Bar and Grill LLC (Club Leon Bar and Grill)	933 Indiana Avenue
3034 Family Entertainment LLC (Marc Cinemas)	3226 Kohler Memorial Drive
2604 Z Spot Espresso & Coffee Inc. (Z Spot Espresso & Coffee)	1024 Indiana Avenue

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

II

R. O. No. 15 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting a Summons and Complaint in the matter of Bank United, N.A. vs. Joseph P. Champeau et al.

CITY CLERK

FYP

FILED
05-09-2023
Sheboygan C
Clerk of Circuit Court
2023CV000240
Honorable Angela W. Sutkiewicz
Branch 3

STATE OF WISCONSIN **CIRCUIT COURT** **SHEBOYGAN**

BankUnited, N.A. vs. Joseph P. Champeau et al

Electronic Filing Notice

Case No. 2023CV000240
Class Code: Foreclosure of Mortgage

CITY OF SHEBOYGAN
828 CENTER AVENUE, SUITE 103
SHEBOYGAN WI 53081

MAY 25 2023

UNREDACTED

Case number 2023CV000240 was electronically filed with/converted by the Sheboygan County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at **http://efiling.wicourts.gov/** and may withdraw as an electronic party at any time. There is a $20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 809503

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3068.

Sheboygan County Circuit Court
Date: May 9, 2023

Sheboygan County Courthouse
615 North Sixth Street
Sheboygan Wisconsin
53081

Sheboygan County
Foreclosure Mediation Program
Finding Solutions

Notice of Availability of Mediation

Mediation is a confidential and voluntary process where you and the lender seeking to foreclose on your home may discuss ways to resolve your foreclosure case, including reinstatement of the loan and modification of the loan terms.

You must live in and own the property that is subject to this foreclosure action to qualify for mediation under this program and the property must be four or fewer residential units.

To Request a Mediation Conference:
Complete the attached Mediation Request form. It must be received within 15 days from the date you received the Summons and Complaint. Send the completed form with the $25 non-refundable application fee made payable to SCFMP Clerk of Circuit Court to:

SCFMP
Clerk of Circuit Court
615 North Sixth Street
Sheboygan WI 53081

A Mediation Request is not a response to the Summons.

A foreclosure action has been started against you. Please read the Summons and Complaint. Make sure you understand your rights and the time period for filing an Answer or Responsive Pleading. If you do not file an Answer or Responsive Pleading the court may grant judgment against you and you may lose your home and your right to object to anything that you disagree with in the complaint.

What happens after you apply for Mediation?

The Mediation Program Coordinator will review your application and notify you and the lender whether the case has been accepted in the program. If the case is accepted, the balance of your non-refundable $100 fee will be charged and a non-refundable fee of $100 will also be charged to the lender. You will then be required to meet with a certified Housing Counselor. Following that, the mediation conference between you and the lender will be scheduled with a mediator.

Sheboygan County Courthouse
615 North Sixth Street
Sheboygan Wisconsin
53081

Sheboygan County
Foreclosure Mediation Program
Request for Mediation

Finding Solutions

To request a mediation conference with the lender, please answer the questions below, sign this request enclose the required $25 application fee payable to SCFMP Clerk of Circuit Courts and mail or return to:

SCFMP
Clerk of Circuit Court
615 north Sixth Street
Sheboygan WI 53081

You should submit the request within 15 days of receiving the Summons and Complaint, or as early in the foreclosure process as possible. One application per household. The information you provide will be used by the Sheboygan County Mediation Program to make an initial determination of whether your case is suitable for mediation. A non-refundable $25 fee must accompany the application. Once the case has been accepted for mediation, a non-refundable $75 fee is charged to the homeowner and a non-refundable fee of $100 is charged to the lender.

Requesting Mediation does not halt the foreclosure process. **You are still required to comply with all mandatory deadlines, including the time to answer the Complaint.**

Sheboygan County Case Number (located on your Summons): 20___CV_____

Name of Homeowner(s):_____

Property Address: _____
(street, city or town, zip code)

Mailing address, if different from above: _____
(street, city or town, zip code)

Best telephone number to reach you during the day: _____

Alternate telephone number: _____

Name of Lender/Plaintiff in your case: _____

1. Is the property being foreclosed your primary residence? _____Yes _____No
2. Does the property consist of four or fewer dwelling units? _____Yes _____No

3. Have you started a Bankruptcy action that is still ongoing? _____Yes _____No

4. Have you met with a housing counselor? _____Yes _____No

   If yes, with whom have you met? _____

5. What is your monthly income from all sources? _____

6. Do you expect your income to change for any reason? If so, please explain:

   _____

   _____

   _____

7. Check all items that have caused you to miss your mortgage payments:

   _____ Injury or illness _____Adjustable interest Rate / Balloon

   _____Loss of Employment _____Expenses exceed income

   Other: _____

   _____

8. Is there any other information that would be helpful in determining whether your case would be suitable for mediation? If so, please describe:

   _____

   _____

   _____

9. If English is not your primary language, do you need an interpreter? ___Yes ___No

   What language? _____

Authorization of Research and Evaluation. Marquette University Law School is compiling anonymous aggregate case file or results information for the purpose of evaluating our services, gathering valuable research information, designing future programs and engaging in academic research, analysis and publication. I consent to the use of my information for these purposes.

I certify that I am the owner of the property that is subject to this foreclosure action and I currently reside in this property.

_____ _____

Property Owner's Signature Date

Item 18.

FILED
05-09-2023
Sheboygan County
Clerk of Circuit Court
2023CV000240
Honorable Angela W.
Sutkiewicz
Branch 3

STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN COUNTY

BankUnited N.A.
c/o Carrington Mortgage Services, LLC
1600 South Douglass Road Suite 200-A
Anaheim, CA 92806

Plaintiff,

vs.

Joseph P. Champeau
1821 S. 15th Street
Sheboygan, WI 53081

City of Sheboygan
828 Center Avenue, Suite 103
Sheboygan, WI 53081

Defendant,

Case Number:
FORECLOSURE CASE CODE - 30404

SUMMONS

THE STATE OF WISCONSIN
To each person or entity named above as a defendant:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, (60 days if you are the United States of America, 45 days if you are the State of Wisconsin or an insurance company), you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is:

Sheboygan County Clerk of Court
615 N 6th Street
Sheboygan, WI 53081-4692

and to the plaintiff's attorney whose address is:

Randall S. Miller & Associates, LLC
342 N. Water St., Suite 600
Milwaukee WI 53202

You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days of receiving this summons, (60 days if you are the United States of America, 45 days if you are the State of Wisconsin or an insurance company), the court may grant judgment against you for the award of money or other legal action requested in this complaint and you may lose you right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you may own, now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 9th day of May, 2023.

Randall S. Miller & Associates, LLC
Attorneys for Plaintiff

Electronically signed:

By: */s/ James D. Major*
James D. Major
State Bar No. 1103081

Randall S. Miller & Associates, LLC
342 N. Water St., Suite 600
Milwaukee, WI 53202
P: (414) 937-5992 F: (414) 921-5628
Email: wisconsin@rsmalaw.com
Our Case Number: 16WI00038-6

PLEASE SERVE THE FOLLOWING DEFENDANTS AT THE FOLLOWING ADDRESSES:

Joseph Champeau
1821 S. 15th Street
Sheboygan, WI 53081

City of Sheboygan
828 Center Avenue, Suite 103
Sheboygan, WI 53081

THANK YOU

FILED
05-09-2023
Sheboygan County
Clerk of Circuit Court
2023CV000240
Honorable Angela W. Sutkiewicz
Branch 3

STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN COUNTY

BankUnited N.A.
c/o Carrington Mortgage Services, LLC
1600 South Douglass Road Suite 200-A
Anaheim, CA 92806

Plaintiff

vs.

Joseph P. Champeau
1821 S. 15th Street
Sheboygan, WI 53081

City of Sheboygan
828 Center Avenue, Suite 103
Sheboygan, WI 53081

Defendant

Case Number:
FORECLOSURE CASE CODE - 30404

COMPLAINT

THE STATE OF WISCONSIN TO EACH DEFENDANT NAMED ABOVE:

NOW COMES the Plaintiff, BankUnited N.A., by and through its attorneys, Randall S. Miller & Associates, LLC, as and for a Complaint against the Defendants, pleads as follows:

1. The Plaintiff is the current holder of a certain note and mortgage on real estate located in Sheboygan County, Wisconsin. A true copy of the note is attached as Exhibit A and is incorporated by reference. A true copy of the mortgage is attached hereto as Exhibit B and is incorporated by reference.

2. The Defendant Mortgagor is a competent adult who, upon information and belief, resides at 1821 S. 15th Street, Sheboygan, WI 53081 (hereinafter "Property")

3. The mortgaged real estate is owned of record by Defendant Mortgagor Joseph P. Champeau.

4. On or about December 24, 2009 the Mortgagor executed and delivered a mortgage note to Bank of America, N.A., and its successors and assigns, and thereby promised to pay the principal balance of $83,942.00 plus interest payable in accordance with the terms and provisions of said note. Plaintiff is the current holder of said note.

5. That to secure the indebtedness, the mortgagor duly executed a mortgage to Mortgage Electronic Registration Systems, Inc., solely as nominee for Bank of America, N.A., which mortgage was dated on December 24, 2009 and recorded in the Office of the Register of Deeds for Sheboygan County on January 5, 2010, as Document No. 1893913.

6. The mortgage was subsequently assigned to BankUnited N.A., by an assignment dated November 29, 2021, recorded on December 1, 2021 as Document No. 2127470. A true copy of said assignment is attached as Exhibit C.

7. That this foreclosure action brought pursuant to Chapter 846 of the Wisconsin Statutes, involves real property located in Sheboygan County, Wisconsin and legally described as follows:

The following real estate, together with the rents, profits, fixtures and other appurtenant interests, in Sheboygan County, State of Wisconsin ("Property"):

Lot Five (5), Block Ten (10), according to the recorded plat of Assessment Subdivision No. 18, in the City of Sheboygan, Sheboygan County, Wisconsin.
Commonly known as: 1821-1821A S. 15th Street, Sheboygan, WI 53081
TAX ID: 59281402390

8. The Mortgagor defaulted under the terms and conditions of the Note by failing to pay the monthly payments as they became due and the Plaintiff has declared the total amount immediately due and payable as provided in the Note and Mortgage. The following amounts are due as of January 1, 2023:

Principal Balance:	$61,955.13
Interest Due:	$ 1,290.75
Late Charges:	$ 0.00
Escrow Balance:	$ 214.24
Corporate Advances:	$ 145.00
TOTAL:	$63,605.12

9. The amount due continues to vary from day to day due to additional late charges, fees, costs and interest. Interest is accruing at the rate of 5.00000% per annum. The daily per diem is $8.61.

10. That by reason of the aforesaid default on the part of the defendants, a notice of acceleration was given to defendants in compliance with the terms of the mortgage and note herein.

11. The plaintiff has declared the indebtedness immediately due and payable by reason of the default in the payments and has directed that foreclosure proceedings be initiated.

12. The mortgaged premises is a parcel of land with 20 acres or less; with a one to four family residence thereon which is the homestead of the defendant and cannot be sold in parcels without injury to the interests of the parties.

13. The Plaintiff has elected to proceed with foreclosure pursuant to Section 846.101 of the Wisconsin Statutes, with the foreclosure and sale to be held after the expiration of six (6) months from the date the Judgment is entered, unless the Property is determined abandoned under Section 846.102. **Plaintiff waives any deficiency judgment.**

14. Names of other persons who are joined as defendants and whose interest in or lien on the mortgaged real estate is sought to be terminated and alleged to be subordinate and inferior to the mortgage of the Plaintiff:

City of Sheboygan, by virtue of the Judgment for Money dated January 26, 2023 and docketed September 14, 2022 as case number 2023JT000022 in the office of the Sheboygan Circuit Court, in the sum of $691.00, plus costs and interest, if any.

City of Sheboygan, by virtue of the Judgment for Money dated January 26, 2023 and docketed September 14, 2022 as case number 2023TJ000021 in the office of the Sheboygan Circuit Court, in the sum of $250.00, plus costs and interest, if any.

City of Sheboygan, by virtue of the Judgment for Money dated January 26, 2023 and docketed May 11, 2022 as case number 20023TJ000020 in the office of the Sheboygan Circuit Court, in the sum of $250.00, plus costs and interest, if any.

City of Sheboygan, by virtue of the Judgment for Money dated January 26, 2023 and docketed May 11, 2022 as case number 2023TJ000019 in the office of the Sheboygan Circuit Court, in the

sum of $691.00, plus costs and interest, if any.

City of Sheboygan, by virtue of the Judgment for Money dated January 26, 2023 and docketed August 17, 2022 as case number 2023TJ000018 in the office of the Sheboygan Circuit Court, in the sum of $98.80, plus costs and interest, if any.

City of Sheboygan, by virtue of the Judgment for Money dated January 26, 2023 and docketed February 23, 2022 as case number 2023TJ000017 in the office of the Sheboygan Circuit Court, in the sum of $691.00, plus costs and interest, if any.

City of Sheboygan, by virtue of the Judgment for Money dated January 26, 2023 and docketed October 6, 2021 as case number 2023TJ000016 in the office of the Sheboygan Circuit Court, in the sum of $691.00, plus costs and interest, if any.

WHEREFORE, Plaintiff demands as follows:

1. For the foreclosure and sale of the Property in accordance with Section 846.101 of the Wisconsin Statutes with the foreclosure and sale to be held after the expiration of six (6) months from the date the Judgment is entered, unless the Property is determined abandoned under Section 846.102;

2. That the amount due to the plaintiff in principal and interest, late charges, taxes, insurance, costs, and attorney's fees be determined;

3. That the Judgment provide that all rights, title and interest that the defendant and all persons claiming under them be barred from all rights in said premises, except the right to redeem before the sale as provided by law;

4. That the Defendants, Occupants, and all persons claiming under them, be enjoined from committing waste or doing any act that may impair the value of the mortgaged premises during the pendency of the action;

5. That the plaintiff may take all necessary steps to secure and winterize the subject property in the event it is abandoned by the defendants and becomes unoccupied during the redemption period or until such time as this matter is concluded;

6. That plaintiff have such other and further relief as may be just and equitable.

Dated this 9th day of May, 2023

Respectfully submitted,
Electronically signed by: */s/ James D. Major*
James D. Major, State Bar No. 1103081
Randall S. Miller & Associates, LLC

Attorney for Plaintiff
Randall S. Miller & Associates, LLC
342 N. Water St., Suite 600
Milwaukee, WI 53202
P: (414) 927-5992
F: (414) 921-5628
Email: wisconsin@rsmalaw.com
Our Case Number: 16WI00038-6

EXHIBIT A

Prepared by: JENNIFER STRICKLAND

Wisconsin

NOTE

LOAN #: [redacted]

FHA Case No.
WI5813799675703

DECEMBER 24, 2009
[Date]

1821-1821A S. 15TH, SHEBOYGAN, WI 53081
[Property Address]

1. PARTIES

"Borrower" means each person signing at the end of this Note, and the person's successors and assigns. "Lender" means BANK OF AMERICA, N.A.
and its successors and assigns.

2. BORROWER'S PROMISE TO PAY; INTEREST

In return for a loan received from Lender, Borrower promises to pay the principal sum of EIGHTY THREE THOUSAND NINE HUNDRED FORTY TWO and 00/100

Dollars (U.S. $83,942.00), plus interest, to the order of Lender. Interest will be charged on unpaid principal, from the date of disbursement of the loan proceeds by Lender, at the rate of FIVE percent (5.000 %) per year until the full amount of principal has been paid.

Solely for the purpose of computing interest, a monthly payment received by the Note Holder within 30 days prior to or after the date it is due will be deemed to be paid on such due date.

3. PROMISE TO PAY SECURED

Borrower's promise to pay is secured by a mortgage, deed of trust or similar security instrument that is dated the same date as this Note and called the "Security Instrument." The Security Instrument protects the Lender from losses which might result if Borrower defaults under this Note.

4. MANNER OF PAYMENT

(A) Time

Borrower shall make a payment of principal and interest to Lender on the first day of each month beginning on FEBRUARY 1ST, 2010 . Any principal and interest remaining on the first day of JANUARY, 2040 , will be due on that date, which is called the "Maturity Date."

(B) Place

Payment shall be made at
P.O. Box 660694, Dallas, TX 75266-0694
or at such place as Lender may designate in writing by notice to Borrower.

(C) Amount

Each monthly payment of principal and interest will be in the amount of U.S. $450.62 . This amount will be part of a larger monthly payment required by the Security Instrument, that shall be applied to principal, interest and other items in the order described in the Security Instrument.

(D) Allonge to this Note for payment adjustments

If an allonge providing for payment adjustments is executed by Borrower together with this Note, the covenants of the allonge shall be incorporated into and shall amend and supplement the covenants of this Note as if the allonge were a part of this Note. [Check applicable box]

☐ Graduated Payment Allonge ☐ Growing Equity Allonge ☐ Other [specify]

5. BORROWER'S RIGHT TO PREPAY

Borrower has the right to pay the debt evidenced by this Note, in whole or in part, without charge or penalty, on the first day of any month. Lender shall accept prepayment on other days provided that Borrower pays interest on the amount prepaid for the remainder of the month to the extent required by Lender and permitted by regulations of the Secretary. If Borrower makes a partial prepayment, there will be no changes in the due date or in the amount of the monthly payment unless Lender agrees in writing to those changes.

6. BORROWER'S FAILURE TO PAY

(A) Late Charge for Overdue Payments

If Lender has not received the full monthly payment required by the Security Instrument, as described in Paragraph 4(C) of this Note, by the end of fifteen calendar days after the payment is due, Lender may collect a late charge in the amount of FOUR percent (4.000 %) of the overdue amount of each payment.

(B) Default

If Borrower defaults by failing to pay in full any monthly payment, then Lender may, except as limited by regulations of the Secretary in the case of payment defaults, require immediate payment in full of the principal balance remaining due and all accrued interest. Lender may choose not to exercise this option without waiving its rights in the event of any subsequent default. In many circumstances regulations issued by the Secretary will limit Lender's rights to require immediate payment in full in the case of payment defaults. This Note does not authorize acceleration when not permitted by HUD regulations. As used in this Note, "Secretary" means the Secretary of Housing and Urban Development or his or her designee.

[redacted]

[redacted]

CASE #: [redacted] LOAN #: [redacted]

(C) Payment of Costs and Expenses

If Lender has required immediate payment in full, as described above, Lender may require Borrower to pay costs and expenses including reasonable and customary attorneys' fees for enforcing this Note to the extent not prohibited by applicable law. Such fees and costs shall bear interest from the date of disbursement at the same rate as the principal of this Note.

7. WAIVERS

Borrower and any other person who has obligations under this Note waive the rights of presentment and notice of dishonor. "Presentment" means the right to require Lender to demand payment of amounts due. "Notice of dishonor" means the right to require Lender to give notice to other persons that amounts due have not been paid.

8. GIVING OF NOTICES

Unless applicable law requires a different method, any notice that must be given to Borrower under this Note will be given by delivering it or by mailing it by first class mail to Borrower at the property address above or at a different address if Borrower has given Lender a notice of Borrower's different address.

Any notice that must be given to Lender under this Note will be given by first class mail to Lender at the address stated in Paragraph 4(B) or at a different address if Borrower is given a notice of that different address.

9. OBLIGATIONS OF PERSONS UNDER THIS NOTE

If more than one person signs this Note, each person is fully and personally obligated to keep all of the promises made in this Note, including the promise to pay the full amount owed. Any person who is a guarantor, surety or endorser of this Note is also obligated to do these things. Any person who takes over these obligations, including the obligations of a guarantor, surety or endorser of this Note, is also obligated to keep all of the promises made in this Note. Lender may enforce its rights under this Note against each person individually or against all signatories together. Any one person signing this Note may be required to pay all of the amounts owed under this Note.

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Note.

JOSEPH P. CHAMPEAU _____ (Seal) -Borrower

PAY TO THE ORDER OF _____ (Seal) -Borrower

WITHOUT RECOURSE
BANK OF AMERICA, N.A.

BY Michele Sjolander _____ (Seal) -Borrower
MICHELE SJOLANDER
SENIOR VICE PRESIDENT

_____ (Seal) -Borrower

[Sign Original Only]

EXHIBIT B

1693913
SHEBOYGAN COUNTY, WI
RECORDED ON
01/05/2010 12:23PM
ELLEN R. SCHLEICHER
REGISTER OF DEEDS
RECORDING FEE: $21.00
TRANSFER FEE:
EXEMPTION # NA
STAFF ID 5
TRANS # 143936
OF PAGES: 6

MORTGAGE

DOCUMENT NUMBER:

NAME & RETURN ADDRESS:
BANK OF AMERICA, N.A.
ReconTrust Co./TX2-979-01-07
P.O. Box 619003
Dallas, TX 75261-9003

PARCEL IDENTIFIER NUMBER:
59281402390

[Space Above This Li

FHA Case No.
WIS813799675703

State of Wisconsin

MIN 1000255-0000381323-3

THIS MORTGAGE ("Security Instrument") is given on DECEMBER 24, 2009 . The Mortgagor is JOSEPH P CHAMPEAU, A SINGLE PERSON

("Borrower"). This Security Instrument is given to Mortgage Electronic Registration Systems, Inc. ("MERS"), (solely as nominee for Lender, as hereinafter defined, and Lender's successors and assigns), as mortgagee. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.
BANK OF AMERICA, N.A.
("Lender") is organized and existing under the laws of THE UNITED STATES , and has an address of
101 South Tryon Street, Charlotte, NC 28255
Borrower owes Lender the principal sum of
EIGHTY THREE THOUSAND NINE HUNDRED FORTY TWO and 00/100

Dollars (U.S. $ 83,942.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on JANUARY 01, 2040 . This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to MERS (solely as nominee for Lender and Lender's successors and assigns) and to the successors and assigns of MERS, with power of sale, the following described property located in SHEBOYGAN
County, Wisconsin:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

MORTGAGE

DOCUMENT NUMBER:

NAME & RETURN ADDRESS:
BANK OF AMERICA, N.A.
ReconTrust Co./TX2-979-01-07
P.O. Box 619003
Dallas, TX 75261-9003

This Mortgage has been electronically recorded

PARCEL IDENTIFIER NUMBER:
59281402390

[Space Above This Line For Recording Data]

[redacted]

FHA Case No.
WI5813799675703

State of Wisconsin

MIN 1000255-0000381323-3

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BANK OF AMERICA, N.A.
("Lender") is organized and existing under the laws of THE UNITED STATES , and has an address of 101 South Tryon Street, Charlotte, NC 28255
Borrower owes Lender the principal sum of
EIGHTY THREE THOUSAND NINE HUNDRED FORTY TWO and 00/100

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SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

CASE #: [redacted] DOC ID #: [redacted]

which has the address of 1821-1821A S. 15TH, SHEBOYGAN [Street, City]

Wisconsin 53081 [Zip Code] ("Property Address");

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument; but, if necessary to comply with law or custom, MERS, (as nominee for Lender and Lender's successors and assigns), has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing or canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

Borrower and Lender covenant and agree as follows:

UNIFORM COVENANTS.

1. **Payment of Principal, Interest and Late Charge.** Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and late charges due under the Note.

2. **Monthly Payment of Taxes, Insurance and Other Charges.** Borrower shall include in each monthly payment, together with the principal and interest as set forth in the Note and any late charges, a sum for (a) taxes and special assessments levied or to be levied against the Property, (b) leasehold payments or ground rents on the Property, and (c) premiums for insurance required under paragraph 4. In any year in which the Lender must pay a mortgage insurance premium to the Secretary of Housing and Urban Development ("Secretary"), or in any year in which such premium would have been required if Lender still held the Security Instrument, each monthly payment shall also include either: (i) a sum for the annual mortgage insurance premium to be paid by Lender to the Secretary, or (ii) a monthly charge instead of a mortgage insurance premium if this Security Instrument is held by the Secretary, in a reasonable amount to be determined by the Secretary. Except for the monthly charge by the Secretary, these items are called "Escrow Items" and the sums paid to Lender are called "Escrow Funds."

Lender may, at any time, collect and hold amounts for Escrow Items in an aggregate amount not to exceed the maximum amount that may be required for Borrower's escrow account under the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. Section 2601 *et seq.* and implementing regulations, 24 CFR Part 3500, as they may be amended from time to time ("RESPA"), except that the cushion or reserve permitted by RESPA for unanticipated disbursements or disbursements before the Borrower's payments are available in the account may not be based on amounts due for the mortgage insurance premium.

If the amounts held by Lender for Escrow Items exceed the amounts permitted to be held by RESPA, Lender shall account to Borrower for the excess funds as required by RESPA. If the amounts of funds held by Lender at any time are not sufficient to pay the Escrow Items when due, Lender may notify the Borrower and require Borrower to make up the shortage as permitted by RESPA.

The Escrow Funds are pledged as additional security for all sums secured by this Security Instrument. If Borrower tenders to Lender the full payment of all such sums, Borrower's account shall be credited with the balance remaining for all installment items (a), (b), and (c) and any mortgage insurance premium installment that Lender has not become obligated to pay to the Secretary, and Lender shall promptly refund any excess funds to Borrower. Immediately prior to a foreclosure sale of the Property or its acquisition by Lender, Borrower's account shall be credited with any balance remaining for all installments for items (a), (b), and (c).

3. **Application of Payments.** All payments under paragraphs 1 and 2 shall be applied by Lender as follows:

First, to the mortgage insurance premium to be paid by Lender to the Secretary or to the monthly charge by the Secretary instead of the monthly mortgage insurance premium;

Second, to any taxes, special assessments, leasehold payments or ground rents, and fire, flood and other hazard insurance premiums, as required;

Third, to interest due under the Note;

Fourth, to amortization of the principal of the Note; and

Fifth, to late charges due under the Note.

4. **Fire, Flood and Other Hazard Insurance.** Borrower shall insure all improvements on the Property, whether now in existence or subsequently erected, against any hazards, casualties, and contingencies, including fire, for which Lender requires insurance. This insurance shall be maintained in the amounts and for the periods that Lender requires. Borrower shall also insure all improvements on the Property, whether now in existence or subsequently erected, against loss by floods to the extent required by the Secretary. All insurance shall be carried with companies approved by Lender. The insurance policies and any renewals shall be held by Lender and shall include loss payable clauses in favor of, and in a form acceptable to, Lender.

In the event of loss, Borrower shall give Lender immediate notice by mail. Lender may make proof of loss if not made promptly by Borrower. Each insurance company concerned is hereby authorized and directed to make payment for such loss directly to Lender, instead of to Borrower and to Lender jointly. All or any part of the insurance proceeds may be applied by Lender, at its option, either (a) to the reduction of the indebtedness under the Note and this Security Instrument, first to any delinquent amounts applied in the order in paragraph 3, and then to prepayment of principal, or (b) to the restoration or repair of the damaged Property. Any application of the proceeds to the principal shall not extend or postpone the due date of the monthly payments which are referred to in paragraph 2, or change the amount of such payments. Any excess insurance proceeds over an amount required to pay all outstanding indebtedness under the Note and this Security Instrument shall be paid to the entity legally entitled thereto.

In the event of foreclosure of this Security Instrument or other transfer of title to the Property that extinguishes the indebtedness, all right, title and interest of Borrower in and to insurance policies in force shall pass to the purchaser.

CASE #: [redacted] DOC ID #: [redacted]

5. **Occupancy, Preservation, Maintenance and Protection of the Property; Borrower's Loan Application; Leaseholds.** Borrower shall occupy, establish, and use the Property as Borrower's principal residence within sixty days after the execution of this Security Instrument (or within sixty days of a later sale or transfer of the Property) and shall continue to occupy the Property as Borrower's principal residence for at least one year after the date of occupancy, unless Lender determines that requirement will cause undue hardship for Borrower, or unless extenuating circumstances exist which are beyond Borrower's control. Borrower shall notify Lender of any extenuating circumstances. Borrower shall not commit waste or destroy, damage or substantially change the Property or allow the Property to deteriorate, reasonable wear and tear excepted. Lender may inspect the Property if the Property is vacant or abandoned or the loan is in default. Lender may take reasonable action to protect and preserve such vacant or abandoned Property. Borrower shall also be in default if Borrower, during the loan application process, gave materially false or inaccurate information or statements to Lender (or failed to provide Lender with any material information) in connection with the loan evidenced by the Note, including, but not limited to, representations concerning Borrower's occupancy of the Property as a principal residence. If this Security Instrument is on a leasehold, Borrower shall comply with the provisions of the lease. If Borrower acquires fee title to the Property, the leasehold and fee title shall not be merged unless Lender agrees to the merger in writing.

6. **Condemnation.** The proceeds of any award or claim for damages, direct or consequential, in connection with any condemnation or other taking of any part of the Property, or for conveyance in place of condemnation, are hereby assigned and shall be paid to Lender to the extent of the full amount of the indebtedness that remains unpaid under the Note and this Security Instrument. Lender shall apply such proceeds to the reduction of the indebtedness under the Note and this Security Instrument, first to any delinquent amounts applied in the order provided in paragraph 3, and then to prepayment of principal. Any application of the proceeds to the principal shall not extend or postpone the due date of the monthly payments, which are referred to in paragraph 2, or change the amount of such payments. Any excess proceeds over an amount required to pay all outstanding indebtedness under the Note and this Security Instrument shall be paid to the entity legally entitled thereto.

7. **Charges to Borrower and Protection of Lender's Rights in the Property.** Borrower shall pay all governmental or municipal charges, fines and impositions that are not included in paragraph 2. Borrower shall pay these obligations on time directly to the entity which is owed the payment. If failure to pay would adversely affect Lender's interest in the Property, upon Lender's request Borrower shall promptly furnish to Lender receipts evidencing these payments.

If Borrower fails to make these payments or the payments required by paragraph 2, or fails to perform any other covenants and agreements contained in this Security Instrument, or there is a legal proceeding that may significantly affect Lender's rights in the Property (such as a proceeding in bankruptcy, for condemnation or to enforce laws or regulations), then Lender may do and pay whatever is necessary to protect the value of the Property and Lender's rights in the Property, including payment of taxes, hazard insurance and other items mentioned in paragraph 2.

Any amounts disbursed by Lender under this paragraph shall become an additional debt of Borrower and be secured by this Security Instrument. These amounts shall bear interest from the date of disbursement, at the Note rate, and at the option of Lender, shall be immediately due and payable.

Borrower shall promptly discharge any lien which has priority over this Security Instrument unless Borrower: (a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to Lender; (b) contests in good faith the lien by, or defends against enforcement of the lien in, legal proceedings which in the Lender's opinion operate to prevent the enforcement of the lien; or (c) secures from the holder of the lien an agreement satisfactory to Lender subordinating the lien to this Security Instrument. If Lender determines that any part of the Property is subject to a lien which may attain priority over this Security Instrument, Lender may give Borrower a notice identifying the lien. Borrower shall satisfy the lien or take one or more of the actions set forth above within 10 days of the giving of notice.

8. **Fees.** Lender may collect fees and charges authorized by the Secretary.

9. **Grounds for Acceleration of Debt.**

(a) **Default.** Lender may, except as limited by regulations issued by the Secretary, in the case of payment defaults, require immediate payment in full of all sums secured by this Security Instrument if:

(i) Borrower defaults by failing to pay in full any monthly payment required by this Security Instrument prior to or on the due date of the next monthly payment, or

(ii) Borrower defaults by failing, for a period of thirty days, to perform any other obligations contained in this Security Instrument.

(b) **Sale Without Credit Approval.** Lender shall, if permitted by applicable law (including Section 341(d) of the Garn-St. Germain Depository Institutions Act of 1982, 12 U.S.C. 1701j-3(d)) and with the prior approval of the Secretary, require immediate payment in full of all sums secured by this Security Instrument if:

(i) All or part of the Property, or a beneficial interest in a trust owning all or part of the Property, is sold or otherwise transferred (other than by devise or descent), and

(ii) The Property is not occupied by the purchaser or grantee as his or her principal residence, or the purchaser or grantee does so occupy the Property but his or her credit has not been approved in accordance with the requirements of the Secretary.

(c) **No Waiver.** If circumstances occur that would permit Lender to require immediate payment in full, but Lender does not require such payments, Lender does not waive its rights with respect to subsequent events.

(d) **Regulations of HUD Secretary.** In many circumstances regulations issued by the Secretary will limit Lender's rights, in the case of payment defaults, to require immediate payment in full and foreclose if not paid. This Security Instrument does not authorize acceleration or foreclosure if not permitted by regulations of the Secretary.

(e) **Mortgage Not Insured.** Borrower agrees that if this Security Instrument and the Note are not determined to be eligible for insurance under the National Housing Act within 60 days from the date hereof, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. A written statement of any authorized agent of the Secretary dated subsequent to 60 days from the date hereof, declining to insure this Security Instrument and the Note, shall be deemed conclusive proof of such ineligibility. Notwithstanding the foregoing, this option may not be exercised by Lender when the unavailability of insurance is solely due to Lender's failure to remit a mortgage insurance premium to the Secretary.

10. **Reinstatement.** Borrower has a right to be reinstated if Lender has required immediate payment in full because of Borrower's failure to pay an amount due under the Note or this Security Instrument. This right applies even after foreclosure proceedings are instituted. To reinstate the Security Instrument, Borrower shall tender in a lump sum all amounts required to

CASE #: [redacted] DOC ID #: [redacted]

bring Borrower's account current including, to the extent they are obligations of Borrower under this Security Instrument, foreclosure costs and reasonable and customary attorneys' fees and expenses properly associated with the foreclosure proceeding. Upon reinstatement by Borrower, this Security Instrument and the obligations that it secures shall remain in effect as if Lender had not required immediate payment in full. However, Lender is not required to permit reinstatement if: (i) Lender has accepted reinstatement after the commencement of foreclosure proceedings within two years immediately preceding the commencement of a current foreclosure proceeding, (ii) reinstatement will preclude foreclosure on different grounds in the future, or (iii) reinstatement will adversely affect the priority of the lien created by this Security Instrument.

11. Borrower Not Released; Forbearance By Lender Not a Waiver. Extension of the time of payment or modification of amortization of the sums secured by this Security Instrument granted by Lender to any successor in interest of Borrower shall not operate to release the liability of the original Borrower or Borrower's successor in interest. Lender shall not be required to commence proceedings against any successor in interest or refuse to extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demand made by the original Borrower or Borrower's successors in interest. Any forbearance by Lender in exercising any right or remedy shall not be a waiver of or preclude the exercise of any right or remedy.

12. Successors and Assigns Bound; Joint and Several Liability; Co-Signers. The covenants and agreements of this Security Instrument shall bind and benefit the successors and assigns of Lender and Borrower, subject to the provisions of paragraph 9(b). Borrower's covenants and agreements shall be joint and several. Any Borrower who co-signs this Security Instrument but does not execute the Note: (a) is co-signing this Security Instrument only to mortgage, grant and convey that Borrower's interest in the Property under the terms of this Security Instrument; (b) is not personally obligated to pay the sums secured by this Security Instrument; and (c) agrees that Lender and any other Borrower may agree to extend, modify, forbear or make any accommodations with regard to the terms of this Security Instrument or the Note without that Borrower's consent.

13. Notices. Any notice to Borrower provided for in this Security Instrument shall be given by delivering it or by mailing it by first class mail unless applicable law requires use of another method. The notice shall be directed to the Property Address or any other address Borrower designates by notice to Lender. Any notice to Lender shall be given by first class mail to Lender's address stated herein or any address Lender designates by notice to Borrower. Any notice provided for in this Security Instrument shall be deemed to have been given to Borrower or Lender when given as provided in this paragraph.

14. Governing Law; Severability. This Security Instrument shall be governed by Federal law and the law of the jurisdiction in which the Property is located. In the event that any provision or clause of this Security Instrument or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision. To this end the provisions of this Security Instrument and the Note are declared to be severable.

15. Borrower's Copy. Borrower shall be given one conformed copy of the Note and of this Security Instrument.

16. Hazardous Substances. Borrower shall not cause or permit the presence, use, disposal, storage, or release of any Hazardous Substances on or in the Property. Borrower shall not do, nor allow anyone else to do, anything affecting the Property that is in violation of any Environmental Law. The preceding two sentences shall not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property.

Borrower shall promptly give Lender written notice of any investigation, claim, demand, lawsuit or other action by any governmental or regulatory agency or private party involving the Property and any Hazardous Substance or Environmental Law of which Borrower has actual knowledge. If Borrower learns, or is notified by any governmental or regulatory authority, that any removal or other remediation of any Hazardous Substances affecting the Property is necessary, Borrower shall promptly take all necessary remedial actions in accordance with Environmental Law.

As used in this paragraph 16, "Hazardous Substances" are those substances defined as toxic or hazardous substances by Environmental Law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials. As used in this paragraph 16, "Environmental Law" means federal laws and laws of the jurisdiction where the Property is located that relate to health, safety or environmental protection.

NON-UNIFORM COVENANTS. Borrower and Lender further covenant and agree as follows:

17. Assignment of Rents. To the extent permitted by applicable law, Borrower unconditionally assigns and transfers to Lender all the rents and revenues of the Property. Borrower authorizes Lender or Lender's agents to collect the rents and revenues and hereby directs each tenant of the Property to pay the rents to Lender or Lender's agents. However, prior to Lender's notice to Borrower of Borrower's breach of any covenant or agreement in the Security Instrument, Borrower shall collect and receive all rents and revenues of the Property as trustee for the benefit of Lender and Borrower. This assignment of rents constitutes an absolute assignment and not an assignment for additional security only.

If Lender gives notice of breach to Borrower: (a) all rents received by Borrower shall be held by Borrower as trustee for benefit of Lender only, to be applied to the sums secured by the Security Instrument; (b) Lender shall be entitled to collect and receive all of the rents of the Property; and (c) each tenant of the Property shall pay all rents due and unpaid to Lender or Lender's agent on Lender's written demand to the tenant.

Borrower has not executed any prior assignment of the rents and has not and will not perform any act that would prevent Lender from exercising its rights under this paragraph 17.

Lender shall not be required to enter upon, take control of or maintain the Property before or after giving notice of breach to Borrower. However, Lender or a judicially appointed receiver may do so at any time there is a breach. Any application of rents shall not cure or waive any default or invalidate any other right or remedy of Lender. This assignment of rents of the Property shall terminate when the debt secured by the Security Instrument is paid in full.

18. Foreclosure Procedure. If Lender requires immediate payment in full under paragraph 9, Lender may invoke the power of sale and any other remedies permitted by applicable law. Lender shall be entitled to collect all expenses incurred in pursuing the remedies provided in this paragraph 18, including, but not limited to, reasonable attorneys' fees and costs of title evidence.

If Lender invokes the power of sale, Lender shall give notice of sale in the manner prescribed by applicable law to Borrower and to the other persons prescribed by applicable law. Lender shall publish the notice of sale, and the Property shall be sold in the manner prescribed by applicable law. Lender or its designee may purchase the Property at any sale. The proceeds of the sale shall be applied in the following order: (a) to all expenses of the sale, including,

CASE #: [redacted] DOC ID #: [redacted]

but not limited to, reasonable attorneys' fees; (b) to all sums secured by this Security Instrument; and (c) any excess to the clerk of the circuit court of the county in which the sale is held.

If the Lender's interest in this Security Instrument is held by the Secretary and the Secretary requires immediate payment in full under Paragraph 9, the Secretary may invoke the nonjudicial power of sale provided in the Single Family Mortgage Foreclosure Act of 1994 ("Act") (12 U.S.C. 3751 *et seq.*) by requesting a foreclosure commissioner designated under the Act to commence foreclosure and to sell the Property as provided in the Act. Nothing in the preceding sentence shall deprive the Secretary of any rights otherwise available to a Lender under this Paragraph 18 or applicable law.

19. **Release.** Upon payment of all sums secured by this Security Instrument, Lender shall release this Security Instrument without charge to Borrower. Borrower shall pay any recordation costs.

20. **Accelerated Redemption Periods.** If (a) the Property is 20 acres or less in size, (b) Lender in an action to foreclose this Security Instrument waives all right to a judgment for deficiency and (c) Lender consents to Borrower's remaining in possession of the Property, then the sale of the Property may be 6 months from the date the judgment is entered if the Property is owner-occupied at the time of the commencement of the foreclosure action. If conditions (b) and (c) above are met and the Property is not owner-occupied at the time of the commencement of the foreclosure action, then the sale of the Property may be 3 months from the date the judgment is entered. In any event, if the Property has been abandoned, then the sale of the Property may be 2 months from the date the judgment is entered.

21. **Attorneys' Fees.** If this Security Instrument is subject to Chapter 428 of the Wisconsin Statutes, "reasonable attorneys' fees" shall mean only those attorneys' fees allowed by that Chapter.

22. **Riders to this Security Instrument.** If one or more riders are executed by Borrower and recorded together with this Security Instrument, the covenants of each such rider shall be incorporated into and shall amend and supplement the covenants and agreements of this Security Instrument as if the rider(s) were a part of this Security Instrument. [Check applicable box(es)].

☐ Condominium Rider ☐ Growing Equity Rider ☐ Other [specify]
☐ Planned Unit Development Rider ☐ Graduated Payment Rider

BY SIGNING BELOW, Borrower accepts and agrees to the terms contained in this Security Instrument and in any rider(s) executed by Borrower and recorded with it.

Joseph P. Champeau (Seal)
JOSEPH P. CHAMPEAU -Borrower

(Seal)
-Borrower

(Seal)
-Borrower

(Seal)
-Borrower

STATE OF WISCONSIN, Sheboygan County ss:

The foregoing instrument was acknowledged before me this 14th day of December 2009 by Joseph P. Champeau

My Commission Expires:
August 8, 2010

Yvonne Westerhausen
Notary Public, State of Wisconsin
Yvonne Westerhausen

This instrument was prepared by:
JENNIFER STRICKLAND
BANK OF AMERICA, N.A.
1305 MALL OF GEORGIA BL, #200, BUFORD, GA 30519

EXHIBIT A

THE FOLLOWING REAL ESTATE, TOGETHER WITH THE RENTS, PROFITS, FIXTURES AND OTHER APPURTENANT INTERESTS, IN SHEBOYGAN COUNTY, STATE OF WISCONSIN ("PROPERTY"):

LOT FIVE (5), BLOCK TEN (10), ACCORDING TO THE RECORDED PLAT OF ASSESSMENT SUBDIVISION NO. 18, IN THE CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.

TAX MAP OR PARCEL ID NO.: 59281402390 ADDRESS: 1821-1821A S. 15TH; SHEBOYGAN, WI 53081

Item 18.

EXHIBIT C

2127470
SHEBOYGAN COUNTY, WI
RECORDED ON
12/01/2021 04:10 PM
ELLEN R. SCHLEICHER
REGISTER OF DEEDS
RECORDING FEE: 30.00
TRANSFER FEE:
EXEMPTION #
Cashier ID: 3
PAGES: 2

Assignment of Mortgage

Recording Area

Name and Return Address

Randall S. Miller & Associates, LLC
120 N. LaSalle, Ste. 1140
Chicago IL 60602

59281402390

Parcel Identification Number (PIN)

RSMA Case # 16WI00038-4

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and $2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999

ASSIGNMENT OF MORTGAGE

16W100038-4

KNOW ALL MEN BY THESE PRESENTS: That Carrington Mortgage Services, LLC, for an in consideration of the sum of **One Dollar ($1.00)**, lawful money of the United States of America, to it in hand paid by:

BankUnited N.A., the Assignee, whose address is c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200-A, Anaheim, CA 92806, the receipt whereof is hereby acknowledged, has assigned, and transferred, and hereby does assign and transfer to the said Assignee, all its right, title, and interest in and to a certain real estate mortgage, dated December 24, 2009, made by **Joseph P Champeau, A single person to Mortgage Electronic Registration Systems, Inc., solely as nominee for Bank Of America, N.A.**, recorded **January 5, 2010** in Sheboygan County Records as **Document Number 1893913**, covering land situated in the **City of Sheboygan, Sheboygan County, State of WI**, described as:

The following real estate, together with the rents, profits, fixtures and other appurtenant interests, in Sheboygan County, State of Wisconsin ("Property"):

Lot Five (5), Block Ten (10), according to the recorded plat of Assessment Subdivision No. 18, in the City of Sheboygan, Sheboygan County, Wisconsin.

Tax ID: 59281402390
Commonly known as: 1821-1821A S. 15th, Sheboygan, WI 53081

Dated this 29 day of NOVEMBER 2021 Carrington Mortgage Services, LLC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

By: NOV 29 2021
Its: Veronica Robles
Default Supervisor

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

On NOV 29 2021 before me, Jeannette Marie Vargas Notary Public personally appeared Veronica Robles who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Jeannette M Vargas
Notary Public

JEANETTE MARIE VARGAS
Notary Public - California
Los Angeles County
Commission # 1325722
My Comm. Expires Mar 29, 2024

Drafted by & when recorded return to:
La Pet Lee
Randall S. Miller & Associates, LLC
342 N. Water Street, Suite 613,
Milwaukee, WI 53202

2080348
SHEBOYGAN COUNTY, WI
RECORDED ON
10/15/2019 10:16 AM
ELLEN R. SCHLEICHER
REGISTER OF DEEDS
RECORDING FEE: 30.00
TRANSFER FEE:
EXEMPTION #
Cashier ID: 8
PAGES: 2

Assignment of Mortgage

Recording Area

Name and Return Address

Randall S. Miller & Associates, LLC
120 N. LaSalle, Ste. 1140
Chicago IL 60602

59281402390

Parcel Identification Number (PIN)

RSMA Case # 16WI00038-3

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and $2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999

ASSIGNMENT OF MORTGAGE

16W100038-3

KNOW ALL MEN BY THESE PRESENTS: That the BankUnited, N.A., for an in consideration of the sum of **One Dollar ($1.00)**, lawful money of the United States of America, to it in hand paid by:

Carrington Mortgage Services, LLC, the Assignee, whose address is c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200-A, Anaheim, CA 92806, the receipt whereof is hereby acknowledged, has assigned, and transferred, and hereby does assign and transfer to the said Assignee, all its right, title, and interest in and to a certain real estate mortgage, dated December 24, 2009, made by **Joseph P Champeau, A single person** to **Mortgage Electronic Registration Systems, Inc., solely as nominee for Bank Of America, N.A.**, recorded **January 5, 2010** in Sheboygan County Records as **Document Number 1893913**, covering land situated in the **City of Sheboygan, Sheboygan County, State of WI**, described as:

The following real estate, together with the rents, profits, fixtures and other appurtenant interests, in Sheboygan County, State of Wisconsin ("Property"):

Lot Five (5), Block Ten (10), according to the recorded plat of assessment Subdivision No. 18, in the City of Sheboygan, Sheboygan County, Wisconsin.

Tax ID: 59281402390
Commonly known as: 1821-1821A S. 15th, Sheboygan, WI 53081

Dated this 10 day of October, ____

BankUnited, N.A. by Carrington Mortgage Services, LLC as Attorney-in-Fact

By: MAwad

Its: Magda Awad
Default Supervisor-Foreclosure

STATE OF CALIFORNIA }

COUNTY OF ORANGE }

On OCT 10 2019 before me Tricia L. Cannon,
personally appeared Magda Awad who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public

Tricia L. Cannon

Drafted by & when recorded return to:
La Pet Lee
Randall S. Miller & Associates, LLC
342 N. Water Street, Suite 613
Milwaukee, WI 53202

TRICIA L. CANNON
Notary Public - California
Orange County
Commission # 2201297
My Comm. Expires Jun 15, 2021

UNOFFICIAL COPY

2069460
SHEBOYGAN COUNTY, WI
RECORDED ON
03/01/2019 09:38 AM
ELLEN R. SCHLEICHER
REGISTER OF DEEDS
RECORDING FEE: 30.00
TRANSFER FEE:
EXEMPTION #
Cashier ID: 9
PAGES: 2

Assignment of Mortgage

Recording Area

Name and Return Address

Randall S. Miller & Associates, LLC
120 N. LaSalle, Ste. 1140
Chicago IL 60602

59281402390

Parcel Identification Number (PIN)

RSMA Case # 16WI00038-2

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and $2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999

ASSIGNMENT OF MORTGAGE

16WI00038-2

KNOW ALL MEN BY THESE PRESENTS: That the Carrington Mortgage Services, LLC, for an in consideration of the sum of **One Dollar ($1.00)**, lawful money of the United States of America, to it in hand paid by: **BankUnited N.A.**, the Assignee, whose address is c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200-A, Anaheim, CA 92806, the receipt whereof is hereby acknowledged, has assigned, and transferred, and hereby does assign and transfer to the said Assignee, all its right, title, and interest in and to a certain real estate mortgage, dated December 24, 2009, made by **Joseph P Champeau, A single person** to **Mortgage Electronic Registration Systems, Inc. acting solely as nominee for Bank Of America, N.A.**, recorded **January 5, 2010** in Sheboygan County Records as **Document Number 1893913**, covering land situated in the **City of Sheboygan, Sheboygan County, State of WI**, described as:

The following real estate, together with the rents, profits, fixtures and other appurtenant interests, in Sheboygan County, State of Wisconsin ("Property"):

Lot Five (5), Block Ten (10), according to the recorded plat of assessment Subdivision No. 18, in the City of Sheboygan, Sheboygan County, Wisconsin.

Tax ID: 59281402390
Commonly known as: 1821-1821A S. 15th, Sheboygan, WI 53081

Dated this 13 day of February 2019 Carrington Mortgage Services, LLC

By: MAward

Its: Magda Awad
Default Supervisor-Foreclosure

STATE OF CALIFORNIA }

COUNTY OF ORANGE }

On FEB 13 2019 before me Tricia L. Cannon
personally appeared Magda Awad who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

,Notary Public

Drafted by & when recorded return to:
La Pet Lee
Randall S. Miller & Associates, LLC
120 North LaSalle Street, Suite 1140
Chicago, IL 60602

TRICIA L. CANNON
Notary Public – California
Orange County
Commission # 2201297
My Comm. Expires Jun 15, 2021

3/28/16	Assignment of Mortgage
Document Date	Document Title:

[redacted]

2025169
SHEBOYGAN COUNTY, WI
RECORDED ON
08/08/2016 3:59 PM
ELLEN R. SCHLEICHER
REGISTER OF DEEDS
RECORDING FEE: 30.00
EXEMPTION #
Cashier ID: 5
PAGES: 3

Recording Area

Name and Return Address

Orion Financial Group Inc
2860 Exchange Blvd Ste 100
Southlake, TX 76092

[redacted]

Parcel ID: 59281402390

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

CARRINGTON MORTGAGE SERVICES LLC.,
1600 SOUTH DOUGLASS ROAD
SUITE 200-A
ANAHEIM, CA 92806
ATTN: COLLATERAL DEPT

[redacted]

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Assignment of Mortgage

Date of Assignment: MAR 2 8 2016

Assignor: BANK OF AMERICA, N.A. s/b/m/ BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP.

Assignee: CARRINGTON MORTGAGE SERVICES, LLC

Executed By: JOSEPH P CHAMPEAU To BANK OF AMERICA, N.A Date of Mortgage: 12/24/2009 Recorded 1/5/2010 in Book/Reel/Liber: N/A Page: N/A as Instrument/CFN No.: 1893913 in Official Records of the SHEBOYGAN County/Parish/Township, State of WI

Property Address: ~~1821 S 15TH UNIT 1821A~~ AS SHEBOYGAN WI 53081-5731
1821-1821A S. 15th

Legal description attached as exhibit A

THE FOLLOWING REAL ESTATE, TOGETHER WITH THE RENTS, PROFITS, FIXTURES AND OTHER APPURTENANT INTERESTS, IN SHEBOYGAN COUNTY, STATE OF WISCONSIN ("PROPERTY"):

LOT FIVE (5), BLOCK TEN (10), ACCORDING TO THE RECORDED PLAT OF ASSESSMENT SUBDIVISION NO. 18, IN THE CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN.

TAX MAP OR PARCEL ID NO.: 59281402390 ADDRESS: 1821-1821A S. 15TH; SHEBOYGAN, WI 53081

KNOW ALL MEN BY THESE PRESENTS that in consideration of the sum of TEN and NO/100ths DOLLARS and other good and valuable consideration, paid to the above named assignor, the receipt and sufficiency of which is hereby acknowledged, said Assignor here by assigns unto the above-named Assignee, the said Mortgage, secured thereby, which all moneys now owning or that may hereafter become due or owning in respect thereof, and the full benefit of all the powers and of all the covenants and provisos therein contained, and the said Assignor hereby Grants and conveys unto the said Assignee, the Assignor's beneficial interest under the Mortgage.

Assignment of Mortgage Page 2 of 2
Loan # [redacted]

TO HAVE AND TO HOLD the said Mortgage, and the said property unto the said Assignee forever, subject to the terms contained in the said Mortgage IN WITNESS WHEREOF, the assignor has executed these presents the day and year first above written.

Dated: MAR 2 8 2016

CARRINGTON MORTGAGE SERVICES, LLC. As attorney in fact for BANK OF AMERICA, N.A. s/b/m BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP.

Witness: Sherilyn Maruma

By: Chris Lechtanski, AVP - Default

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of CALIFORNIA
County of ORANGE

On MAR 2 8 2016, before me, W.SOLANO, Notary Public personally appeared Chris Lechtanski, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public: W.SOLANO

W. SOLANO
COMM. # 2071244
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
COMM. EXPIRES JULY 10, 2018

ASSIGNMENT OF MORTGAGE

Recording Requested By:
Bank of America
Prepared By: **Danilo Cuenca**
800-444-4302
When recorded mail to:
CoreLogic
450 E. Boundary St.
Attn: Release Dept.
Chapin, SC 29036
[redacted]
Tax ID: **59281402390**
Property Address:
1821 S 15th St Unit 1821A
Sheboygan, WI 53081-5731
[redacted]

1948212
SHEBOYGAN COUNTY, WI
RECORDED ON
07/11/2012 1:37 PM
ELLEN R. SCHLEICHER
REGISTER OF DEEDS
RECORDING FEE: 30.00
EXEMPTION #
Cashier ID: 9
PAGES: 1

This space for Recorder's use

MIN #: 1000255-0000381323-3 MERS Phone #: 888-679-6377

For Value Received, the undersigned holder of a Mortgage (herein "Assignor") whose address is **1901 E Voorhees Street, Suite C, Danville, IL 61834** does hereby grant, sell, assign, transfer and convey unto **BANK OF AMERICA, N.A., SUCCESSOR BY MERGER TO BAC HOME LOAN SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING, LP** whose address is **C/O BAC, M/C: CA6-914-01-43, 1800 Tapo Canyon Road, Simi Valley, CA 93063** all beneficial interest under that certain Mortgage described below together with the note(s) and obligations therein described and the money due and to become due thereon with interest and all rights accrued or to accrue under said Mortgage.

Original Lender:	**BANK OF AMERICA, N.A.**
Mortgagor(s):	**JOSEPH P CHAMPEAU, A SINGLE PERSON**
Date of Mortgage:	**12/24/2009**
Original Loan Amount:	**$83,942.00**

Recorded in **Sheboygan County, WI** on: **1/5/2010**, book **N/A**, page **N/A** and instrument number **1893913**

Property Legal Description:
THE FOLLOWING REAL ESTATE, TOGETHER WITH THE RENTS, PROFITS, FIXTURES AND OTHER APPURTENANT INTERESTS, IN SHEBOYGAN COUNTY, STATE OF WISCONSIN ("PROPERTY"): LOT FIVE (5), BLOCK TEN (10), ACCORDING TO THE RECORDED PLAT OF ASSESSMENT SUBDIVISION NO. 18, IN THE CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN. TAX MAP OR PARCEL ID NO.: 59281402390 ADDRESS: 1821-1821A S. 15TH; SHEBOYGAN, WI 53081

IN WITNESS WHEREOF, the undersigned has caused this Assignment of Mortgage to be executed on
7-9-12

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

Witness: Beverly Brooks

By: Martha Munoz Vice President

State of **California**
County of **Ventura**

On **JUL 09 2012** before me, **VAZRIK SARAFIANS**, Notary Public, personally appeared **Martha Munoz**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public: **VAZRIK SARAFIANS** (Seal)
My Commission Expires: **NOV/06/2013**

VAZRIK SARAFIANS
Commission # 1867732
Notary Public - California
Los Angeles County
My Comm. Expires Nov 6, 2013

II

R. O. No. 9 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting a Notice of Injury from Jacobs Injury Law, S.C. regarding alleged injuries to their client, Robert Autman.

CITY CLERK

FAP

MKC
2-23

MAY 17 '23 AM1

JACOBS INJURY LAW, S.C.

May 16, 2023

Meredith DeBruin, City Clerk
Attn. Claims
Sheboygan City Hall
828 Center Avenue, Suite 103
Sheboygan, WI 53081

Sheboygan Sheriff's Department
Attn. Cory Roeseler
525 North 6th Street
Sheboygan, WI 53081

Re: Our Client: Robert Autman
Date of Injury: May 5, 2023

NOTICE OF INJURY PURSUANT TO §893.80(1d)(a)

Dear Sir or Madam:

Pursuant to Wis. Stat. §893.80(1)(d)(a), we hereby give notice that our client, Robert Autman (DOB 11/26/1982), suffered bodily injuries and other damages on May 5, 2023, at approximately 10:30 – 11:15 a.m. Mr. Autman was being transported by a member of the Sheboygan Sheriff Department from the Milwaukee County Community Reintegration Center. The driver of his transport van intended to drive in reverse; however, the vehicle was in "Drive," and it instead surged forward and struck a yellow barrier/bollard in the parking lot at 8885 South 68th Street, in the City of Franklin, Wisconsin.

We further give notice of an attorneys' lien in this matter and ask that all further communications be conducted through this office on behalf of our client.

This letter is ***not*** a claim pursuant to §893.80(1d)(b).

If you have any questions regarding this matter, please contact the undersigned at (414) 306-8999.

PROCESS SERVER

5/17/23 11:45AM

DATE / TIME

219 North Milwaukee Street • Suite 5B • Milwaukee, Wisconsin 53202
Tel 414.306.8999 • Fax 414.306.7999 • www.JacobsInjuryLaw.com

Very truly yours,

JACOBS INJURY LAW, SC



Ann S. Jacobs
Attorney at Law
Ann@JacobsInjuryLaw.com

II

R. O. No. 8 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting a Summons and Complaint in the matter of Wisconsin Consumer Credit vs. Eduardo Angel Hernandez et al.

FHP

CITY CLERK

FILED
05-18-2023
Sheboygan
Clerk of Circuit Court
2023CV000274
Honorable Angela W. Sutkiewicz
Branch 3

STATE OF WISCONSIN **CIRCUIT COURT** **SHEBOYGAN**

Wisconsin Consumer Credit vs. Eduardo Angel Hernandez et al

Electronic Filing Notice

Case No. 2023CV000274
Class Code: Money Judgment

SHEBOYGAN POLICE DEPARTMENT
1315 N. 23RD ST.
SHEBOYGAN WI 53081

Case number 2023CV000274 was electronically filed with/converted by the Sheboygan County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at **http://efiling.wicourts.gov/** and may withdraw as an electronic party at any time. There is a $20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 9ee897

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3068.

Sheboygan County Circuit Court
Date: May 18, 2023

Process Server
Date: 5/19/23 Time: 1:59 am/pm
( ) Personal ( ) Substitute
( ) Posted ( ) Corporate

FILED
05-18-20
Sheboyg
Clerk of Circuit Court
2023CV000274
Honorable Angela W.
Sutkiewicz
Branch 3

STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN COUNTY

WISCONSIN CONSUMER CREDIT
W5073 COUNTY ROAD O
P.O. BOX 298
PLYMOUTH, WI 53073

Plaintiff, **CASE NO.**

v.

EDUARDO ANGEL HERNANDEZ
1429 ERIE AVE.
SHEBOYGAN, WI 53081

SHEBOYGAN POLICE DEPARTMENT
1315 N 23RD ST.
SHEBOYGAN, WI 53081

DEPOT AUTO SERVICE AND TOWING, INC.
1131 PENNSYLVANIA AVE
SHEBOYGAN, WI 53081

THOMAS GRAEFE
W2137 SHAMROCK DR
SHEBOYGAN, WI 53083

Defendants.

SUMMONS

Money Judgment: Case Code 30301
The amount claimed exceeds $10,000.00
AND
Case Code: Other Contracts 30303
WIS. STAT. §810 REPLEVIN

THE STATE OF WISCONSIN,

To each person named above as a defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

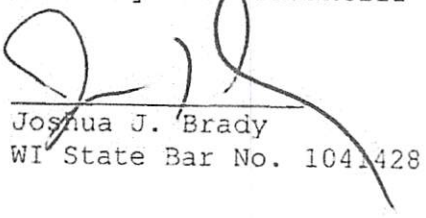
Within **20 days** of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer

that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, which address is Sheboygan County Courthouse, 615 N 6th Street, Sheboygan, WI 53081, **and** to Galanis, Pollack, Jacobs & Johnson, S.C., plaintiff's attorneys, whose address is 413 N. 2nd Street, Suite 150, Milwaukee, WI 53203. You may have an attorney help or represent you.

If you do not provide a proper answer within **20 days**, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

DATED at Milwaukee, Wisconsin, on May 17, 2023.

GALANIS, POLLACK, JACOBS & JOHNSON, SC
Attorneys for Plaintiff



Joshua J. Brady
WI State Bar No. 1041428

P. O. Address:
413 N. 2nd Street
Suite 150
Milwaukee, WI 53203
Telephone: (414) 271-9556
jbrady@gpjlaw.com

FILED
05-18-2023
Sheboygan County
Clerk of Circuit Court
2023CV000274
Honorable Angela W. Sinkler
Branch 3

STATE OF WISCONSIN CIRCUIT COURT SHEBOYGAN COUNTY

WISCONSIN CONSUMER CREDIT
W5073 COUNTY ROAD O
P.O. BOX 298
PLYMOUTH, WI 53073

Plaintiff,

CASE NO.

v.

EDUARDO ANGEL HERNANDEZ
1429 ERIE AVE.
SHEBOYGAN, WI 53081

SHEBOYGAN POLICE DEPARTMENT
1315 N 23RD ST.
SHEBOYGAN, WI 53081

DEPOT AUTO SERVICE AND TOWING, INC.
1131 PENNSYLVANIA AVE
SHEBOYGAN, WI 53081

THOMAS GRAEFE
W2137 SHAMROCK DR
SHEBOYGAN, WI 53083

Defendants.

COMPLAINT

Money Judgment: Case Code 30301
The amount claimed exceeds $10,000.00
AND
Case Code: Other Contracts 30303
WIS. STAT. §810 REPLEVIN

Plaintiff, Wisconsin Consumer Credit ("WCC"), by its attorneys, Galanis, Pollack, Jacobs & Johnson, S.C., as and for a cause of action against the defendants above named, alleges and shows to the court as follows:

1. Plaintiff, Wisconsin Consumer Credit is a domestic corporation licensed to conduct business activities in Wisconsin and elsewhere, and conducts the activities as stated herein at the address in the caption.

2. The defendant, Eduardo Angel Hernandez (hereinafter "Defendant"), is an adult resident of Wisconsin whose last known address is shown in the caption.

3. The defendant, Sheboygan Police Department (hereinafter "Sheboygan Police Department"), is a municipal police department located at the address shown in the caption.

4. The defendant, Depot Auto Service and Towing, Inc. is a domestic corporation licensed to conduct business activities in Wisconsin, and conducts the activities as stated herein at the address in the caption. Thomas Graefe is listed as Registered Agent for the purposes of service of process.

5. The defendant, Thomas Graefe (hereinafter "Defendant"), is an adult resident of Wisconsin whose last known address is shown in the caption.

6. Further, upon information and belief, the defendant resides in and/or the transactions were entered in Sheboygan County, State of Wisconsin, and this court accordingly has jurisdiction and venue over this litigation.

FIRST CAUSE OF ACTION
AS TO EDUARDO ANGEL HERNANDEZ ONLY
[REPLEVIN PURSUANT TO WIS. STAT. CH. §810]

7. Plaintiff repeats and realleges the averments made herein in paragraphs one (1) through five (5).

8. On April 8, 2022, Defendant purchased a **2017 Subaru Outback - VIN: 4S4BSANC5H3333389** ("Vehicle") from Van Horn Motors of Sheboygan, Inc., 3512 Wilgus Ave., Sheboygan, WI 53081 ("Seller") Defendant

entered into and signed a Retail Installment Sale Contract ("Installment Agreement"), a copy of which is attached hereto as **Exhibit A**.

9. On that same day, Seller assigned all rights and interests in the Installment Agreement and the vehicle to Plaintiff as listed in the assignment clause in **Exhibit A**. Plaintiff is the holder in due course of the underlying contract identified herein. Further, proof of Plaintiff's security interest is attached hereto as **Exhibit B**.

10. Defendant defaulted on the terms of said Installment Agreement by failing to make monthly installment payments in the amount of $610.00 when due.

11. Defendant has no right to receive a notice of right to cure default as the amount financed of $28,482.98 is specifically excluded from the consumer act by Wisconsin statute §421.202(6).

12. Defendant has no right to redeem the property as provided under Sec. 425.208 Wis. Stats. As of the date of the preparation of this complaint, the amount past due is itemized as follows:

PAST DUE INSTALLMENTS	:	11/23/22	$610.00	
		12/23/22	610.00	
		01/23/23	610.00	
		02/23/23	610.00	
		03/23/23	610.00	
		04/23/23	610.00	
		Late Charges:	$ 40.00	
				$3,700.00

Further, if tender is made on or after any subsequent monthly due date, the additional installment then due; and if the collateral is not insured, that would be another basis for a default upon the cont Installment Agreement.

13. That attached hereto as an **Exhibit C** and incorporated herein by reference, is the Payment History relative to the defendant's account with the plaintiff and evidence of the payment default.

14. That pursuant to the contract and because of the default of the defendant heretofore alleged, the plaintiff, WCC, is entitled to the right, title and possession of such collateral for the purpose of disposing of the same in accordance with the law.

SECOND CAUSE OF ACTION
AS TO EDUARDO ANGEL HERNANDEZ ONLY
[MONEY JUDGMENT]

15. Plaintiff repeats and realleges the averments made herein in paragraphs one (1) through fourteen (14).

16. Upon information and belief, further defaulted by failing to protect Plaintiff's security interest in the collateral.

17. The Defendant is liable for the amount owed and is in default on the Installment Agreement for failing to make payments when due on or after November 23, 2022. The Defendant is presently in arrears on payments totaling $3,700.00, including $40.00 in late charges through the April 23, 2023 installment.

18. If another payment should become due after the preparation of this complaint, then any default amounts alleged herein are amended to include the additional installment.

19. That the terms of the Installment Agreement have been defaulted upon pursuant to a failure to make timely payments as required on or after November 23, 2022. That attached hereto as an **Exhibit C** and incorporated herein by reference, is the Payment History relative to the defendant's account with the plaintiff and evidence of the payment default.

20. The unpaid balance due on the Installment Agreement is $29,416.43, computed through May 17, 2023, plus per diem interest thereafter.

21. That, pursuant to the Installment Agreement and because of the payment default heretofore alleged, the plaintiff is entitled to the entry of a money judgment in the amount of $29,416.43.

THIRD CAUSE OF ACTION
AS TO SHEBOYGAN POLICE DEPARTMENT
[NON-CONSUMER ACT REPLEVIN/CONVERSION]

22. Plaintiff repeats and realleges the averments made herein in paragraphs one (1) through twenty-one (21).

23. Upon Information and belief, the Vehicle was towed by the Sheboygan Police Department, or by an agent acting on behalf of or at the direction of the Sheboygan Police Department.

24. The Plaintiff is in receipt of a notice dated March 1, 2023 indicating that the Sheboygan Police Department towed the Vehicle pursuant to having deemed the Vehicle abandoned. A copy of the notice dated March 1, 2023 is attached hereto as **Exhibit D**.

25. That the notice dated March 1, 2023 mailed by the Sheboygan Police Department, provided the defendant actual notice of Plaintiff's claim with respect to Plaintiff's lienholder rights and claims as to the Vehicle.

26. That there has not been any prejudice to the Sheboygan Police Department by any alleged delay or failure to give the requisite notice as stated in §893.80(1d)(a).

27. That the notice attempts to provide ten (10) days for a lienholder to claim the Vehicle, relying upon Municipal Ordinance 118-279.

28. Further upon information and belief, the Sheboygan Police Department utilized Depot Auto Service and Towing, Inc. to remove the vehicle, and the towing company is required to follow Wisconsin Statue §779.415(2) which requires notice be provided to the lienholder at least twenty (20) days prior to sale or junking of a vehicle.

29. The Sheboygan Police Department purposely omitted the towing company information to try and circumvent the Wisconsin Statutory requirements and timelines for the sale or junking of the vehicle.

30. Further, the Sheboygan Police Department had not provided Plaintiff an amount of the towing lien, or an amount of any storage lien being asserted, therefore the notice of towed vehicle was defective as to content.

31. That the Plaintiff was not properly notified of a valid and enforceable towing and storage lien as the notice provided failed to allow the necessary timelines as authorized in §779.415(2). Therefore the towing and storage lien is not a primary lien to the plaintiff's perfected security interest.

32. That when a municipal statute and state statue contradict each other, the state statute will dictate the timelines and process.

33. Upon information and belief the Vehicle was sold or junked by the Sheboygan Police Department, or by Depot Auto Service and Towing, Inc. acting on behalf of or at the direction of the Sheboygan Police Department, converted for their own use, or converted for the use of others.

34. That because of the actions of the Sheboygan Police Department, Plaintiff is entitled to entry of replevin judgment for possession of the collateral.

FOURTH CAUSE OF ACTION
AS TO DEPOT AUTO SERVICE AND TOWING, INC.
[NON-CONSUMER ACT REPLEVIN/CONVERSION]

35. Plaintiff repeats and realleges the averments made herein in paragraphs one (1) through thirty-four (34).

36 The plaintiff believes the Motor vehicle described as a **2017 Subaru Outback - VIN: 4S4BSANC5H3333389 ["Vehicle"]** is located at the addresses for Depot Auto Service and Towing, Inc.

37. Depot Auto Service and Towing, Inc. [Hereinafter Tow Co.] is wrongfully detaining the Vehicle.

38. Plaintiff is entitled to the immediate possession of the Vehicle.

39. That the Vehicle has not been taken for a tax, assessment or fine or seized under any execution or attachment against the property of plaintiff.

40. The value of the Vehicle is estimated to be $21,000.00 if not damaged.

41. The cause of the detention, according to the plaintiff's best knowledge is that Tow Co. purports to have a Towing and Storage lien pursuant to Wis. Stat. §779.415.

42. That the plaintiff was not properly notified of a valid and enforceable towing and storage lien within 30 days of Tow Co. taking possession as required pursuant to §779.415(1m). Therefore the towing and

storage lien is not a primary lien to the plaintiff's perfected security interest.

43. If notification was timely mailed by the Tow Co., the amount being sought exceeded the maximum amount statutorily available as $100.00 for a tow lien and $600.00 for a storage lien pursuant to Wis. Stat. §779.415(1)(a).

44. Tow Co. has converted the vehicle for their own use without authority to do so as they do not have a timely or valid towing or storage lien.

45. That Tow Co. is restricted from selling the motor vehicle until the dispute outlined in this litigation is resolved, or otherwise settled.

46. That if the Vehicle were sold by either defendant, converted for their own use, or converted for the use of others; the plaintiff is entitled to entry of judgment for money as to the Tow Co. for the amount obtained over the maximum statutory liens.

47. That the plaintiff hereby makes a statutory offer of settlement pursuant to Wis. Stat. §807.01(3) to pay the Tow Co. the maximum amount of $700.00 as allowable for a towing and storage lien. A failure to accept the settlement offer within 10 days will hereby allow the plaintiff to pursue remedies outlined in said statute.

FIFTH CAUSE OF ACTION
AS TO SHEBOYGAN POLICE DEPARTMENT & DEPOT AUTO SERVICE AND TOWING, INC.
[MONEY JUDGMENT]

48. Plaintiff repeats and realleges the averments made herein in paragraphs one (1) through thirty-four (34).

49. That because of the actions of the Sheboygan Police Department and Depot Auto Service and Towing, Inc., Plaintiff is entitled to entry of judgment the amount for the value of the collateral so disposed not to exceed the balance owed of $29,416.43 against the Sheboygan Police Department and Depot Auto Service and Towing, Inc, jointly and severally.

SIXTH CAUSE OF ACTION
AS TO THOMAS GRAEFE
[NON-CONSUMER ACT REPLEVIN/CONVERSION]

38. Plaintiff repeats and realleges the averments made herein in paragraphs one (1) through thirty-seven (37).

39. Possessor, Thomas Graefe ["Possessor"] is in possession of the **2017 Subaru Outback - VIN: 4S4BSANC5H3333389 ["Vehicle"]**.

40. Possessor is wrongfully detaining the Collateral.

41. Plaintiff is entitled to the immediate possession of the Vehicle.

42. That the Vehicle has not been taken for a tax, assessment or fine or seized under any execution or attachment against the property of plaintiff.

43. The cause of the detention, according to the Plaintiff's best knowledge is unknown.

44. The value of the Vehicle is estimated to be $21,000.00.

45. The plaintiff believes the Vehicle may be located at the address for the defendant, Thomas Graefe.

46. That the plaintiff's lien on the Vehicle would remain in place and security enforceable is there has been any transfer of said Vehicle.

47. That because of the actions of the Thomas Graefe, Plaintiff is entitled to entry of replevin judgment for possession of the collateral.

WHEREFORE, plaintiff demands judgment against the defendants, as follows:

(1) As to the **First Cause of Action**, as to Eduardo Angel Hernandez, For the possession of, or the recovery of possession of the **2017 Subaru Outback - VIN: 4S4BSANC5H3333389** subject to the security agreement or, the value thereof in case a delivery cannot be had, and of damages for the detention; to the date of entry of judgment; and

(2) As to the **Second Cause of Action**, as to Eduardo Angel Hernandez, the sum of $29,416.43, principal, fees and interest, computed through May 17, 2023, plus per diem interest per day thereafter; and

(3) As to the **Third Cause of Action**, as to the Sheboygan Police Department, For the possession of, or the recovery of possession of the **2017 Subaru Outback - VIN: 4S4BSANC5H3333389** subject to the security agreement or, the value thereof in case a delivery cannot be had, and of damages for the detention; to the date of entry of judgment; and

(4) As to the **Fourth Cause of Action**, as to Depot Auto Service and Towing, Inc., For the possession of, or the recovery of possession of the **2017 Subaru Outback - VIN: 4S4BSANC5H3333389** subject to the security agreement or, the value thereof in case a delivery cannot be had, and of damages for the detention; to the date of entry of judgment; and

(5) As to the **Fifth Cause of Action**, as to the Sheboygan Police Department and Depot Auto Service and Towing, Inc., jointly and severally, the sum of $29,416.43, principal, fees and interest, computed through May 17, 2023, plus per diem interest per day thereafter; and

(6) As to the **Sixth Cause of Action**, as to Thomas Graefe and Towing, Inc., For the possession of, or the recovery of possession of the **2017 Subaru Outback - VIN: 4S4BSANC5H3333389** subject to the security agreement or, the value thereof in case a delivery cannot be had, and of damages for the detention; to the date of entry of judgment; and

(7) For the costs and expenses, including court costs, and the reasonable expenses of retaking, holding, preparing for sale or lease, selling, leasing and the like, and reasonable attorneys' fees and legal expenses incurred by the Plaintiff, to the extent provided for in the Note and not otherwise prohibited by law; and

(8) That the Wisconsin Department of Transportation is directed to issue certificate of title for the **2017 Subaru Outback - VIN: 4S4BSANC5H3333389** in the name of the plaintiff.

(9) For the taxable costs and disbursements of the action.

Dated: May 17, 2023.

GALANIS, POLLACK, JACOBS & JOHNSON, SC
Attorneys for Plaintiff

By _____
Joshua J. Brady
WI State Bar No. 1041428

P. O. Address:
413 N. 2nd Street
Suite 150
Milwaukee, WI 53203
Telephone: (414) 271-9556
jbrady@gpjlaw.com

FAIR DEBT COLLECTION PRACTICES ACT DISCLOSURE
15 U.S.C. SECTION 1692, AS AMENDED

1. Galanis, Pollack, Jacobs & Johnson, S.C. is a law firm/debt collector representing a creditor in the collection of a debt that you owe to said creditor. We are attempting to collect such debt and any information obtained from you will be used for that purpose.

2. The name and address of the creditor that the law firm represents is:

WISCONSIN CONSUMER CREDIT
W5073 COUNTY ROAD O
P.O. BOX 298
PLYMOUTH, WI 53073

3. The debt that the law firm is attempting to collect is described in the attached Complaint and Exhibits.

4. The total amount due by Eduardo Angel Hernandez on the total debt as of May 17, 2023 was $29,416.43. Since interest, late charges and other charges may vary from day to day, the amount of the debt on the day you pay may be greater. Hence, if you pay the amount stated above, an adjustment may be necessary after we receive your check, in which event we will inform you before depositing the check for collection.

5. Unless you dispute the validity of the debt, or any portion thereof, within thirty (30) days after receipt of this notice, we will assume the debt to be valid.

6. If you notify us that you are disputing the debt, or any portion thereof, within thirty (30) days after receipt of this notice, we will obtain verification of the debt or a copy of the judgment against you, and a copy of such verification or judgment will be provided in writing to you.

7. If the original creditor is different from the present creditor and within thirty (30) days after receipt of this notice, you request the name and address of such original creditor, we will obtain that information, and that information will be mailed to you.

8. The law does not require us to wait until the end of the thirty (30) day period before proceeding with this lawsuit to collect the debt. If, however, you request proof of the debt or the name and address of the original creditor within the thirty (30) day period that begins with your receipt of the accompanying notice, the law requires us to suspend our efforts to collect the debt until we provide the requested information to you.

9. All written requests should be addressed to Galanis, Pollack, Jacobs & Johnson, S.C., 413 N. 2nd Street, Suite 150, Milwaukee, WI 53203.

Item 20.

EXHIBIT
A

LAW 553-WI 7/21

RETAIL INSTALLMENT SALE CONTRACT
SIMPLE FINANCE CHARGE

EDUARDO ANGEL HERNANDEZ
1429 ERIF AVE
SHEBOYGAN, WI 53081

VAN HORN MOTORS OF SHEBOYGAN INC.
3512 WILSON AVE
SHEBOYGAN, WI 53081

Year	Make	Model	Vehicle Identification Number	Primary Use
USED	2017	SUBARU OUTBACK	4S4BSACSXH3333589	☐ Business ☐ Agriculture ☐ N/A

ANNUAL PERCENTAGE RATE	FINANCE CHARGE	Amount Financed	Total of Payments	Total Sale Price
15.25 %	$ 15,437.02	$ 28,482.98	$ 43,920.00	$ 44,420.00

Your Payment Schedule Will Be:

Number of Payments	Amount of Payments	When Payments Are Due
72	$ 610.00	MONTHLY beginning 05/23/2022
N/A	$ N/A	N/A

N/A

Late Charge. If payment is not received in full within 10 days after it is due, you will pay a late charge of 5 % of the part of the payment that is late. The maximum charge will be $ 100. If you bought the vehicle for personal, family or household use and the amount financed is $25,000 or less:
Prepayment. If you pay early, you will not have to pay a penalty.
Security Interest. You are giving a security interest in the vehicle being purchased.
Additional Information: See this contract for more information including information about nonpayment, default, any required repayment in full before the scheduled date, and security interest.

PREPAID CASH PRICE (Including $ 2,295.00 Sales Tax)	$ 28,000.00
Trade-in N/A Year N/A Make N/A Model N/A	
Gross Trade-In Allowance N/A	$ N/A
Less: Pay Off Made By Seller to N/A	$ N/A
Equals: Net Trade-In	$ -0.00
+ Cash N/A	$ N/A
+ Other N/A	$ N/A
+ Other N/A	$ N/A
+ Other N/A	$ N/A
(If less than zero, enter "0" and see 4 below)	$ 0.00
3 Unpaid Balance of Cash Price (1 minus 2)	$ 28,000.00
4 Other Charges including Amounts Paid to Others on Your Behalf	
A Cost of Optional ☐ Insurance ☐ Debt Cancellation to N/A	$ N/A
B Other Optional Insurance Paid to Insurance Company or Companies	$ N/A
C Official Fees Paid to Government Agencies	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
D Optional Gap Contract	$ 699.00
E Government Taxes Not Included in Cash Price	$ N/A
F Registration / Vehicle Service Contract Fees	
LICENSE AND/OR REG FEES	$ 115.00
G Government Certificate of Title Fees	$ N/A
H Other Charges to Public Officials Not Part of Finance Charge STATE OF WISCONSIN	$ 19.50
I Other Charges (Seller must identify who is paid and describe the purpose)	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
to N/A for N/A	$ N/A
Total Other Charges and Amounts Paid to Others on Your Behalf	$ 2,157.00
5 Amount Financed (3 + 4)	$ 30,156.00

OPTION: ☐ You may pay no finance charge if the Amount Financed, Item 5, is paid in full on or before N/A Year N/A Month N/A Day. BUYER'S INITIALS

Returned Check Charge. You agree to pay a charge of $ 15 if any check you give us is returned unsatisfied or any electronic payment is returned unpaid because you do not have an account with the financial institution on which the check or draft is drawn or do not have sufficient funds or credit with the financial institution.

ANY INSURANCE REFERRED TO IN THIS CONTRACT DOES NOT INCLUDE COVERAGE FOR PUBLIC LIABILITY PROTECTING THE DRIVER AGAINST DAMAGES RESULTING FROM NEGLIGENT USE OF THE VEHICLE.

OPTIONAL GAP CONTRACT. A gap contract (debt cancellation contract) is not required to obtain credit and will not be considered in any way in the credit decision. If you choose to buy a gap contract, the charge is shown as item 4D in the Itemization of Amount Financed. See your gap contract for details on the terms and conditions it provides. It is a part of this contract.
72 Months
Term ____ Months Name of Gap Contract
I want to buy a gap contract.
Buyer Signs X

NO COOLING OFF PERIOD
State law does not provide for a "cooling off" or cancellation period for this sale. After you sign this contract, you may only cancel it if the seller agrees or for legal cause. You cannot cancel this contract simply because you change your mind. This notice does not apply to home solicitation sales.

The Annual Percentage Rate may be negotiable with the Seller. The Seller may assign this contract and retain its right to receive a part of the Finance Charge.

HOW THIS CONTRACT CAN BE CHANGED. This contract can only be changed by a written agreement between you and us. Anyone who takes over your obligations must be in writing and we must agree to this change. Buyer Signs X Co-Buyer Signs X
If any part of this contract is not valid, all other parts stay valid unless the law prevents otherwise. We may delay or refrain from enforcing any of our rights under this contract without losing them. For example, we may extend the time for making some payments without extending the time for making others.
See back for other important agreements.

FOR MARRIED WISCONSIN CONSUMERS:
YOU RECOGNIZE THAT THIS RETAIL INSTALLMENT CONTRACT IS INCURRED AS A FAMILY OBLIGATION UNDER WISCONSIN LAW AND THAT YOUR MARITAL PROPERTY MAY BE SUBJECT TO LIABILITY UNDER THIS OBLIGATION.

X N/A
Buyer's Signature
X N/A
Co-Buyer's Signature
If you are married and your spouse is not a buyer, co-buyer, or other owner, please complete the following:
Name of Buyer's Spouse N/A Address N/A
Name of Co-Buyer's Spouse N/A Address N/A

You agree to the terms of this contract. You confirm that before you signed this contract, we gave it to you, and you were free to take it and review it. You confirm that you received a completely filled-in copy when you signed it.

NOTICE TO CUSTOMER
(a) DO NOT SIGN THIS BEFORE YOU READ THE WRITING ON THE REVERSE SIDE, EVEN IF OTHERWISE ADVISED.
(b) DO NOT SIGN THIS IF IT CONTAINS ANY BLANK SPACES.
(c) YOU ARE ENTITLED TO AN EXACT COPY OF ANY AGREEMENT YOU SIGN.
(d) YOU HAVE THE RIGHT AT ANY TIME TO PAY IN ADVANCE THE UNPAID BALANCE DUE UNDER THIS AGREEMENT AND YOU MAY BE ENTITLED TO A PARTIAL REFUND OF THE FINANCE CHARGE.

Buyer Signs X 04/08/2022 Date
Buyer's Printed Name EDUARDO ANGEL HERNANDEZ
Co-Buyer Signs X N/A Date N/A
Co-Buyer's Printed Name N/A
If the "Purchaser" uses this a Married or Primary Use for Which Purchased, Print Name
Co-Buyers and Other Owners — If you jointly or in common own the vehicle given to us as the down payment, you agree to pay the debt. The other owner agrees to the security interest in the vehicle given to us as the down payment.
Other owner signs here X N/A
Seller signs VAN HORN MOTORS OF SHEBOYGAN INC. 04/08/2022 Date
Seller's name VAN HORN MOTORS OF SHEBOYGAN INC. Title FINANCE MANAGER
Seller will not be a party to this contract if Buyer does not sign.
☐ Assigned without recourse ☐ Has your own financial institution
Seller VAN HORN MOTORS OF SHEBOYGAN INC. By Title FINANCE MANAGER



EXHIBIT

B

Lien Holder Results

VIN: 4S4BSANC5H3333389

Year: 2017

Make: SUBARU

Paper title delivered to the lien holder.

WISCONSIN CONSUMER CREDIT INC

Lien Holder: WISCONSIN CONSUMER CREDIT INC

Address: PO BOX 298
PLYMOUTH WI 53073-0298

Date Listed: 05/09/2023

Back Exit

Version A

EXHIBIT C

Account Payment History												
Signer:	EDUARDO ANGEL HERNANDEZ											
Co-Signer:												
Account #	[redacted]											
Term	72.00											
Payment Due Date	Amount Due $	Date Pymnt made w/in Due Date Grace	Date Pymnt made outside of due date	Amount Tendered $	Principal	Interest	Fees Paid	Fees	Credits Being Used	Monthly Payment Balance	From Pymnt Due Date	Grace Period End Date
5/23/2022	$610.00	5/5/2022		610.00	288.70	321.30	0.00			0.00	05/23/22	06/02/22
6/23/2022	$610.00	5/23/2022		610.00	397.96	212.04				0.00	06/23/22	07/03/22
7/23/2022	$610.00	6/24/2022		610.00	238.48	371.52				0.00	07/23/22	08/02/22
8/23/2022	$610.00	7/23/2022		610.00	276.21	333.79				0.00	08/23/22	09/02/22
9/23/2022	$610.00	9/23/2022		610.00	0.00	610.00				0.00	09/23/22	10/03/22
10/23/2022	$610.00	10/23/2022		610.00	171.20	438.80				0.00	10/23/22	11/02/22
11/23/2022	$610.00									610.00	11/23/22	12/03/22
12/23/2022	$610.00							10		610.00	12/23/22	01/02/23
1/23/2023	$610.00									610.00	01/23/23	02/02/23
2/23/2023	$610.00							10		610.00	02/23/23	03/05/23
3/23/2023	$610.00							10.00		610.00	03/23/23	04/02/23
4/23/2023	$610.00							10.00		610.00	04/23/23	05/03/23
Total	7,320.00			3,660.00	1,372.55	2,287.45	0.00	40.00				
						3,660.00						
Payments Due	7,320.00											
Payments Made	3,660.00											
System Adj												
Amount Behind	3,660.00											
Late/NSF Fees	40.00											
Other Fees												
Fees Paid	0.00											
Total Due	$3,700.00											
Amount Financed	$28,482.98											
Principal Paid to Date	$1,372.55											
Total Principal Due	$27,110.43											
Total Outstanding Interest as of 5/11/23	$2,266.00											
Total Fees Due	$40.00											
Additional Charges												
Total Due on Account	$29,416.43											
Contract cancellations												
Sale Price												
[redacted]												

Contract Balance	
Current Balance	$29,416.43
Current Principal	$27,110.43
Current Interest	$2,266.00
Current Fees	$40.00
Security Deposit	$0.00
Recurring Fee	$0.00
All Lease Total Balance	$0.00

EXHIBIT D

March 1, 2023

Wisconsin Consumer Credit
W5073 County Road O
Plymouth, WI 53073

Case Number:	C23-01859
Year:	2017
Vehicle Make:	SUBARU
Model:	OUTBACK
Color:	WHITE
VIN #:	4S4BSANC5H3333389
Towed By:	DEPOT TOWING

To Whom It May Concern:

Please be advised that the above-described vehicle, a **2017 Subaru Outback**, has been removed by the Sheboygan Police Department from **1130 N 10th St.**, under the authority of the Vehicle Abandonment Ordinance #118-276. The vehicle is now being held at the City's contract salvage yard.

Failure of the owner or lien holder of the vehicle to exercise their rights to claim the vehicle as per Municipal Ordinance #118-279 shall be deemed a waiver of all rights, title and interest in the vehicle and a consent to the sale of the vehicle by the contract towing service. If your vehicle is unlicensed, it will continue to be deemed abandoned even after you reclaim the vehicle for as long as it is unlicensed. If your vehicle is unlicensed and is found parked upon public property within the city, it may be removed without providing new advanced notice.

Each retained vehicle not re-claimed within 10 days of this certified mail notice being sent to the last titled owner/lien holder will be disposed of as per Municipal Ordinance #118-279, said 10-day period ends **03/11/2023.**

If you feel this letter has been generated in error, please contact the Sergeant of Administration, Sergeant Andy Kundinger at 920-459-3352.

Sincerely,

CHRISTOPHER D. DOMAGALSKI
CHIEF OF POLICE

ANDREW S. KUNDINGER
SERGEANT OF ADMINISTRATION

SBC:cnk

FILED
05-18-2023
Sheboygan
Clerk of Circuit Court
2023CV000274
Honorable Angela W. Sutkiewicz
Branch 3

STATE OF WISCONSIN **CIRCUIT COURT** **SHEBOYGAN**

Wisconsin Consumer Credit vs. Eduardo Angel Hernandez et al

Electronic Filing Notice

Case No. 2023CV000274
Class Code: Money Judgment

DEPOT AUTO SERVICE AND TOWING, INC.
1131 PENNSYLVANIA AVE.
SHEBOYGAN WI 53081

Case number 2023CV000274 was electronically filed with/converted by the Sheboygan County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at **http://efiling.wicourts.gov/** and may withdraw as an electronic party at any time. There is a $20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 9ee897

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3068.

Sheboygan County Circuit Court
Date: May 18, 2023

FILED
05-18-2023
Sheboygan
Clerk of Circuit Court
2023CV000274
Honorable Angela W. Sutkiewicz
Branch 3

STATE OF WISCONSIN **CIRCUIT COURT** **SHEBOYGAN**

Wisconsin Consumer Credit vs. Eduardo Angel Hernandez et al

Electronic Filing Notice

Case No. 2023CV000274
Class Code: Money Judgment

EDUARDO ANGEL HERNANDEZ
1429 ERIE AVE.
SHEBOYGAN WI 53081

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Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3068.

Sheboygan County Circuit Court
Date: May 18, 2023

FILED
05-18-2023
Sheboygan
Clerk of Circuit Court
2023CV000274
Honorable Angela W. Sutkiewicz
Branch 3

STATE OF WISCONSIN **CIRCUIT COURT** **SHEBOYGAN**

Wisconsin Consumer Credit vs. Eduardo Angel Hernandez et al

Electronic Filing Notice

Case No. 2023CV000274
Class Code: Money Judgment

THOMAS GRAEFE
W2137 SHAMROCK DR.
SHEBOYGAN WI 53083

Case number 2023CV000274 was electronically filed with/converted by the Sheboygan County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at **http://efiling.wicourts.gov/** and may withdraw as an electronic party at any time. There is a $20.00 fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 9ee897

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-459-3068.

Sheboygan County Circuit Court
Date: May 18, 2023

II

R. O. No. 16 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting various license applications.

City Clerk

CHANGE OF AGENT

Corbin J. Wery is replacing Ozgur N. Acar as agent effective immediately for Water Street Pub located at 931 N. 12th Street.

CHANGE OF AGENT

Heba Raouf is replacing Cameron J. Bopp as agent effective immediately for AmericInn Hotel located at 3664 S. Taylor Drive.

CHANGE OF AGENT

Heba Raouf is replacing Cameron J. Bopp as agent effective immediately for Holiday Inn Express located at 3823 Germaine Avenue.

CHANGE OF AGENT

Dale R. Berger is replacing Susan B. Engler as agent effective immediately for Blue Harbor Resort located at 725 Blue Harbor Drive.

SIDEWALK CAFE (April 14, 2024)

No.	Name	Address
2427	Urbane	1231 N. 8th Street

CHANGE OF PREMISE

No.	Name	Address
3404	Scenic Bar & Restaurant	1635 Indiana Avenue - Two day event to be held 6/24/23 and 6/25/23: to include the current premises plus 30' x 60' area of the parking lot. Southeast and

LHPS

		Southwest corners to northwest and northeast corners.
1353	Sheboygan Yacht Club	214 Pennsylvania Avenue - Three day event to be held 8/11/23 - 8/13/23 to include parking lot on the Northeast corner of lot. The lot is just East of the two garages on the property and include current premise.

"CLASS A" LIQUOR LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
2765	Sheboygan Liquor LLC (Jakes Liquor)	2019 S. Business Drive
3187	Ananda Marketing LLC (Sheboygan Liquor Depot)	810 N. 14th Street

CLASS "A" FERMENTED MALT BEVERAGE LICENSE (June 30, 2023) (RENEW)

No.	Name	Address
1424	Walgreen Co. (Walgreens #06097)	3320 S. Business Drive
2601	Walgreen Co. (Walgreens #12020)	2702 Calumet Drive
2088	Walgreen Co. (Walgreens #6570)	1029 N. 14th Street
3557	Jai Petroleum and Investment LLC (J Mart)	2420 Calumet Drive
3511	North 8th Oriental Store LLC (North 8th Oriental Store)	2002 N. 8th Street
2519	Adithi LLC (Northside Clark)	2709 N. 15th Street
3496	Goodside Grocery Food Co-op (Goodside Grocery Food)	1131 N. 8th Street

2944	Lesleys Tax Service Inc. (Lesley's Tax Service)	1427 N. 8th Street

CLASS "A" BEER/"CLASS A" CIDER ONLY LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3007	Ananda Marketing LLC (Tidy Store of Sheboygan)	810 N. 14th Street
3490	Kasturi Marketing LLC (Union Avenue BP)	1208 Union Avenue
3243	Harbor Petroleum LLC (Sheboygan Harbor Petro)	905 Indiana Avenue

"CLASS B" LIQUOR LICENSE (June 30, 2024)(NEW)

No.	Name	Address
3603	Nansea & KT Inc. (Itty Bitty Bar)	2140 Calumet Drive

"CLASS B" LIQUOR LICENSE (June 30, 2024)(RENEW)

No.	Name	Address
2487	JKR Pub & Grille, Inc. (Frankies Pub & Grill)	2218 Indiana Avenue
3569	Champs Bar & Grill LLC (Champs Sports Bar & Grill)	1501 Indiana Avenue
2030	Twelfth Parallel Inc. (Rewind)	1002 Michigan Avenue
3069	Time And A Half LLC (Time and a Half)	2518 N. 15th Street
2427	Urbane Hospitality LLC (Urbane)	1231 N. 8th Street
3435	Nine O Two LLC (Nine-O-Two)	902 Indiana Avenue

3445	J & J Hotspot LLC (J & J Hotspot LLC)	1823 N. 12th Street
3559	The Spices Of The East LLC (The Spices Restaurant & Bar)	4604 S. Business Drive
1764	Mortimer's Pub LTD (Water Street Pub)	931 N. 12th Street
1345	Sheboygan Outboard Club (Sheboygan Outboard Club)	732 N. Water Street
3542	Cocina Mi Familia LLC (Cocina Mi Familia)	1423 Union Avenue
3056	Gotta Getcha In Oasis LLC (House Divided)	840 Wilson Avenue
2726	John Michael Kohler Arts Center (John Michael Kohler Arts)	608 New York Avenue
3434	John Michael Kohler Arts Center (John Michael Kohler Art Preserve)	3636 Lower Falls Road
1288	Riverview Club Inc. (CLUB) (Riverview Club)	626 N. 15th Street
1360	Slys Midtown Salooon LLC (Slys Midtown Salooon)	508 N. 8th Street
1229	Sheboygan Lodge No. 438 Loyal Ord. (Sheboygan Moose Lodge #438)	1811 Georgia Avenue
3574	Acarber LLC (Turks & Timbers Bar & Grill)	1022 Michigan Avenue
2921	The Walkabout LLC (The Walkabout)	2401 Calumet Drive
3117	Harbor Lights Two LLC (Harbor Lights)	434 Pennsylvania Avenue
3487	New Jersey East Properties LLC (My Place Bar And Grill)	1515 New Jersey Avenue
3577	Golf 365 LLC (Golf 365)	2729 Indiana Avenue

2742	8th Street Ale Haus LLC (8th Street Ale Haus)	1132 N. 8th Street
2381	Coblyns, LLC (Bourbon Street Pub & Grill)	1536 Indiana Avenue
2513	Coblyns, LLC (Vreekes Tavern)	935 Michigan Avenue
3444	SS North Star LLC (SS Northstar)	3004 N. 8th Street
1734	Sheboygan Hotel LLC (Holiday Inn-Express)	3823 Germaine Avenue
3527	Young Trustt Entertainment LLC (West Coast Café and Lounge)	1210 Michigan Avenue
3508	Pop's Burger & Pizza House Inc. (Pop's Burger & Pizza House)	920 Michigan Avenue
3160	Bo Mallies LLC (Bomallies)	2427 Calumet Drive
2805	Sheboygan Resort Operator LLC (Blue Harbor Resort)	725 Blue Harbor Drive
3182	Hans C Graf LLC (Blue Lite)	1029 N. 8th Street
3248	Seeboth Delicatessen LLC (Seeboth Delicatessen)	1501 S. 8th Street
2272	PJ's Party Zone LLC (PJ'S Party Zone)	910 N. 18th Street

CLASS "B" BEER LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
1809	Riverfront Bait & Tackle Inc. (The Wharf)	733 Riverfront Drive
3430	Half Tree Studio LLC (Board And Brush)	528 N. 8th Street
3135	Cheong LLC (New China Buffet)	571 S. Taylor Drive

3449	Yangchee LLC (Toys Restraunt)	1229 N. 8th Street

CLASS "B" BEER LICENSE (June 30, 2024) (NEW)

No.	Name	Address
3599	Uptown Slice LLC (Uptown Slice)	1116 Michigan Avenue

"CLASS C" LICENSE (June 30, 2024) (NEW)

3599	Uptown Slice LLC (Uptown Slice)	1116 Michigan Avenue

CLASS "B" BEER LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3519	Lupitas Mexican Store LLC (Fast Taco by Lupitas Mexican Store)	2139 S. Business Drive
2445	La Conquistadora LLC (La Conquistadora LLC)	1218 Indiana Avenue
3531	Harbor Petroleum LLC (Harbor Bar And Grill)	905 Indiana Avenue
3018	Tina Nguyen (Pho VN)	2209 S. Business Drive
3022	Paradigm LLC (Paradigm)	1202 N. 8th Street
2409	Brown Deer Pride LLC (Americinn)	3664 S. Taylor Drive
3510	Luce Egg Inc. (Tochi)	623 N. 8th Street
3599	Uptown Slice LLC (Uptown Slice)	1116 Michigan Avenue

"CLASS C" LICENSE (June 30, 2024) (RENEW)

3531	Harbor Petroleum LLC (Harbor Bar And Grill)	905 Indiana Avenue

3018	Tina Nguyen (Pho VN)	2209 S. Business Drive
3022	Paradigm LLC (Paradigm)	1202 N. 8th Street
2409	Brown Deer Pride LLC (Americinn)	3664 S. Taylor Drive
3510	Luce Egg Inc. (Tochi)	623 N. 8th Street
3599	Uptown Slice LLC (Uptown Slice)	1116 Michigan Avenue

II

R. O. No. 12 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting a Petition for Review received from the State of Wisconsin Tax Appeals Commission in the matter of Georgia-Pacific Corrugated, LLC v. Wisconsin Department of Revenue.

FHP

_____

CITY CLERK

STATE OF WISCONSIN

TAX APPEALS COMMISSION

COPY

GEORGIA-PACIFIC CORRUGATED, LLC,

DOCKET NO. 23-MP-119

Petitioner,

v.

WISCONSIN DEPARTMENT OF REVENUE,

ACKNOWLEDGMENT OF RECEIPT

Respondent.

RECEIPT IS ACKNOWLEDGED in relating to the above-captioned matter as follows:

Item Received: Petition and Filing Fee

Date Received: April 24, 2023

By: Courier

Filing Fee Received: $25

The docket number shown above is assigned to this matter and should be placed on all subsequent correspondence.

Copies of your petition are being sent to the Office of General Counsel of the Wisconsin Department of Revenue and the clerk of the municipality listed on the Notice of Determination, if the Determination is present.

Dated at Madison, Wisconsin, this 26th day of April, 2023.

WISCONSIN TAX APPEALS COMMISSION



Lilliandra Allison, Clerk
WI Tax Appeals Commission
101 E. Wilson Street, 5th Floor
Madison, WI 53703
(608)-266-1391

Please note that the files of the Tax Appeals Commission may be subject to open records request. Parties should keep this in mind when submitting documentation to the Commission and should avoid the inclusion of non-essential personal information, such as social security numbers and tax returns.

For guidance in these proceedings, please visit www.wisbar.org/taxappeals or see Ch. 73.01 of the Wisconsin Statutes and Wisconsin Administrative Code Chapter TA 1 - Practice and Procedures before the Tax Appeals Commission.

cc: Attorney Don M. Millis
Meredith Debruin, City of Sheboygan, w/ enc.
Wisconsin Dept. of Revenue w/enc.

Reinhart
Attorneys at Law

Reinhart Boerner Van Deuren
P.O. Box 2018
Madison, WI 53701-2018

22 East Mifflin Street
Suite 700
Madison, WI 53703

Telephone: 608-229-2200
Facsimile: 608-229-2100
reinhartlaw.com

April 24, 2023

Don M. Millis
Direct Dial: 608-229-2234
dmillis@reinhartlaw.com

FILED

APR 24 2023

Wisconsin Tax Appeals Commission
Nicole Allee - Legal Assistant

DELIVERED BY MESSENGER

Ms. Lilliandra Allison, Clerk
Wisconsin Tax Appeals Commission
DOA Building, 5th Floor
101 E. Wilson Street
Madison, WI 53703

23-MP-119

Dear Ms. Allison:

Re: *Georgia-Pacific Corrugated, LLC*
Appeal No. 81-097-PPO-22

Enclosed please find an original and four copies of a Petition for Review filed in the above-referenced matter, along with the appropriate filing fee. Please date stamp the copy and return it to the awaiting messenger.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,

Don M. Millis

Encs.

49331517

COPY

STATE OF WISCONSIN **TAX APPEALS COMMISSION**

Georgia-Pacific Corrugated LLC
Tax Dept.
P.O. Box 105681
Atlanta, GA 30348-5681

Petitioner,

vs.

WISCONSIN DEPARTMENT OF REVENUE
PO BOX 8907
MADISON, WISCONSIN 53708
Respondent.

PETITION FOR REVIEW OF DETERMINATION BY STATE BOARD OF ASSESSORS FOR MANUFACTURING PROPERTY
(Personal Property Assessment)
~~**(Real Property Assessment)**~~
~~**(Manufacturing Penalty Assessment)**~~

23-MP-119

FILED
APR 24 2023
Wisconsin Tax Appeals Commission
Nicole Allee - Legal Assistant

TO: THE WISCONSIN TAX APPEALS COMMISSION:

The above named petitioner hereby petitions the Wisconsin Tax Appeals Commission for review of the determination of the State Board of Assessors dated: March 8, 2023

1.	Full name, address & telephone number of petitioner: Georgia-Pacific Corrugated LLC Attn: Sasha Oberbeck - Property Tax P.O. Box 105681 Atlanta, GA 30348-5681	2.	Computer nos. shown on Assessment notice: 81-59-281-P-000013314
3.	Address of personal property: 1927 Erie Avenue	4.	Assessment date: 06/13/2022

5. Value as determined by the State Board of Assessors: (Personal Property Assessment Only)

Manufacturer's stock	Furniture & fixtures $58,900
Boats & watercraft	All others $500
Machinery & equipment $379,200	Total value $438,600

6. Value as determined by the State Board of Assessors: (Real Property Assessment Only)

Land	
Improvement	
Total	

7. Penalty amount: (Manufacturing Penalty Assessment Only)

Date Wisconsin Standard Manufacturing Property Report Form was filed:

COPY

8. On a separate sheet, please provide a statement of the nature of the petitioner's objection and the facts upon which petitioner relies.

The assessment includes exempt property and greatly inflates the value of the personal property in the owner's possession.

9. Petitioner's opinion of the value as of the assessment date: (Real Property Assessment Only)

Land	
Improvements	
Total	

10. Petitioner's opinion of the value as of the assessment date: (Personal Property Assessment Only)

Manufacturer's stock	Furniture & fixtures $58,900
Boats & watercraft	All others $500
Machinery & equipment $111,005	Total value $170,405

11. Was subject property appraised within the past 5 years? ☐ Yes ☒ No

If Yes

A. Date of appraisal:

B. Appraised value:

C. Name and address of appraiser:

D. Will testimony concerning this appraisal be presented at the hearing?

☐ Yes ☐ No

E. If so, will a copy of the appraisal be offered? ☐ Yes ☐ No

F. Will comparable sales be offered as evidence at the hearing?

☐ Yes ☐ No

If yes, attach a schedule listing the seller's name, the purchaser's name, address of the property, date of sale, purchase price, and any special circumstances surrounding the sale.

12. Name, address and telephone number of the petitioner's representative, if any:

Don M. Millis, Kristina E. Somers, Sara R. Rapkin, and Shawn E. Lovell
Reinhart Boerner Van Deuren s.c.
22 E. Mifflin Street, Suite 700, Madison, WI 53703

Signature of owner/representative:

Kristina E Somers

Dated: April 24, 2023

This form must be filed with the Tax Appeals Commission within 60 days from the date of the determination of the State Board of Assessors. A $25.00 filing fee payable to the Tax Appeals Commission must be filed with this form. The Tax Appeals Commission Address is:

Wisconsin Tax Appeals Commission
Suite 110
5005 University Avenue
Madison, WI 53705

(608) 266-1391

STATE BOARD OF ASSESSORS
NOTICE OF DETERMINATION

GEORGIA PACIFIC CORRUGATED LLC, PETITIONER
APPEAL NO. 81-097-PPO-22
STATE IDENTIFICATION NO. 81-59-281-P-000013314

COPY

VS

WISCONSIN DEPARTMENT OF REVENUE, RESPONDENT

TO:
GEORGIA PACIFIC CORRUGATED LLC
PO BOX 105681
ATLANTA GA 30348-5681

AND:
MEREDITH DEBRUIN - CLERK
C SHEBOYGAN
828 CENTER AVE
SHEBOYGAN WI 53081-4442

PLEASE TAKE NOTICE that the objection to the 2022 assessment for the above-listed account has been reviewed by the State Board of Assessors pursuant to sec. 70.995 (8)(a), Wis. Stats., and that this Board has determined that the property in question be assessed as follows:

AGGREGATE RATIO: 0.926227788

	ORIGINAL 2022 FULL VALUE ASSESSMENT	REVISED 2022 FULL VALUE ASSESSMENT	ORIGINAL 2022 EQUATED VALUE ASSESSMENT	REVISED 2022 EQUATED VALUE ASSESSMENT
Boats & Watercraft	$ 0	No Change	$ 0	No Change
Machinery & Equipment	$379,200	No Change	$351,200	No Change
Furniture & Fixtures	$58,900	No Change	$54,600	No Change
All Other	$500	No Change	$500	No Change
Buildings on Leased Land	$ 0	No Change	$ 0	No Change
Total	$438,600	No Change	$406,300	No Change

Interest per sec. 70.511(2)(b), Wis. Stats., is not applicable. No refund of property tax is required. The 2022 assessment was sustained by the state board of assessors.

You shall be deemed to have accepted this determination unless you notify the Wisconsin Tax Appeals Commission (TAC) of your desire to present testimony before that Commission challenging the assessed value here determined. The proper forms may be obtained by writing or calling:

Address: Wisconsin Tax Appeals Commission
101 E Wilson St 5th Floor
Madison, WI 53703-3405
Phone: (608) 266-1391

APPEALS MUST BE FILED WITH THE TAX APPEALS COMMISSION WITHIN 60 DAYS OF THE DATE ON THIS ORDER as set forth in sec. 73.01(5), Wis. Stats.

Dated at Madison, Wisconsin, this 8th day of March 2023.

cc: Don M Millis, Agent for Owner
Lilliandra Allison (TAC)
Green Bay Manufacturing & Utility District Office

STATE OF WISCONSIN
STATE BOARD OF ASSESSORS

By: _____
Timothy J. Drascic, Chairman

CFML40

II

R. O. No. 11 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting a Petition, Notice, and List of Tax Liens of Sheboygan County being foreclosed in the matter of the Foreclosure of Tax Liens under Wis. Stat. 75-521 by Sheboygan County, List of Tax Liens for 2018 and 2019.

FHP

_____

CITY CLERK

CLERK CIRCUIT COURT
FILED
2023 MAY -5 P 2:24
SHEBOYGAN COUNTY
WISCONSIN

STATE OF WISCONSIN : CIRCUIT COURT : SHEBOYGAN COUNTY

IN THE MATTER OF THE FORECLOSURE OF TAX LIENS UNDER WI STATUTE §75.521 BY SHEBOYGAN COUNTY, LIST OF TAX LIENS FOR 2018 AND 2019 NUMBER FORTY-NINE

Case Class: 30405

Case No. 23GF18
Branch 4 - Judge Persick

PETITION, NOTICE, AND LIST OF TAX LIENS OF SHEBOYGAN COUNTY BEING FORECLOSED BY PROCEEDING *IN REM.* 2018 AND 2019 NUMBER FORTY-NINE

TO THE CIRCUIT COURT FOR SHEBOYGAN COUNTY, WISCONSIN:

NOW COMES Sheboygan County, State of Wisconsin, by Laura Henning-Lorenz, its County Treasurer, and files this list of tax liens of Sheboygan County for the taxes of 2018 through 2019, sales of 2019 through 2020, and alleges and shows to the Court:

1. That each of the parcels of land described on the List of Tax Liens of Sheboygan County set forth in Paragraph 4 hereof has been sold to Sheboygan County for delinquent taxes and the tax certificates; therefore, have been outstanding for two (2) or more years and said years being the sales of the years indicated below.

2. That Sheboygan County is now the owner and holder of tax liens for the taxes of the years indicated in this list as evidenced by the Tax Sales Certificates numbered below.

3. That Sheboygan County has, by ordinance adopted by the County Board of Supervisors of said County on the 20th day of November, 1952, elected to proceed under Wis. Stat. § 75.521 for the purpose of enforcing tax liens in Sheboygan County.

4. That said list, made and filed pursuant to the provisions of Wis. Stat. § 75.521, is as follows, to-wit:

(Parcel numbering may have sequential gaps because of redemption payments made during preparation of this "Petition and Notice.")

[The "PRINCIPAL Sum of Lien" amounts are as of May 4, 2023, and said amounts increase by eighteen percent (18%) per annum on the first day of each month thereafter, and the current amounts are available from the Sheboygan County Treasurer's Office.]

(The rest of this page intentionally left blank)

LIST OF TAX LIENS OF SHEBOYGAN COUNTY BEING FORECLOSED BY PROCEEDING *IN REM.* 2018 AND 2019 NUMBER FORTY-NINE

PARCEL NO. 59016212891

Owner(s) of Record:
Janice V. Melvin by virtue of a Warranty Deed dated June 21, 2013 and recorded June 25, 2013 at 12:15 p.m. as Document Number 1970955.

Property Address:
W6283 Karpathy Lane, Plymouth, WI 53073

Legal Description:
Lot 18, commencing at the Southwest corner of the NW ¼ of Section 8, Town 15 North, Range 21 East, thence S. 88 degrees 34'38" E., 1299.16 feet along the South line of the NW ¼ of said Section 8, thence S. 89 degrees 37'07" E., 86.66 feet; thence North 455.42 feet, thence East 1186.00 feet to the true point of beginning; running thence North 214.41 feet; thence N. 86 degrees 41'21" E., 220.27 feet; thence S. 87 degrees 58'22" E., 80.1 feet; thence South 224.30 feet; thence West 300.00 feet to the true point of beginning; said Tract of land being a part of the SW ¼ NE ¼ and the SE ¼ NW ¼ of Section 8, Town 15 North, Range 21 East, Town of Plymouth, Sheboygan County, Wisconsin.

Tax Key Number:
59016212891

Mortgages:
None of record.

Judgments/Liens:
Judgment executed against Janice V. Melvin in favor of Sheboygan County, 615 North 6th Street, Sheboygan, WI, 53081, Sheboygan County Circuit Court Case Number 2016FO000252, filed January 12, 2017 and docketed January 12, 2017 at 9:18 A.M. in the principal sum of $389.50 (Attorney Crystal H. Fieber).

Judgment executed against Janice B. Melvin in favor of Sheboygan County, 615 North 6th Street, Sheboygan, WI, 53081, Sheboygan County Circuit Court Case Number 2017TR006300, filed January 19, 2018 and docketed January 19, 2018 at 1:47 P.M., in the principal sum of $10.00 (no Attorney shown)

Taxes:

Certificate No.:	135
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,542.44
Date Interest and Penalty Computed:	2/1/2020

Other:
None of record.

1372 Greystone Drive, Plymouth, WI 53073

Legal Description:
Lot 31, Greystone Settlement Addition No. 1, City of Plymouth, Sheboygan County, Wisconsin, according to the recorded plat thereof.

Tax Key Number:
59271829689

Mortgages:
Mortgage executed by Tammy L. Makowski, a single person, to Iowa Wisconsin Real Estate, LLC (no address provided), dated October 2, 2007 and recorded October 9, 2007 at 2:05 p.m. as Document Number 1837532, securing the principal sum of $262,257.00.

Judgments/Liens:
Judgment entered March 14, 2017 and docketed March 14, 2017 at 2:54 p.m. in favor of Sheboygan County Clerk of Circuit Court, 615 N. Sixth Street, Sheboygan, WI 53081-4692, creditor, and against Tammy L. Makowski, debtor, in the amount of $200.50, Case No. 2016TR007279. NOTE: Case number removed from Wisconsin Circuit Court System.

Judgment entered March 14, 2017 and docketed March 14, 2017 at 2:54 p.m. in favor of Sheboygan County Clerk of Circuit Court, 615 N. Sixth Street, Sheboygan, WI 53081-4692, creditor, and against Tammy L. Makowski, debtor, in the amount of $10.00, Case No. 2016TR007278. NOTE: Case number removed from Wisconsin Circuit Court System.

Judgment entered March 14, 2017 and docketed March 14, 2017 at 2:54 p.m. in favor of Sheboygan County Clerk of Circuit Court, 615 N. Sixth Street, Sheboygan, WI 53081-4692, creditor, and against Tammy L. Makowski, debtor, in the amount of $225.70, Case No. 2016TR007277. NOTE: Case number removed from Wisconsin Circuit Court System.

Judgment entered December 21, 2020 and docketed January 18, 2021 at 3:04 p.m. in favor of In Motion Studios, LLC, 595 Kiley Way, Plymouth, WI 53073, creditor, and against Tammy Makowski, debtor, in the amount of $2,135.50, Case No. 2020SC001561 (Attorney Adam D. Vanderheyden).

Special charges by the City of Plymouth against Tammy L. Makowski, 1372 Greystone Dr., Plymouth, WI 53073, for delinquent utilities in the amount of $304.06.

Taxes:

Certificate No.:	408
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$5,259.32
Date Interest and Penalty Computed:	2/1/2020

Other:
Restrictive Covenants recorded on February 10, 2006 at 11:16 a.m. as Document Number 1790685.

Six-foot storm easement along the South and portion of the North lot line; 12' storm easement along the West lot line; and 25' utility and drainage easement as recorded in Volume 15 of Plats, page 226.

Easements, restrictions, and any other matters as may appear on the recorded Plats/Certified Survey Maps of the subject property.

PARCEL NO. 59281206130

Owner(s) of Record:
Sandra L. Fries, a single person, by virtue of a Warranty Deed, dated December 15, 1998 and recorded December 16, 1998 at 4:13 p.m. in Volume 1632 of Records, page 461 as Document Number 1528238.

Property Address:
1018B North 11th Street, Sheboygan, WI 53081

Legal Description:
The South Seventy-three (73) feet of the West Half (W1/2) of Lot Three (3), Block Ninety-two (92) of the Original Plat in the City of Sheboygan, Sheboygan County, Wisconsin.

AND:

Commencing at the Northeast corner of the South Seventy-three (73) feet of the West Half (W1/2) of Lot Three (3), Block Ninety-two (92), thence South Seventy-three (73) feet to the Southeast Corner of said South Seventy-three (73) feet of the West Half (W1/2), thence East Seven (7) feet, thence North Forty-four (44) feet parallel with the West line of Lot Three (3), thence Northwesterly to a point Three and 25/100 (3.25) feet East of the point of beginning, thence West Three and 25/100 (3.25) feet to the point of beginning, being a part of Lot Three (3), Block Ninety-two (92), all of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

Tax Key Number:
59281206130

Mortgages:
None of record.

Judgments/Liens:
None of record.

Taxes:

Certificate No.:	539	523
Tax Year:	2018	2019
Sale Year:	2019	2020
PRINCIPAL Sum of Lien:	$627.01	$600.00
Date Interest and Penalty Computed:	2/1/2019	2/1/2020

Other:
Raze Order executed against Sandra L. Fries, dated August 25, 2021 and recorded August 31, 2021 at 4:20 P.M. as Document Number 2121777 regarding property located at 1018B North 11th Street, Sheboygan, WI. Interested parties are Sheboygan County Clerk, City of Sheboygan Finance Department, Sheboygan County Treasurer and City of Sheboygan Department of City Development.

PARCEL NO. 59281213370

Owner(s) of Record:
Current acting Personal Representative of the Estate of Mary Genske, deceased, by virtue of Termination of Decedent's Property Interest, dated March 2, 2017 and recorded March 2, 2017 at 4:38 p.m. as Document Number 2035681; and by virtue of a Quit Claim Deed, dated August 29, 1985 and recorded August 30, 1985 at 11:44 a.m. in Volume 990 of Records, page 83 as Document Number 1119482.

Property Address:
1428 North 26th Street, Sheboygan, WI 53081

Legal Description:
The North 75 feet of the East ½ of Lot 12 in Steimle's Division of the City of Sheboygan, according to the recorded plat thereof.

Tax Key Number:
59281213370

Mortgages:
None of record.

Judgments/Liens:
Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000096, entered March 10, 2021 and docketed April 22, 2022 at 12:14 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000095, entered March 10, 2021 and docketed April 22, 2022 at 11:57 a.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000102, entered January 12, 2022 and docketed April 22, 2022 at 12:34 p.m. in the principal sum of $187.00 (no attorney listed).

Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000101, entered January 12, 2022 and docketed April 22, 2022 at 12:33 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000098, entered January 12, 2022 and docketed April 22, 2022 at 12:17 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000099, entered January 12, 2022 and docketed April 22, 2022 at 12:18 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000097, entered March 10, 2021 and docketed April 22, 2022 at 12:15 p.m. in the principal sum of $187.00 (no attorney listed).

Judgment executed against Mary Genske in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000100, entered January 12, 2022 and docketed April 22, 2022 at 12:22 p.m. in the principal sum of $691.00 (no attorney listed).

Special charges by the City of Sheboygan against Mary Genske, 1428 N. 26th St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $152.13.

Taxes:

Certificate No.:	537
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,719.07

Date Interest and Penalty Computed: 2/1/2020

Other:
None of record.

PARCEL NO. 59281301490

Owner(s) of Record:
Isaac D. Schanno, a single person, by virtue of a Quit Claim Deed, dated July 22, 2021 and recorded October 18, 2021 at 2:42 p.m. as Document Number 2124836; and by virtue of a Personal Representative's Deed, dated October 21, 2008 and recorded October 23, 2008 at 9:24 a.m. as Document Number 1863092.

Property Address:
1201 South 8th Street, Sheboygan, WI 53081

Legal Description:
The North ½ of Lot 6, Block 267, of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded plat thereof.

Tax Key Number:
59281301490

Mortgages:
Mortgage executed by Isaac D. Schanno, to Sheboygan Area Credit Union, 1707 Indiana Avenue, Sheboygan, WI 53081, dated April 28, 2014 and recorded May 6, 2014 at 2:12 p.m. as Document Number 1985777, securing the principal sum of $27,600.00; Lis Pendens related thereto dated February 5, 2020 and recorded February 7, 2020 at 2:50 p.m. as Document Number 2086262.

Judgments/Liens:
Judgment executed against Isaac Schanno in favor of Mygrant Glass Company, Inc., 3271 Arden Road, Hayward, CA, 94545, Sheboygan County Circuit Court Case Number 2020CV000045, entered June 8, 2020 and docketed June 15, 2020 at 10:00 a.m. in the principal sum of $11,690.07 (Attorney Kevin D. Mathews).

Special charges by the City of Sheboygan against Isaac D. Schanno, 1201 S. 8th St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $137.21.

Taxes:

Certificate No.:	548
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$738.55
Date Interest and Penalty Computed:	2/1/2020

Other:
Ordinance granting encroachment recorded April 29, 1992 at 1:10 p.m. in Volume 1213 of Records, page 153/4 as Document Number 1341082.

PARCEL NO. 59281302300

Owner(s) of Record:
Joseph P. Champeau by virtue of Wisconsin Special Warranty Deed dated January 4, 2012 and recorded January 6, 1012 at 3:46 P.M. as Document Number 1937086.

Property Address:
1107 Alabama Avenue, Sheboygan, WI 53081

Legal Description:
Lot One (1) except the East Fifty-five (55) feet thereof, and the East Half (1/2) of Lot Two (2), Block Two Hundred and Eighty-four (284) of the Original Plat of the City of Sheboygan, Wisconsin, according to the recorded plat thereof.

Tax Key Number:
59281302300

Mortgages:
Mortgage executed by Joseph P. Champeau to City of Sheboygan, Department of City Development, 828 Center Avenue, Suite 104, Sheboygan Wisconsin 53081, recorded March 20, 2014 at 4:04 P.M. as Document Number 1983878 securing the principal sum of $2,443.25.

Mortgage executed by Joseph P. Champeau to City of Sheboygan, Department of City Development, 828 Center Avenue, Suite 104, Sheboygan Wisconsin 53081, dated August 30, 2013 and recorded September 6, 2013, at 2:28 P.M. as Document Number 1975550 securing the principal sum of $7,976.25.

Judgments/Liens:
Special charges by the City of Sheboygan against Joseph P. Champeau, 1107 Alabama Ave., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $201.13.

Taxes:

Certificate No.:	550
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,589.59
Date Interest and Penalty Computed:	2/1/2020

Other:
None of record.

PARCEL NO. 59281311160

Owner(s) of Record:
Sue Ann Thieleke, by virtue of a Personal Representative's Deed, recorded on June 7, 1999 at 9:44 a.m. in Volume 1674 of Records, page 353 as Document Number 1545558.

Property Address:
2218 Lakeshore Drive, Sheboygan, WI 53081

Legal Description:
The North 20 feet of Lot 19 and all of Lot 18 in Block 12 of Lake View Park Subdivision of the City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded plat of said Subdivision, excepting

therefrom, however, such portion of said lots formerly conveyed for street purposes by deed recorded in Volume 131 of Deeds, 425.

Tax Key Number:
59281311160

Mortgages:
Mortgage executed by James R. Thieleke and Sue Ann Thieleke, husband and wife, to Wisconsin Bank & Trust, 655 South Taylor Drive, Sheboygan, WI 53081-4206, dated December 27, 2017 and recorded on January 5, 2018 at 12:42 p.m. as Document Number 2050775, securing the principal sum of $84,143.45.

Judgments/Liens:
Special charges by the City of Sheboygan against Sue A. Thieleke, 2218 Lakeshore Dr., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $56.62

Taxes:

Certificate No.:	579
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$2,317.42
Date Interest and Penalty Computed:	2/1/2020

Other:
None of record.

PARCEL NO. 59281402100

Owner(s) of Record:
Jason Hansen by virtue of a Personal Representative's Deed dated August 28, 2015 and recorded October 28, 2015 at 2:33 p.m. as Document Number 2011639.

Property Address:
1928 South 13th Street, Sheboygan, WI 53081

Legal Description:
Lot 26 in Block 8 of Assessment Subdivision 18 to the City of Sheboygan.

Tax Key Number:
59281402100

Mortgages:
Mortgage executed by Jennifer L. Hansen, a single person, to The City of Sheboygan, Department of City Development, 807 Center Avenue, Sheboygan, WI 53081, dated April 8, 1994 and recorded on April 11, 1994 at 1:11 p.m. in Volume 1339 of Records, page 536/7, as Document Number 1401643, securing the principal sum of $1,962.00.

Mortgage executed by Jennifer L. Hansen to City of Sheboygan, Department of City Development, 807 Center Avenue, Sheboygan, WI 53081, dated November 19, 1997 and recorded on December 4, 1997 at 1:24 p.m. in Volume 1541 of Records, page 427, as Document Number 1491922, securing the principal sum of $7,500.00.

Mortgage executed by Jennifer L. Hansen to City of Sheboygan, Department of City Development, 807 Center Avenue, Sheboygan, WI 53081, dated October 23, 1998 and recorded on November 4, 1998 at

1:04 p.m. in Volume 1619 of Records, page 72, as Document Number 1523233, securing the principal sum of $2,100.00.

Judgments/Liens:
Judgment executed against Jason Hansen in favor of Midland Funding LLC, 2365 Northside Drive, Suite 300, San Diego, CA 92108, Sheboygan County Circuit Court Case Number 2018SC000258, dated on February 19, 2018 and docketed February 21, 2018 at 3:57 p.m. in the principal sum of $1,073.94. (Attorney Jason Donald Hermersmann)

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000237, dated on June 26, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $250.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000238, dated on June 26, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000239, dated on June 26, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $(no amount listed) (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000242, dated on June 26, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000240, dated on June 26, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000246, dated on August 14, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000236, dated on August 14, 2019 and docketed November 20, 2019 at 1:23 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000241, dated on June 26, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000243, dated on June 26, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000245, dated on August 14, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Jason M. Hansen in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000244, dated on May 8, 2019 and docketed November 20, 2019 at 1:30 p.m. in the principal sum of $98.80 (no attorney listed).

Special charges by the City of Sheboygan against Jason Hanson, 1928 S. 13th St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $209.11 and a lateral charge in the amount of $1,926.40.

Taxes:

Certificate No.:	626
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,500.98
Date Interest and Penalty Computed:	2/1/2020

Other:
Easements, restrictions, and any other matters as may appear on the recorded Plat of the subject property.

PARCEL NO. 59281418210

Owner(s) of Record:
Ronald Brunette Estate and Adeline Brunette, husband and wife and as joint tenants, by virtue of a Warranty Deed, dated July 24, 1970, and recorded July 28, 1970 at 3:06 p.m. in Volume 608 of Records, page 447/8, as Document Number 926593.

Property Address:
1925 South 26th Street, Sheboygan, WI 53081

Legal Description:
Unit One (1) in Madison Heights Condominium, being condominium created under the Condominium Ownership Act of the State of Wisconsin by a "Declaration of Condominium for Madison Heights Condominium, dated the 13th day of May, 2005, and recorded the 20th day of May, 2005 in the Office of the Register of Deeds for Sheboygan County, Wisconsin, as Document No. 1765841 and by a Condominium Plat thereof;

Together with all appurtenant rights, title and interests, including (without limitation):
a) the undivided percentage interest in all Common Elements as specified for such Unit in the aforementioned Declaration;
b) the right to use of the areas and/or facilities, if any, specified in the aforementioned Declaration, as Limited Common Elements for such Unit; and
c) membership in the Madison Heights Condominium Owner's Association, (hereafter the "Owner's Association"), as provided for in the aforementioned Declaration and in any Articles of Incorporation and/or Bylaws for such Owner's Association.

Tax Key Number:
59281418210

Mortgages:
None of record.

Judgments/Liens:

Judgment executed against Ronald Brunette, in favor of the City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000120, dated on December 4, 2019 and docketed April 21, 2022 at 2:27 P.M. in the principal sum of $316.00.

Special charges by the City of Sheboygan against Ronald Brunette Estate and Adeline Brunette, 1925 S. 26th St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $234.48.

Taxes:

Certificate No.:	646
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,144.31
Date Interest and Penalty Computed:	2/1/2020

Other:
Declaration of Madison Heights Condominium, dated May 13, 2005, and recorded May 20, 2005 at 9:04 a.m. as Document Number 1765841.

Tree planting easement contiguous to all street frontages and 5' utility easement along the East lot line as set forth in Volume 12 of Plats of Madison Heights Subdivision No. 5, page 2.

PARCEL NO. 59281426840

Owner(s) of Record:
Janice Dekker, an unmarried individual, and Alan Dekker, an unmarried individual, as joint tenants with rights of survivorship, by virtue of a Wisconsin Special Warranty Deed, recorded on March 22, 2013 at 12:28 p.m. as Document Number 1965083.

Property Address:
1211 Ashland Avenue, Sheboygan, WI 53081

Legal Description:
The West 40 feet of Lots 1 and 2, Block 3, Wedemeyer's Division, City of Sheboygan, Sheboygan, Wisconsin.

Tax Key Number:
59281426840

Mortgages:
None of record.

Judgments/Liens:
Judgment executed against Janice Marie Dekker and Alan R. Dekker in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000216, entered January 16, 2019 and docketed November 5, 2019 at 4:00 p.m. in the principal sum of $439.00 (no attorney listed).

Judgment executed against Janice Marie Dekker and Alan R. Dekker in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000214, entered February 27, 2019 and docketed November 5, 2019 at 4:00 p.m. in the principal sum of $250.00 (no attorney listed).

Judgment executed against Janice Marie Dekker and Alan R. Dekker in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000218, entered June 12, 2019 and docketed November 5, 2019 at 4:00 p.m. in the principal sum of $250.00 (no attorney listed).

Judgment executed against Janice Marie Dekker and Alan R. Dekker in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000215, entered January 16, 2019 and docketed November 5, 2019 at 4:00 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Alan R. Dekker in favor of Community Bank & Trust, P.O. Box 1409, 604 N. Eighth Street, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2014SC000063, entered February 3, 2014 and docketed May 22, 2014 at 11:44 a.m. in the principal sum of $1,264.03 (no attorney listed).

Judgment executed against Janice Marie Dekker and Alan R. Dekker in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000217, entered March 13, 2019 and docketed November 6, 2019 at 4:00 p.m. in the principal sum of $225.00 (no attorney listed).

Judgment executed against Janice M. Dekker in favor of LVNV Funding LLC, 3033 Campus Drive Suite 250, % Messerli & Kramer PA, Plymouth, MN 55441, Sheboygan County Circuit Court Case Number 2013SC000534, entered April 8, 2013 and docketed April 19, 2013 at 5:08 p.m. in the principal sum of $1,578.09 (Jillian N. Walker).

Judgment executed against Janice Marie Dekker in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000220, entered June 12, 2019 and docketed November 5, 2019 at 4:00 p.m. in the principal sum of $577.36 (no attorney listed).

Judgment executed against Janice Marie Dekker in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2019TJ000219, entered August 3, 2016 and docketed November 5, 2019 at 4:00 p.m. in the principal sum of $111.40 (no attorney listed).

Judgment executed against Janice Marie Dekker in favor of Village of Kohler, 319 Highland Drive, Kohler, WI 53044, Sheboygan County Circuit Court Case Number 2019TJ000213, entered March 3, 2015 and docketed November 5, 2019 at 4:00 p.m. in the principal sum of $345.40 (no attorney listed).

Judgment executed against Janice M. Dekker in favor of State of Wisconsin Dept. of Children and Families, P.O. Box 8938, 201 E. Washington Avenue, Madison, WI 53708-8938, Sheboygan County Circuit Court Case Number 2021OL000033, entered December 23, 2021 and docketed December 23, 2021 at 3:46 p.m. in the principal sum of $2,539.35 (no attorney listed).

Judgment executed against Janice M. Dekker, in favor of Sheboygan County Clerk of Circuit Court, 615 North 6th Street, Sheboygan, WI 53081-4692, Case Number 2021TR005098, entered March 8, 2022 and docketed March 8, 2022 at 10:37 A.M. in the principal sum of $175.30.

Special charges by the City of Sheboygan against Janice and Alan Dekker, 1211 Ashland Ave., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $234.32.

Taxes:

Certificate No.:	661
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$75.43
Date Interest and Penalty Computed:	2/1/2020

Other:
Easements, restrictions, and any other matters as may appear on the recorded Plats/Certified Survey Maps of the subject property.

PARCEL NO. 59281429550

Owner(s) of Record:
Corey Zorn, a single person, by virtue of a Warranty Deed, dated October 1, 2018 and recorded October 3, 2018 at 1:21 p.m. as Document Number 2063400.

Property Address:
1654 South 20th Street, Sheboygan, WI 53081

Legal Description:
Lot 10, Block 3, according to the recorded Plat of Werner and Clemens Subdivision, in the City of Sheboygan, Sheboygan County, Wisconsin.

Tax Key Number:
59281429550

Mortgages:
Mortgage executed by Corey M. Zorn, a single person, to Kohler Credit Union, 850 Woodlake Road, Kohler, WI 53044, dated October 1, 2018 and recorded October 3, 2018 at 1:21 p.m. as Document Number 2063401, securing the principal sum of $109,800.00.

Judgments/Liens:
Special charges by the City of Sheboygan against Corey Zorn, 1654 S. 20th St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $250.47.

Taxes:

Certificate No.:	663
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,123.47
Date Interest and Penalty Computed:	2/1/2020

Other:
None of Record.

PARCEL NO. 59281431920

Owner(s) of Record:
Tammy Angel (a 2/3 interest) and Suzan Knabe (a 1/3 interest) as tenants in common, by virtue of a Personal Representative's Deed dated October 25, 2012 and recorded October 25, 2012 at 4:12 P.M. as Document Number 1955282.

Property Address:
1523 Washington Avenue, Sheboygan, WI 53081

Legal Description:

Being a part of the Southwest ¼ of the Southeast ¼ of Section 34, Township 15 North, Range 22 East, in the City of Sheboygan, Sheboygan County, Wisconsin: Commencing 660.0 feet south and 215.0 feet west of the Northeast corner of the Southwest ¼ of the Southeast ¼ of said Section, thence South 160.0 feet, thence West 70.0 feet, thence North 160.0 feet, thence East 70.0 feet to beginning.

Tax Key Number:
59281431920

Mortgages:
Mortgage executed by Tammy Angel, a single person, to Robert J. Heinemann, Sr. a married person, c/o Ritger Law Office, P.O. Box 371, Random Lake, WI 53075, dated August 30, 2012 and recorded May 7, 2015 at 2:50 P.M. as Document Number 2002554, securing the principal sum of $44,000.00.

Notice of Lis Pendens recorded September 27, 2022 at 10:19 A.M. as Document Number 2142127 in an action to foreclose mortgage recorded May 7, 2015 at 2:50 P.M. as Document Number 2002554. The Case Number referenced on the Lis Pendens is 22CV439.

Judgments/Liens:
Judgment executed against Tammy Angel in favor of Wurtz, Roth & Basler, SC, 611 Riverfront Drive, Suite 201, Sheboygan, WI 53081, Case Number 2016SC001389, entered July 25, 2016 and docketed July 27, 2016 at 3:37 P.M. in the principal sum of $9,549.50. Attorney Todd E. Basler.

Judgment executed against Tammy Angel in favor of the Estate of Robert J. Heinemann, c/o Phyllis Dergantz, 2822 Michigan Avenue, Sheboygan, WI 53081, Case Number 2015SC001941, entered September 14, 2015 and docketed September 22, 2015 at 12:54 P.M. in the principal sum of $9,946.09. Attorney Edward J. Ritger

Judgment executed against Tammy J. Angel in favor of Aurora Medical Group and Aurora Health Care Central Inc., P. O. Box 343910, 3301 W. Forest Home Avenue, Milwaukee, WI 53234, Case Number 2016SC002485, entered December 16, 2016 and docketed December 28, 2016 at 8:47 A.M. in the principal sum of $2,347.11. Attorney Kirsten Fagerland Pezewski.

Judgment executed against Tammy J. Angel in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Case Number 2012TJ000121, entered May 16, 2012 and docketed July 23, 2012 at 3:55 P.M. in the principal sum of $114.00. (No attorney listed).

Special charges by the City of Sheboygan against Tammy Angel and Suzan Knabe, 1523 Washington Ave., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $290.44.

Taxes:

Certificate No.:	667
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$2,291.58
Date Interest and Penalty Computed:	2/1/2020

Other:
Easement dated June 23, 1992 and recorded July 15, 1992 in Volume 1226 of Records, page 181, as Document Number 1347688.

PARCEL NO. 59281434903

Owner(s) of Record:

Shirley M. Franceschetti, a single person, by virtue of a Personal Representative's Deed, dated June 23, 2010 and recorded June 30, 2010 at 10:43 a.m. as Document Number 1904259.

Property Address:
2617B Camelot Blvd. Sheboygan, WI 53081

Legal Description:
Unit C, Building 1, in Creekside Condominium Phase I, together with said Unit's appurtenant undivided interest in and to the common elements and limited common elements, if any, thereto, being a condominium created by a "Declaration of Condominium" recorded on May 27, 1980 in the Office of the Register of Deeds for Sheboygan County, Wisconsin, in Volume 880 of Records, at Page 903, as Document Number 1055606, and any amendment, addendums, and/or corrections thereto, and by its Condominium Plat and any amendments, addendums, and/or correction thereto. Said land being in the City of Sheboygan, Sheboygan County, Wisconsin.

Tax Key Number:
59281434903

Mortgages:
None of Record.

Judgments/Liens:
None of Record.

Taxes:

Certificate No.:	669
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,959.07
Date Interest and Penalty Computed:	2/1/2020

Other:
Declaration of Condominium Ownership and Covenants, Conditions and Restrictions for Creekside Condominiums, recorded on May 27, 1980 in Volume 880 of Records, page 903, as Document Number 1055606.

Statutory Reserve Account Statement recorded January 24, 2006 as Document Number 1789183.

Agreement with the Owners of Creekside Condominiums, recorded August 19, 1994 in Volume 1357 of Records, page 527, as Document Number 1410126.

Easement Underground Electric recorded September 26, 2017 as Document Number 2045757. Correction Instrument recorded October 11, 2017 as Document Number 2046528.

Easement Underground Electric recorded April 12, 2019 at 9:12 A.M. as Document Number 2071154. Correction Instrument recorded May 29, 2019 as Document Number 2073347.

Easement recorded June 23, 1987 in Volume 1055 of Records, at Page 52, as Document Number 1154144.

PARCEL NO. 59281479118

Owner(s) of Record:

Aamay Sheboygan LLC, a Wisconsin limited liability company, by virtue of a Special Warranty Deed dated June 12, 2018 and recorded June 22, 2018 at 2:22 p.m. as Document Number 2058505.

Property Address:
3711 Greenwing Drive, Sheboygan, Wisconsin 53081

Legal Description:
Lot 2 of a Certified Survey Map recorded in Volume 25 of Certified Survey Maps, at Page 198, as Document #1949810, being part of Lot 2, FINAL PLAT OF GREENWING SUBDIVISION, located in the Northeast ¼ of the Northwest ¼ of Section 4, Township 14 North, Range 23 East, in the City of Sheboygan, Sheboygan County, Wisconsin.

Tax Key Number: 59281479118

Mortgages:
None of record.

Judgments/Liens:
None of record.

Taxes:

Certificate No.:	676
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$14,713.16
Date Interest and Penalty Computed:	2/1/2020

Other:
Recitals as shown on that certain map/plat recorded on January 25, 2005, as Document Number 1756356, being the Final Plat of Greenwing Subdivision. Reference is hereby made to said document for full particulars.

Recitals as shown on that certain map/plat recorded on August 3, 2012, as Document No. 1949810, being Volume 25 of Certified Survey Maps, Page 198. Reference is hereby made to said document for full particulars.

Terms and conditions as referenced in Special Warranty Deed recorded June 30, 2008 at 9:58 a.m., as Document Number 1856097.

Estoppel Affidavit recorded June 28, 2012 at 1:50 p.m., as Document Number 1947435.

Declaration of Deed Restriction recorded August 17, 2012 at 1:49 p.m., as Document Number 1950678.

An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document entitled Memorandum of Lease Agreement, Berengaria Sheboygan, LLC, landlord, Goodwill Retail Services, Inc., tenant, recorded on November 14, 2012 at 2:58 p.m., as Document Number 1956672. Subordination, Non-Disturbance and Attornment Agreement recorded April 12, 2013 at 12:13 p.m., as Document Number 1966437.

Easement Underground Electric and Communication recorded on July 6, 2020 at 4:17 p.m., as Document Number 2094417.

Temporary Easement Underground Electric and Communication recorded July 6, 2020 at 4:17 p.m., as Document Number 2094418.

Development Plan Approval recorded June 22, 2018 at 2:22 p.m., as Document Number 2058506.

PARCEL NO. 59281506220

Owner(s) of Record:
Terrence P. Riley, by virtue of a Special Warranty Deed, dated August 15, 2007 and recorded September 6, 2007 at 12:24 p.m. as Document Number 1835215.

Property Address:
South 13th Street (vacant land), Sheboygan, WI 53081

Legal Description:
Lot 1, Block 247, according to the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin, excepting the portion of said Lot sold to the railroad and described as follows: Commencing at the Southeast corner of said Lot and running thence North along the East line of said Lot, 50 feet, thence Southwesterly in a straight line to a point in the West line of said Lot, which is 30 feet North from the Southwest corner thereof, thence South along the West line of said Lot to the Southwest corner thereof, and thence East along the South line of said Lot to the place of beginning.

Tax Key Number:
59281506220

Mortgages:
None of record.

Judgments/Liens:
Judgment executed against Terrence P. Riley in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2018TJ000146, entered June 20, 2018 and docketed August 15, 2018 at 12:52 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Terrence P. Riley in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2018TJ000147, entered January 4, 2017 and docketed May 15, 2018 at 12:52 p.m. in the principal sum of $392.30 (no attorney listed).

Judgment executed against Terrence P. Riley in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2018TJ000143, entered April 4, 2018 and docketed May 18, 2018 at 12:52 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Terrence P. Riley in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2018TJ000145, entered June 20, 2018 and docketed August 15, 2018 at 12:52 p.m. in the principal sum of $691.00 (no attorney listed).

Judgment executed against Terrence P. Riley in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2018TJ000144, entered April 4, 2018 and docketed August 15, 2018 at 12:52 p.m. in the principal sum of $691.00 (no attorney listed).

Taxes:

Certificate No.:	705
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,231.27
Date Interest and Penalty Computed:	2/1/2020

Other:
Raze Order, dated April 12, 2019 and recorded April 16, 2019 at 11:42 a.m. as Document Number 2071281.

PARCEL NO. 59281512930

Owner(s) of Record:
Jeffrey E. Sargent and Theresa M. Sargent, husband and wife as survivorship martial property, by virtue of a Trustee's, dated October 7, 2019 and recorded October 10, 2019 at 8:59 A.M. as Document Number 2080150. (Fulfillment of Land Contract, Document Number 1866460, Assigned as Document Number 1965792.)

Property Address:
1219 South 19th Street, Sheboygan, WI 53081

Legal Description:
Lot Number Twenty-two (22) of Riverview Division of the City of Sheboygan, according to the recorded plat thereof.

Tax Key Number:
59281512930

Mortgages:
None of record.

Judgments/Liens:
Special charges by the City of Sheboygan against Jeffrey E and Theresa M Sargent, 1219 S. 19th St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $266.44.

Taxes:

Certificate No.:	729
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,017.80
Date Interest and Penalty Computed:	2/1/2020

Other:
Easements, restrictions, and any other matters as may appear on the recorded Plats/Certified Survey Maps of the subject property.

PARCEL NO. 59281600920

Owner(s) of Record:
Chelsee A. Walloch, a single person, by virtue of a Warranty Deed, dated December 22, 2010 and recorded on December 28, 2010 at 4:29 p.m. as Document Number 1916903.

Property Address:
1345 Winter Court, Sheboygan, WI 53081

Legal Description:

Lot 27, Block 1, according to the recorded Plat of Block 1, Assessment Subdivision No. 1, as Amended, except the East 4 feet of said premises are reserved for a driveway in connection with 4 feet taken for such purposes from the premises to the East, in the City of Sheboygan, Sheboygan County, Wisconsin.

Tax Key Number:
59281600920

Mortgages:
None of record.

Judgments/Liens:
Judgment executed against Chelsee Ann Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2018CT000298, entered October 2, 2020 and docketed October 2, 2020 at 1:20 p.m. in the principal sum of $591.00 (no attorney listed).

Judgment executed against Chelsee Ann Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2018CM000275, entered June 25, 2019 and docketed June 25, 2019 at 10:17 a.m. in the principal sum of $1,263.50 (no attorney listed).

Judgment executed against Chelsee Ann Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2018CM000275, entered August 2, 2019 and docketed August 2, 2019 at 9:33 a.m. in the principal sum of $455.00 (no attorney listed).

Judgment executed against Chelsee Ann Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2018CF000126, entered November 30, 2018 and docketed November 30, 2018 at 2:56 p.m. in the principal sum of $322.00 (no attorney listed).

Judgment executed against Chelsee Ann Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2017CF000700, entered May 8, 2018 and docketed May 8, 2018 at 10:08 a.m. in the principal sum of $1,165.52 (no attorney listed).

Judgment executed against Chelsee A. Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2015CF000574, entered June 10, 2016 and docketed June 10, 2016 at 1:39 p.m. in the principal sum of $657.00 (no attorney listed).

Judgment executed against Chelsee A. Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number (none provided), entered February 20, 2013 and docketed February 20, 2013 at 2:12 p.m. in the principal sum of $326.50 (no attorney listed).

Judgment executed against Chelsee A. Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number (none provided), entered January 28, 2014 and docketed January 28, 2014 at 1:00 p.m. in the principal sum of $164.50 (no attorney listed).

Judgment executed against Chelsee A. Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number (none provided), entered December 23, 2014 and docketed December 23, 2014 at 12:01 p.m. in the principal sum of $103.25 (no attorney listed).

Judgment executed against Chelsee A. Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number (none provided), entered January 14, 2016 and docketed January 14, 2016 at 8:22 a.m. in the principal sum of $302.75 (no attorney listed).

Judgment executed against Chelsee A. Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2015CF000421, entered January 14, 2016 and docketed January 14, 2016 at 8:22 a.m. in the principal sum of $1,405.85 (no attorney listed).

Judgment executed against Chelsee A. Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number (none provided), entered November 11, 2015 and docketed November 11, 2015 at 4:27 p.m. in the principal sum of $1,282.75 (no attorney listed).

Judgment executed against Chelsee Ann Walloch in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2017CF000700 entered February 15, 2021 and docketed February 15, 2021 at 4:41 p.m. in the principal sum of $1,416.00 (no attorney listed).

Judgment executed against Chelsee Walloch in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000316 entered March 1, 2017 and docketed August 16, 2022 at 1:07 p.m. in the principal sum of $250.00 (No Attorney listed).

Judgment executed against Chelsee Walloch in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, Sheboygan County Circuit Court Case Number 2022TJ000317 entered January 22, 2020 and docketed August 16, 2022 at 1:07 p.m. in the principal sum of $1,110.36 (No Attorney listed).

Special charges by the City of Sheboygan against Chelsee A Walloch, 1345 Winter Court, Sheboygan, WI 53081, for delinquent sewer and water in the amount of $252.44.

Taxes:

Certificate No.:	741
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,885.71
Date Interest and Penalty Computed:	2/1/2020

Other:
Easements, restrictions, and any other matters as may appear on the recorded Plats/Certified Survey Maps of the subject property.

PARCEL NO. 59281601230

Owner(s) of Record:
Robert Albert Buschmann, a single person by virtue of a Quit Claim Deed dated May 15, 2006 and recorded September 18, 2006 at 2:38 P.M. as Document Number 1808546, and by virtue of a Termination of Decedent's Property Interest recorded September 18, 2006 at 2:38 p.m. as Document Number 1808545, and by virtue of a Quit Claim Deed dated September 5, 1996 and recorded in Volume 1469 of Records, page 18, on October 7, 1996 as Document Number 1461327.

Property Address: 1409 Mehrtens Avenue, Sheboygan, WI 53081

Legal Description:
Lot 6, Block 5, Assessment Subdivision No. 1, according to the recorded plat thereof, City of Sheboygan, Sheboygan County, Wisconsin.

Tax Key Number:

59281601230

Mortgages:
Mortgage executed by Robert Albert Buschmann to M&I Marshall & Ilsley Bank, P. O. Box 5160, Appleton, WI 54912-5160, dated May 15, 2006 and recorded June 9, 2006 at 12:47 p.m. as Document Number 1800570, securing the principal sum of $50,000.00.

Mortgage executed by Robert Albert Buschmann a/k/a Robert A. Buschmann to M&I Marshall & Ilsley Bank, P. O. Box 5160, Appleton, WI 54912-5160 dated May 17, 2006 and recorded September 18, 2006 at 2:38 p.m. as Document Number 1808547, securing the principal sum of $48,571.31.

Judgments/Liens:
Judgment entered September 14, 2012 and docketed January 28, 2014 at 11:11 A.M. in favor of City of Sheboygan, 828 Center Avenue, Sheboygan, WI 53081, creditor, and against Robert A. Buschmann, debtor, in the amount of $183.92, Case No. 2014TJ000034. (No Attorney listed.)

Judgment entered April 6, 2015 and docketed April 22, 2015 at 10:50 A.M. in favor of Green Bay Radiology SC, 2941 S. Ridge Road, Green Bay, WI 54304, creditor, and against Janet A. Buschmann and Robert Buschmann, debtor, in the amount of $977.30, Case No. 2015SC000657. (Attorney John Anthony Foscato.)

Judgment entered February 7, 2020 and docketed February 17, 2020 at 11:17 A.M. in favor of American Family Mutual Insurance Co. S.I., 6000 American Pkwy, Madison, WI 53783 US, creditor, and against Robert A. Buschmann, debtor, in the amount of $80,852.50, Case No. 2019CV000261. (Attorney Jonathan D. McCollister.)

Special charges by the City of Sheboygan against Robert A. Buschmann, 1409 Mehrtens Ave., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $196.95.

Taxes:

Certificate No.:	743
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$145.58
Date Interest and Penalty Computed:	2/1/2020

Other:
Revocable Occupancy Permit dated January 7, 2013 and recorded on January 10, 2013 at 2:36 P.M., as Document Number 1960476.

PARCEL NO. 59281625290

Owner(s) of Record:
Donald Harvey Klumb, Jr., a single person, by virtue of a Quit Claim Deed dated March 24, 1999 in Volume 1657, Page 255 of Records, recorded on March 26, 1999 at 12:40 P.M. as Document Number 1538691.

Property Address:
2126 North 22nd Street, Sheboygan, Wisconsin 53081

Legal Description:
Lot Twenty (20), Block Five (5), St. Dominic's Subdivision, City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded plat thereof.

Tax Key Number:
59281625290

Mortgages:
Mortgage executed by Donald H. Klumb, Jr. and Peggy Ann Klumb, husband and wife to Guaranty Bank S.S.B., 4000 West Brown Deer Road, Brown Deer, WI 53209, dated August 4, 1995 and recorded in Volume 1404 of Records, page 389/91, on August 17, 1995 as Document Number 1432633, securing the principal sum of $25,900.00; Modification of Mortgage related thereto dated July 16, 1998 and recorded July 27, 1998 at 4:24 P.M. as Document Number 1513198.

Judgments/Liens:
Judgment against Don Klumb in favor of UnitedOne Credit Union, 1117 S. 10th St., Manitowoc, WI 54220 US, dated November 13, 2017, docketed November 14, 2017 at 2:21 P.M., Case Number 2017SC002391, in the amount of $1,105.32.

Judgment against Don Klumb in favor of Portfolio Recovery Associates, LLC, PO Box 12914, Norfolk, VA 23541 US, dated June 17, 2019, docketed July 30, 2019 at 9:29 A.M., Case Number 2019SC001164, in the amount of $763.15 (Attorney Geoff P. Estes).

State Tax Lien against Donald Klumb in favor of Dept of Revenue, no address listed, dated April 27, 2017 and docketed October 10, 2019 at 7:55 P.M., Case Number 2019TW000192, in the amount of $3,871.46 (No attorney listed).

Judgment against Donald H. Klumb in favor of Portfolio Recovery Associates, LLC, PO Box 12914, Norfolk, VA 23541 US, dated March 18, 2019, docketed May 24, 2019 at 8:02 A.M., Case Number 2019SC00463, in the amount of $2,855.16 (Attorney Casey Cross).

Special charges by the City of Sheboygan against Donald H. Klumb, 2126 N. 22nd St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $225.07.

Taxes:

Certificate No.:	777
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$47.77
Date Interest and Penalty Computed:	2/1/2020

Other:
Five-foot utility easement along the west line of Lot 20 as set forth in Volume 5 of Plats, Page 81.

PARCEL NO. 59281705430

Owner(s) of Record:
Charles P. & Paulette S. Multhauf, as Vendor, and Anthony & Lisa Hughes, as Purchaser, under Land Contract dated August 17, 2015 and recorded on September 10, 2015 at 2:24 p.m. as Document Number 2009144.

Property Address:
1922 North 9th Street, Sheboygan, WI 53081

Legal Description:

Lot 8 in Block 6 of Assessment Subdivision No. 12 in the City of Sheboygan, according to the recorded plat thereof.

Tax Key Number:
59281705430

Mortgages:
Charles P. & Paulette S. Multhauf, 211 Amherst Avenue, Sheboygan Falls, WI 53085, as Vendor, and Anthony & Lisa Hughes, as Purchaser, under Land Contract dated August 17, 2015 and recorded on September 10, 2015 at 2:24 p.m. as Document Number 2009144.

Judgments/Liens:
Judgment executed against Anthony Hughes in favor of Midland Funding LLC, 2365 Northside Drive. Suite 300, San Diego, CA 92108, Sheboygan County Circuit Court Case Number 2018SC000975, entered May 14, 2018 and docketed May 17, 2018 at 3:39 p.m. in the principal sum of $729.08 (Attorney Zachary W. Spaciel).

Judgment executed against Lisa A. Hughes in favor of Aurora Health Care Central, Inc., P.O. Box 343910, Milwaukee, WI 53215 and Aurora Medical Group, P.O. Box 343910, 3301 W. Forest Home Avenue, Milwaukee, WI 53234, Sheboygan County Circuit Court Case Number 2016SC001631, entered October 26, 2016 and docketed November 9, 2016 at 12:10 p.m. in the principal sum of $9,859.08 (Attorney John M. Heuer).

Child Support Lien against Anthony Dewayne Hughes, DOB January 17, 1973, Docket Number 000628329, filed on May 5, 2019 in the principal sum of $21,420.64, Rock County.

Special charges by the City of Sheboygan against Anthony and Lisa Hughes, 1922 N 9th St., Sheboygan, WI 53081, for delinquent sewer and water in the amount of $186.15.

Taxes:

Certificate No.:	803
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$453.36
Date Interest and Penalty Computed:	2/1/2020

Other:
Easements, restrictions, and any other matters as may appear on the recorded Plats/Certified Survey Maps of the subject property.

PARCEL NO. 59282904680

Owner(s) of Record:
Benjamin Richardson, a single person, by virtue of a Warranty Deed, dated October 2, 2015 and recorded October 6, 2015 at 4:12 p.m. as Document Number 2010536.

Property Address:
1027 Fond du Lac Avenue, Sheboygan Falls, WI 53085

Legal Description:
Lot 3, Block 4, Assessment Subdivision 2, City of Sheboygan Falls, Sheboygan County, Wisconsin.

Tax Key Number:

59282904680

Mortgages:
None of record.

Judgments/Liens:
Judgment executed against Benjamin R. Richardson et al in favor of Randall Soerens and Betty Soerens, 29 E. Shore Drive, Random Lake, WI 53075, Sheboygan County Circuit Court Case Number 2014SC002676, entered December 8, 2014 and docketed December 22, 2014 at 8:27 a.m. in the principal sum of $4,549.44 (Attorney Ryan Kautzer).

Judgment executed against Benjamin R. Richardson in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number (none provided), entered April 15, 2015 and docketed April 15, 2015 at 4:24 p.m. in the principal sum of $120.00 (no attorney listed).

Judgment executed against Benjamin Ryan Richardson in favor of Sheboygan County Clerk of Circuit Court, (no address provided), Sheboygan County Circuit Court Case Number 2021CT000146, entered June 9, 2022 and docketed June 9, 2022 at 2:55 p.m. in the principal sum of $217.10 (no attorney listed).

Child Support Lien against Benjamin R. Richardson, DOB October 23, 1979, Lien Docket Number 000734721, filed October 9, 2022 in the principal sum of $7,175.61, Sheboygan County.

Special charges by the City of Sheboygan Falls against Benjamin Richardson,1027 Fond du Lac Ave., Sheboygan Falls, WI 53085, for delinquent utilities in the amount of $1,119.30.

Taxes:

Certificate No.:	855
Tax Year:	2019
Sale Year:	2020
PRINCIPAL Sum of Lien:	$1,890.51
Date Interest and Penalty Computed:	2/1/2020

Other:
Easement recorded August 1, 1962 at 11:12 a.m. in Volume 15 of Contracts, page 41/2 as Document Number 799142.

PARCEL NO. 59282905000

Owner(s) of Record:
Elizabeth J. Richardson, a single person, by virtue of a Warranty Deed, dated September 3, 2015 and recorded September 11, 2015 at 2:52 p.m. as Document Number 2009250.

Property Address:
516 Leavens Avenue, Sheboygan Falls, WI 53085

Legal Description:
The East 65 feet of Lot 15 in Block 1, Assessment Subdivision No. 3 of the City of Sheboygan Falls, Sheboygan County, Wisconsin, according to the recorded plat thereof.

Tax Key Number:
59282905000

Mortgages:

5. Where parcel numbers do not continue in direct sequential order, those numbers were intentionally omitted because said property was redeemed prior to the filing of this list or said numbers were duplications or inadvertent omissions.

6. Interest and penalty on the principal sum of each tax lien listed above are charged at the rate of one percent (1%) per month (interest) and one-half percent (0.5%) per month (penalty) from February 1st of the year of sale to the date of redemption.

7. All descriptions by Lot and Block numbers refer to plats and maps filed in the Office of the Register of Deeds of Sheboygan County, WI.

8. That no municipalities other than Sheboygan County have any right, title, or interest in the above-described lands or in the tax liens or in the proceeds thereof, except as stated herein.

9. That notice pursuant to Wis. Stat. § 75.521, is hereby given as follows:

NOTICE OF COMMENCEMENT OF PROCEEDING
***IN REM.* TO FORECLOSE TAX LIENS**
BY SHEBOYGAN COUNTY

TAKE NOTICE that all persons having or claiming to have any right, title, or interest in or lien upon the real property described in the list of tax liens, Number Forty-Nine, on file in the Office of the Clerk of the Circuit Court of Sheboygan County, dated May 5, 2023, and hereinabove set forth, are hereby notified that the filing of such list of tax liens in the Office of the Clerk of Circuit Court of Sheboygan County constitutes the commencement by said Sheboygan County of a special proceeding in the Circuit Court for Sheboygan County to foreclose the tax liens therein described by foreclosure proceeding *in rem.* and that a notice of the pendency of such proceeding against each piece or parcel of land therein described was filed in the Office of the Clerk of the Circuit Court on May 5, 2023. Such proceeding is brought against the real property herein described only and is to foreclose the tax liens described in such list. No personal judgment will be entered herein for such taxes, assessments, or other legal charges or any part thereof.

TAKE FURTHER NOTICE that all persons having or claiming to have any right, title, or interest in or lien upon the real property described in said list of tax liens are hereby notified that a certified copy of such list of tax liens has been posted in the Office of the County Treasurer of Sheboygan County and will remain posted for public inspection up to and including July 7, 2023, which date is hereby fixed as the last day for redemption.

TAKE FURTHER NOTICE that any person having or claiming to have any right, title, or interest in or lien upon any such parcel may, on or before said July 7, 2023, redeem such delinquent tax liens by paying to the County Treasurer of Sheboygan County the amount of all such unpaid tax liens, and in addition thereto, all interest and penalties which have accrued on said unpaid tax liens, computed to and including the date of redemption, plus the reasonable costs that the county incurred to initiate the proceedings plus the person's share of the reasonable costs of publication under sub. (6).

SHEBOYGAN COUNTY

By: Laura Henning-Lorenz
LAURA HENNING-LORENZ
County Treasurer

PETITION

SHEBOYGAN COUNTY petitions for judgment vesting title to each of said parcels of land in said Sheboygan County as of the date of entry of judgment and barring any and all claims whatsoever of the former owner or any person having any right, title, interest, claim, lien, or equity of redemption and any person claiming through and under the former owner since the date of filing this list of tax liens in the Office of the Clerk of the Circuit Court of Sheboygan County.

Dated this 5th day of May, 2023.

SHEBOYGAN COUNTY

By: Laura Henning-Lorenz
LAURA HENNING-LORENZ
County Treasurer

STATE OF WISCONSIN)
) ss:
SHEBOYGAN COUNTY)

LAURA HENNING-LORENZ, being first duly sworn, on oath says that she is the County Treasurer of Sheboygan County, Wisconsin, and that the foregoing list of tax liens and statements and data therein contained are true and correct according to the records of the Office of the County Treasurer.

Laura Henning-Lorenz
LAURA HENNING-LORENZ
County Treasurer

Subscribed and sworn to before me
this 5th day of May, 2023.

Diamond Braeger

Diamond Braeger, Notary Public
State of Wisconsin
My Commission expires November 20, 2026

DIAMOND BRAEGER NOTARY PUBLIC STATE OF WISCONSIN

Office of the Corporation Counsel
SHEBOYGAN COUNTY
2124 Kohler Memorial Drive – Suite 310
Sheboygan, WI 53081-3174

Res. No. 17 - 23 - 24. By Alderpersons Dekker and Salazar. June 5, 2023.

A RESOLUTION authorizing the appropriate City officials to authorize payment to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection for provision of weights and measures inspection services.

WHEREAS, in 2022 the City of Sheboygan entered into a contract with the Department of Agriculture, Trade and Consumer Protection for weights and measures inspection services at annual cost of $7,200.00; and

WHEREAS, the Bureau of Weights and Measures recently conducted an analysis of the cost of its inspection program and determined that an increase in the fee to $13,500.00 is warranted, a sum similar to that paid prior to 2022 for a greater number of inspection days; and

WHEREAS, the rules are being suspended so that this Resolution may be adopted immediately due to the fact that there is a June 15th deadline for submitting the signed Agreement.

NOW, THEREFORE, BE IT RESOLVED: That the Mayor is hereby authorized to execute such paperwork as is necessary to continue the State of Wisconsin Department of Agriculture, Trade and Consumer Protection furnishing inspection services and performing the duties of sealers of weights and measures for the City of Sheboygan during the year commencing July 1, 2023.

BE IT FURTHER RESOLVED: That the Finance Director is hereby authorized and directed to draw on the Building Inspection Contracted Services Account No. 101240-531100 in payment of same.

Suspend Rules
Adopt Res.

_____

_____

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

TR-WM-8 (Rev 4/22)

MEMORANDUM OF AGREEMENT
WEIGHTS AND MEASURES INSPECTION

THIS AGREEMENT is entered into by and between the STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, hereinafter referred to as the Department, and the MUNICIPALITY OF **SHEBOYGAN**, hereinafter referred to as the Municipality.

Pursuant to Wis. Stat. § 98.04(2), the Department agrees to furnish the services and perform the duties required to enforce the provisions of Wis. Stat. ch. 98 in the Municipality. The Department further agrees to report to the Municipality at least annually on the extent and nature of the services performed. It is understood and agreed that the Municipality shall not be required to maintain a department of weights and measures or appoint sealers of weights and measures while this agreement is in effect.

Pursuant to Wis. Stat. §§ 66.0301 and 98.04(2), the Municipality agrees to pay to the Department fees sufficient to cover the Department's annual costs of providing such services on a fiscal year basis that starts on July 1 and continues through the following June 30, with payment to be made not later than May 1 of the fiscal year of this agreement. Payment for services performed by the Department for less than any contract period shall be prorated accordingly.

This agreement shall be self-renewing for succeeding fiscal year periods, except that the sum to be paid to the Department for services rendered shall be subject to renegotiation for each succeeding contract period based on the cost of providing services. This agreement may be terminated at the end of any fiscal year by either party giving the other party written notice at least 60 days prior to July 1 of the following fiscal year. Annual fees payable to the Department shall be in the amount of **$13,500.00,** except as otherwise agreed upon for succeeding contract periods. Under Wis. Stat. § 98.04(2), a municipality may recover an amount not to exceed the cost of fees paid to the Department by assessing fees on the persons who receive services under the weights and measures program.

The parties have entered into this agreement effective the **1st day of July 2023.**

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By Michelle K. 6/15/2023
Signature Date

Acting Administrator
Division of Trade & Consumer Protection
(608) 224-4929

MUNICIPALITY OF Sheboygan

By [signature] 06/15/23
Signature Date

City of Sheboygan Mayor 920-459-3317
Title Telephone Number

This agreement is authorized by and in accordance with Res. No. 17-23-24.

TC-0074

TR-WM-8 (Rev 4/22)

MEMORANDUM OF AGREEMENT
WEIGHTS AND MEASURES INSPECTION

THIS AGREEMENT is entered into by and between the STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, hereinafter referred to as the Department, and the MUNICIPALITY OF **SHEBOYGAN**, hereinafter referred to as the Municipality.

Pursuant to Wis. Stat. § 98.04(2), the Department agrees to furnish the services and perform the duties required to enforce the provisions of Wis. Stat. ch. 98 in the Municipality. The Department further agrees to report to the Municipality at least annually on the extent and nature of the services performed. It is understood and agreed that the Municipality shall not be required to maintain a department of weights and measures or appoint sealers of weights and measures while this agreement is in effect.

Pursuant to Wis. Stat. §§ 66.0301 and 98.04(2), the Municipality agrees to pay to the Department fees sufficient to cover the Department's annual costs of providing such services on a fiscal year basis that starts on July 1 and continues through the following June 30, with payment to be made not later than May 1 of the fiscal year of this agreement. Payment for services performed by the Department for less than any contract period shall be prorated accordingly.

This agreement shall be self-renewing for succeeding fiscal year periods, except that the sum to be paid to the Department for services rendered shall be subject to renegotiation for each succeeding contract period based on the cost of providing services. This agreement may be terminated at the end of any fiscal year by either party giving the other party written notice at least 60 days prior to July 1 of the following fiscal year. Annual fees payable to the Department shall be in the amount of **$13,500.00**, except as otherwise agreed upon for succeeding contract periods. Under Wis. Stat. § 98.04(2), a municipality may recover an amount not to exceed the cost of fees paid to the Department by assessing fees on the persons who receive services under the weights and measures program.

The parties have entered into this agreement effective the **1st day of July 2023**.

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

By _____
Signature Date

Acting Administrator
Division of Trade & Consumer Protection
(608) 224-4929

MUNICIPALITY OF _____

By _____
Signature Date

_____
Title Telephone Number

TC-0074

State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

Date: April 18, 2023

To: Municipal Weights and Measures Program Administrator

From: Joe Smith, Director, Bureau of Weights and Measures

The Department of Agriculture, Trade and Consumer Protection's (DATCP) Bureau of Weights and Measures will be implementing a weights and measures inspection fee adjustment for contract municipalities effective July 1, 2023.

As part of a comprehensive 2022 review of the inspection program, the Department's Bureau of Weights and Measures identified appropriate adjustments to inspection frequencies and fees. Starting on July 1, 2022, weights and measures device inspection frequencies - within contract municipalities - changed from annual to biennial. This change was based on inspection data demonstrating no significant compliance difference between a one-year or two-year device inspection frequency. In addition, the Department reviewed the contract municipality inspection fee structure, which had not been adjusted since 2003. This review identified the need for a fee adjustment from $400 per day to $750 per day, to reflect the increased costs of doing the contracted inspections. This adjustment supports DATCP's work with each municipality per Wisconsin Statute s. 98.04(2).

As you are likely aware, State law requires that a municipality with a population over 5,000 either establish their own weights and measures inspection program with enough staff and equipment to ensure compliance with Wisconsin Statute Chapter 98, or contract with the State to provide those services. Wisconsin Statute s. 98.04(2) also allows a municipality to assess fees to businesses that receive weights and measures services. Those fees may not exceed the actual cost of fees paid to the Department for the same services. Ordinances and fees should be reviewed and adjusted as needed if your municipality recovers weights and measures inspection costs from regulated businesses.

If your municipality intends to continue to contract with the State for its weights and measures inspection program, please sign and return the enclosed contract by June 15, 2023 to: DATCP; Holly Wing; P.O. Box 8911; Madison, WI 53708-8911. A completed copy of the contract will be returned to you for your records, and you will be billed for this service in April 2024. If you have questions, please contact Stephen Peter at 608-224-4954 or email Stephen.peter@wisconsin.gov

Joe Smith
Director – Bureau of Weights and Measures
Division of Trade and Consumer Protection

Enclosure

Res. No. 14 - 23 - 24. By Alderperson Dekker. June 5, 2023.

A RESOLUTION amending the boundaries of the James Madison Neighborhood Association and renaming it as the James Madison-Veterans Park Neighborhood Association.

WHEREAS, the Mayor and Common Council of the City of Sheboygan, along with its staff and citizens, recognize the importance of developing and maintaining healthy neighborhoods throughout the community; and

WHEREAS, the City of Sheboygan values citizen involvement and wishes to reach out to all segments of the community by supporting the formation of effective neighborhood associations; and

WHEREAS, via Resolution No. 169-21-22, the James Madison Neighborhood Association was previously organized by residents of the City of Sheboygan with a mission statement as follows:

> To build a sense of community through neighborhood activities, to provide a forum for sharing information and expressing concerns to local government, and to maintain and enhance pride and awareness in our neighborhood;
>
> and

WHEREAS, the primary goals of the James Madison Neighborhood Association are to:

- Promote neighborliness, cooperation and goodwill among the members of our neighborhood;
- Promote neighbors helping neighbors;
- Encourage participation of residents in neighborhood gatherings and events; and
- Facilitate neighborhood conversation and consensus on important topics and to provide a neighborhood voice;

and

WHEREAS, residents of the Veterans Park neighborhood have expressed an interest in becoming a part of the James Madison Neighborhood Association, rather than creating their own such association, citing the similarities of the concerns of the neighborhoods, their geographic proximity, and the benefit of drawing leadership from a larger pool of neighbors; and

WHEREAS, the residents of the James Madison Neighborhood Association, recognizing the benefits of a larger association, also desire to bring the Veterans Park neighborhood into the James Madison Neighborhood Association, to be known as the James Madison-Veterans Park Neighborhood Association; and

WHEREAS, the mission statement and the primary goals of the James Madison Neighborhood Association shall remain as the primary goals of the James Madison-Veterans Park Neighborhood Association; and

WHEREAS, the James Madison-Veterans Park Neighborhood Association will serve residents of the City of Sheboygan in the neighborhood bounded by the west side of the Union Pacific railroad tracks, the north side of Union Avenue, the east side of South 24th Street, and the south side of Georgia Avenue; and

WHEREAS, the James Madison-Veterans Park Neighborhood Association shall replace the James Madison Neighborhood Association as a member of the Mayor's Neighborhood Leadership Cabinet (MNLC) and be eligible to apply for grant funds through grant programs offered by the MNLC.

NOW, THEREFORE, BE IT RESOLVED: That the City of Sheboygan, whose Mayor and Common Council are herein assembled, officially recognizes the James Madison-Veterans Park Neighborhood Association.

BE IT FURTHER RESOLVED: That the Mayor, Common Council and staff of the City of Sheboygan hereby pledge their support and cooperation in addressing the needs of the citizens of the neighborhood in particular and the community in general.

_____

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. 15 - 23 - 24. By Alderpersons Salazar and Felde. June 5, 2023.

A RESOLUTION approving the 2023 Mercury Racing Midwest Challenge and waiving the speed restrictions outlined in 2023 Sheboygan Municipal Code § 60-68 for motorboats during their participation in race activities.

WHEREAS, the City of Sheboygan is proud to host the 2023 Mercury Racing Midwest Challenge motorboat race ("race") August 11th - 13th, 2023; and

WHEREAS, 2023 Sheboygan Municipal Code ("SMC") § 60-68 sets a general speed restriction on motorboats operating on the waterways of the City; and

WHEREAS, SMC § 60-68(c) allows the Common Council to waive the above-mentioned speed restrictions for motorboats "while competing in a race authorized by the common council."

NOW, THEREFORE, BE IT RESOLVED: That the Common Council authorizes the 2023 Mercury Racing Midwest Challenge on August 11th - 13th, 2023.

BE IT FURTHER RESOLVED: That pursuant to SMC § 60-68(c), the Common Council waives enforcement of the motorboat speed restrictions in SMC § 60-68 for motorboats participating in the race.

LHPS

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. 18 - 23 - 24. By Alderpersons Dekker and Rust. June 5, 2023.

A RESOLUTION authorizing the Director of Public Works to take necessary actions to receive a grant from Alliant Energy and a grant from Restoration of Our Trees Sheboygan for the purchase and planting of municipal trees and authorizing an adjustment to the 2023 budget.

WHEREAS, for the past several years, the City has needed to remove a large quantity of municipal trees due to the Emerald Ash Borer Disease; and

WHEREAS, historically, the City purchases municipal trees the year prior to the intended planting season in order to take advantage of better availability; and

WHEREAS, consistent with this practice, the City Forester issued a Request for Proposals ("RFP") in August, 2022, for 700 trees; and

WHEREAS, the RFP was awarded to the nursery with the lowest price per tree species and, in this case, the award was split between Schichtel's Nursery, Inc. and Chestnut Ridge Nursery, Inc. for a total purchase price of $67,024.00; and

WHEREAS, the City Forester has applied for two grants to supplement funding for planting municipal trees; and

WHEREAS, Alliant Energy has awarded the City the Wisconsin Alliant Energy Community Tree Program and One Million Trees Initiative Grant, which provides the City $5,000.00 to be used exclusively for the acquisition and planting of trees on and around Vollrath Park; and

WHEREAS, Restoration of Our Trees Sheboygan ("ROOTS") has offered to award the City a ROOTS Community Investment Fund Grant of $18,487.00, representing 50% of the cost of purchasing 400 bare root trees to be planted as street trees, and throughout various City parks; and

WHREAS, the 2023 City budget contemplated $60,000.00 for the purchase and planting of municipal trees or the contracting of work to meet the needs of the City's Urban Forestry Management Plan.

NOW, THEREFORE, BE IT RESOLVED: That the Director of Public Works is authorized to sign all documents necessary to obtain and administer the grants.

PW

BE IT FURTHER RESOLVED: That the Finance Director is authorized to make the following budget amendment to account for the corresponding revenue and expenses related to the above grants:

INCREASE:

Capital Projects Fund - Capital Projects - Local Grant (Acct. No. 400-437005)	$23,487
Capital Projects Fund - Capital Public Works - Trees/Forestry (Acct. No. 400300-641150)	$23,487

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

Res. No. 16 - 23 - 24. By Alderpersons Mitchell and Perrella.
June 5, 2023.

A RESOLUTION authorizing an amendment to the Offer to Purchase regarding 1214 South 11th Street approved by council via Res. No. 133-22-23.

RESOLVED: That the City of Sheboygan hereby authorizes the City Attorney to draft an Amendment to Offer to Purchase providing an additional 120 days for closing between the City of Sheboygan and Brian Scheele.

BE IT FURTHER RESOLVED: That the Mayor and City Clerk are hereby authorized to sign all necessary documents on behalf of the City of Sheboygan to purchase the property pursuant to the amended Offer to Purchase.

F+P

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

VIII

R. C. No. 14 - 23 - 24. By FINANCE AND PERSONNEL COMMITTEE. June 5, 2023.

Your Committee to whom was referred Res. No. 9-23-24 by Alderpersons Dekker and Salazar authorizing a budget amendment and establishing an internship budget item in the Mayor's office; recommends adopting the Resolution.

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

III

Res. No. 9 - 23 - 24. By Alderpersons Dekker and Salazar. May 15, 2023.

A RESOLUTION authorizing a budget amendment and establishing an internship budget item in the Mayor's office.

WHEREAS, due to transitions and open positions in City Hall, there are remaining one-time funds in the general fund account; and

WHEREAS, internships are a great way to provide a hands-on and interactive experience for students for educational and professional development; and

WHEREAS, it is important to build the next generation of community leaders; and

WHEREAS, there is a significant increase in interest from students to participate in an internship within the Mayor's Office; and

WHEREAS, in the current economic market, it is important to provide compensation to interns for the work that they do.

NOW, THEREFORE, BE IT RESOLVED: That the Finance Director is hereby authorized to transfer funds in the amount of actual costs not to exceed $5,000.00 from the General Fund Contingency Account to fund an internship in the Mayor's Office via the following budget amendment:

DECREASE:
General Fund - City Administrator - Contingency
(Acct. No. 101141-810101)

F+P

INCREASE:
General Fund - Mayor's Office - Temporary Salaries
(Acct. No. 101140-510130)

General Fund - Mayor's Office - FICA
(Acct. No. 101140-520310)

General Fund - Mayor's Office - Medicare
(Acct. No. 101140-520311)

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

VIII

R. C. No. 15 - 23 - 24. By FINANCE AND PERSONNEL COMMITTEE. June 5, 2023.

Your Committee to whom was referred Direct Referral Res. No. 11-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing the appropriate City officials to enter into a Redevelopment Agreement with Partners for Community Development, Inc. for the rehabilitation of 14 residential buildings for low-income housing and authorizing the Finance Director to issue a $200,000 payment to Partners for Community Development, Inc. to assist in the rehabilitation efforts; recommends adopting the Resolution.

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

DIRECT REFERRAL TO FINANCE AND PERSONNEL COMMITTEE

Res. No. 11 - 23 - 24. By Alderpersons Mitchell and Filicky-Peneski.
May 22, 2023.

A RESOLUTION authorizing the appropriate City officials to enter into a Redevelopment Agreement with Partners for Community Development, Inc. for the rehabilitation of 14 residential buildings for low-income housing and authorizing the Finance Director to issue a $200,000 payment to Partners for Community Development, Inc. to assist in the rehabilitation efforts.

WHEREAS, the City of Sheboygan lacks sufficient housing to meet demand and specifically lacks low-income housing; and

WHEREAS, Partners for Community Development, Inc. ("Partners") is a local non-profit whose mission is to provide low-income housing, housing support services, social services programs, and weatherization for the City's low-income residents; and

WHEREAS, Partners is acquiring 14 residential properties that it intends to fully rehabilitate via court-administered sale from Sheboygan County Case No. 2016 CV 183; and

WHEREAS, due to decades of neglect, the degree of deterioration is severe and the financial resources necessary to bring the properties to a safe, comfortable, and code-compliant condition is substantial; and

WHEREAS, in light of the City's housing shortage, staff believes supporting Partners' rehabilitation efforts will benefit the community by increasing the supply of available low-income housing and by improving blighted properties to the benefit of the affected neighborhoods; and

WHEREAS, through the American Rescue Plan Act ("ARPA"), the City has access to funding earmarked for affordable housing.

NOW, THEREFORE, BE IT RESOLVED: That the appropriate City officials are authorized to enter into the attached Redevelopment Agreement with Partners for Community Development, Inc.

BE IT FURTHER RESOLVED: That the Finance Director is authorized to issue a $200,000 payment to Partners for Community Development, Inc. and to effectuate the below budget transfers to achieve this purpose:

INCREASE:
Federal Grants Fund - Federal Grants -
Contributions/Grants (Acct. No. 202000-580100) $200,000

_____

_____

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

REDEVELOPMENT AGREEMENT
BETWEEN
CITY OF SHEBOYGAN AND
PARTNERS FOR COMMUNITY DEVELOPMENT, INC.

THIS AGREEMENT made as of the _____day of _____, 2023, by and between the City of Sheboygan, a municipal corporation of the State of Wisconsin, with its principal offices located at 828 Center Avenue, Sheboygan, Wisconsin 53081 (hereinafter "City") and Partners for Community Development, Inc., a Wisconsin non-stock corporation with its principal office located at 1407 S. 13th Street, Sheboygan, Wisconsin 53081 (hereinafter "Partners").

RECITALS

WHEREAS, Partners has acquired fourteen dilapidated residential properties throughout the City via court-administered sale in Sheboygan County Case No. 16 CV 183; and,

WHEREAS, Partners intends to rehabilitate these properties in order to rent or sell to low-income families; and,

WHEREAS, the substantially deteriorated condition of these properties necessitates significant investment to bring them to a safe, comfortable, and code-compliant condition; and,

WHEREAS, the City acknowledges a shortage of housing within the community, and more specifically, a shortage of affordable housing; and,

WHEREAS, the City desires to assist Partners in their efforts to increase the community's supply of safe, affordable housing.

AGREEMENT

NOW, THEREFORE, in consideration of the Recitals, the agreements, and covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I. DEFINITIONS

All capitalized terms used herein and not otherwise defined herein shall have the following meanings unless a different meaning clearly appears from the context:

"Agreement" or "Redevelopment Agreement" means this Agreement, as the same may be from time to time modified, amended or supplemented.

"Project" means the rehabilitation of the fourteen Properties to a safe, comfortable, lead-free and asbestos-free, code-compliant condition sufficient for use as residential dwellings.

"Properties" means the following:

- **1627 Erie Avenue**: Lot Five (5), Block Eighty-seven (87), of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1003 Georgia Avenue**: Lot One (1), Block Four (4), Assessment Subdivision No. 17, City of Sheboygan, Sheboygan County, Wisconsin.

- **1221 Georgia Avenue**: Lot Five (5), Block Two (2), Assessment Subdivision No. 19, City of Sheboygan, Sheboygan County, Wisconsin.

- **1714 Huron Avenue**: The North Thirty-three (33') feet of Lot Ten (10), Block Nineteen (19), except the West One (1') foot of the North Fifty (50') feet thereof, in the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **922 Kentucky Avenue**: The East One-half (1/2) of Lot Nine (9), Block Two Hundred Sixty (260) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1603 Martin Avenue**: Lot Twenty-six (26), Zelle & Schaetzer Subdivision, City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded plat thereof.

- **1102 N. 12th Street**: The South 50 feet of Lot Twelve (12), Block Eighty (80) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1216 N. 12th Street**: The North One-quarter (1/4) of Lots Eleven (11) and Twelve (12), Block Fifty-nine (59), of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1330 N. 17th Street**: The North 37.5 feet of the East 74 feet of Lots One (1) and Two (2), Block Fifty-three (53) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **3201 N. 27th Street**: Lot Thirty-one (31) and the North 20 feet of vacated Columbus Avenue adjacent, of Hillside Addition, City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded plat thereof.

- **1307 S. 7th Street**: The South One-half (1/2) of the North Two-thirds (2/3) of Lot Six (6), Block Two Hundred Eighty-nine (289) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1510 S. 10th Street**: Lot Forty-two (42), Block Three (3), Assessment Subdivision No. 17, of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1509 S. 13th Street**: Lot Eight (8), Block Six (6), of Assessment Subdivision No. 19 of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1411 Wisconsin Avenue**: The West One-half (1/2) of Lot Two (2), Block One Hundred Thirty-six (136), of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

ARTICLE II. OVERVIEW OF THE PROJECT

The Project will consist of detailed inspections of each Property, demolition of interior spaces, as needed, and rehabilitation. Rehabilitation efforts will encompass all aspects of the Properties including, as necessary, foundation and structural repair. Interior and exterior surfaces will be repaired or replaced, windows will be replaced, mechanical systems will be upgraded, kitchens and bathrooms will be fully updated, and new flooring and insulation will be installed. Lead and asbestos will be abated if identified. Upon completion, each property will either be sold or rented to low-income households upon the issuance of Certificates of Occupancy.

ARTICLE III. REPRESENTATIONS AND WARRANTIES OF PARTNERS

Partners makes the following representations and warranties, which the City may rely upon in entering into this agreement with Partners and in granting all approvals, permits and licenses for the Project.

(A) Partners is a duly organized and existing non-stock corporation in current status under the laws of the State of Wisconsin. Partners is the owner of the Properties.

(B) The execution, delivery and performance of this Agreement and the consummation of the transactions contemplated hereby have been duly authorized and approved by Partners, and no other or further acts or proceedings of Partners are necessary to authorize and approve the execution, delivery and performance of this Agreement and the matters contemplated hereby. This Agreement, and the exhibits, documents and instruments associated herewith and made a part hereof, have been duly executed and delivered by Partners and constitute the legal, valid and binding agreement and obligation of Partners, enforceable against it in accordance with their respective terms, except as the enforceability thereof may be limited by applicable bankruptcy, insolvency, reorganization or similar laws affecting the enforcement of creditors' rights generally, and by general equitable principles.

(C) There are no lawsuits filed or pending, or to the knowledge of Partners, threatened against Partners that may in any way jeopardize the ability of Partners to perform its obligations hereunder.

(D) Partners has or will have sufficient funds for the completion of the Project. The City acknowledges that a percentage of the total funds utilized for the Project will derive from grants yet applied for, and a payment by the City. Partners shall, from time to time upon the request of the City, provide evidence thereof satisfactory to the City. Partners shall promptly notify the City of any material adverse change in their financial condition.

ARTICLE IV. UNDERTAKINGS BY PARTNERS

4.1. Project Commencement and Completion. Partners shall commence the Project by August 1, 2023. Partners shall complete the Project within four years thereafter. Partners shall not allow tenancy in any of the Properties until the City has issued a Certificate of Occupancy for such Property. The issuance of a Certificate of Occupancy shall constitute "completion" for that property. In the event Partners determines that the cost to repair and rehabilitate a Property exceeds the cost of razing and rebuilding, Partners shall notify the City of the same. City shall have the opportunity to conduct its own assessment as to the cost of repairs. The City Building Inspector shall have the ability to authorize the razing of a Property in lieu of repairs, and in such event, Partners will pay City the repayment set forth in Section 4.5 of this Agreement.

4.2. Property Use. While owned by Partners, Partners shall not allow the Properties to be occupied for anything but low-income housing. "Low-income housing" shall mean housing offered for sale or rent to Sheboygan County residents who fall at or under 60% of the County Median Income at the time of sale or rent as determined by the U.S. Department of Housing and Urban Development To maximize the community benefit of safe, comfortable, code-compliant, low-income housing, Partners shall not sell more than four of the Properties without prior, written approval by the City. The City shall not unreasonably withhold its approval if the buyer qualifies as a low-income household or if the buyer agrees to let the property to low-income residents.

4.3. Compliance with Codes, Plans and Specifications, Etc. All activity upon and uses of the Properties shall comply with all applicable codes and ordinances of the City, and with all pertinent provisions of this Agreement. The acceptance of this Agreement and granting of any and all approvals, licenses and permits by the City shall not obligate the City to grant any variances, exceptions or conditional use permits, or approve any building the City determines not to comply with the City codes and ordinances. All work done by or for Partners shall be in accordance with all applicable City codes and ordinances, and other applicable laws and regulations. If permits or approvals are required for any such work, issuance of such permits or approvals is a condition to commencement of such work, and Partners will, at its sole cost and expense, take such action as required to seek such approvals and permits.

4.4. Good Faith Hiring and Contracting Efforts. Partners agrees to exercise good faith in striving whenever possible to hire, retain, and contract with qualified individuals and businesses residing and/or based in the City of Sheboygan, as well as veteran- and minority-owned businesses. Partners agrees to undertake reasonable efforts to make opportunities known and available to local residents and businesses, such as advertising in publications and internet resources frequented by such residents and businesses. Notwithstanding the remainder of this Section 4.4., the parties agree that the procurement requirements set forth in Exhibit A control.

4.5. Repayment Partners agrees that all proceeds from the sale of any of the Properties shall be reinvested in low-income housing within the City. If Partners desires to sell a Property for other than low-income housing, Partners shall first notify the City and, if the City agrees to such sale, the City shall be entitled to $10,000 for each property sold.

ARTICLE V. CITY PAYMENTS

The City agrees to pay Partners Two Hundred Thousand Dollars ($200,000.00), which shall be understood to constitute an Affordable Housing Grant as authorized by the American Rescue Plan Act ("ARPA"). This payment is provided as part of a negotiated, lawful contract with Partners in exchange for consideration, including requirements to develop the Properties in a manner that inures to the benefit of the general public. Said payment is in no way tied to future property tax payments and do not provide any future tax break, nor do they refund already paid taxes.

ARTICLE VI. INDEMNIFICATION OF THE CITY

Partners hereby indemnifies and holds harmless the City, its governing body members, officers, agents, including the independent contractors, consultants and legal counsel, servants and employees thereof (hereinafter, for purposes of this section collectively referred to as the "Indemnified Parties"), against any loss or damage to property or any injury to or death of any person occurring at or about or arising out of the recklessness or intentional misconduct of Partners (or other persons acting on its behalf or under its direction or control).

ARTICLE VII. ADDITIONAL PROVISIONS

7.1. Incorporation by Reference. All exhibits and other documents attached hereto or referred to herein are hereby incorporated in and shall become a part of this Agreement.

7.2. No Implied Waiver. In the event any agreement contained in this Agreement should be breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other concurrent, previous or subsequent breach hereunder.

7.3. No Implied Approvals. Nothing herein shall be construed or interpreted in any way to waive any obligation or requirement of Partners to obtain all necessary approvals, licenses and permits from the City in accordance with its usual practices and procedures, nor limit or affect in any way the right and authority of the City to approve or disapprove the Plans and Specifications, or any part thereof, or to impose any limitations, restrictions and requirements on the development, construction and/or use of the Project as a condition of any such approval, license or permit; including, without limitation, requiring any and all other development and similar agreements.

7.4. No Assignment. Partners may not assign its rights in this Agreement without the express prior written consent of the City.

7.5. No Joint Venture. Neither anything int his Agreement nor any acts of the parties to this Agreement shall be construed by the parties or any third person to create the relationship of a partnership or joint venture between or among such parties.

7.6. Obligations of City Not to Extend to Others. All covenants, stipulations, promises, agreements and obligations of the City contained herein shall be deemed to be covenants, stipulations, promises, agreements and obligations of the City and not of any governing body member, officer, agent, servant or employee of the City.

7.7. Time of the Essence. Time is deemed to be of the essence with regard to all dates and time periods set forth herein or incorporated herein.

7.8. Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

[This portion intentionally left blank]

7.9. Notices. Any notice required hereunder shall be given in writing, signed by the party giving notice, personally delivered or mailed by certified or registered mail, return receipt requested, to the parties' respective addresses as follows:

To the City: City of Sheboygan, Wisconsin
828 Center Ave.
Sheboygan, WI 53081
Attn: City Clerk

With a copy to:
City Attorney
City of Sheboygan, Wisconsin
828 Center Ave., Suite 206
Sheboygan, WI 53081

To Partners: Karin Kirchmeier
Partners for Community Development
1407 S 13th St.
Sheboygan, WI 53081

7.10. Entire Agreement. This document and all other documents and agreements expressly referred to herein contain the entire agreement between Partners and the City with respect to the matters set forth herein. This Agreement may be modified only by a writing signed by all parties.

7.11. Governing Law. This Agreement shall be construed in accordance with the laws of the State of Wisconsin.

7.12. Cooperation. The City and Partners agree to cooperate in the prosecution of applications made by either party for any governmental certificates or approvals appropriate or necessary for the consummation of the transactions contemplated by this Agreement or the use and occupancy of the Properties. The City and Partners each will at any time, or from time to time at the written request of the other, sign and deliver such other documents as may be reasonably requested or as may be reasonably necessary or appropriate to give full effect to the terms and conditions of this Agreement.

7.13. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original.

7.14. Binding. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, representatives, successors and permitted assigns.

7.15. ARPA Funding Requirements. Recognizing that the City payment is partially funded by federal ARPA Funds, Partners agrees to be bound by the "City of Sheboygan Terms and Conditions for Contracts Funded with Federal Grants Subject to the Uniform Guidance," a copy of which is attached as Exhibit A and made a part of this Agreement by reference. This Agreement is effective only upon Partners signing the various certifications attached to the Appendix. For purposes of Exhibit A, "Partners" and "Developer" are used interchangeably.

7.16. Recording. This Agreement or a memorandum of this Agreement shall be recorded in the Office of Sheboygan County Register of Deeds against the Property at the cost of Partners.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF SHEBOYGAN

By: _____
Ryan Sorenson, Mayor

Attest: _____
Meredith DeBruin, City Clerk

PARTNERS FOR COMMUNITY DEVELOPMENT, INC.

By: _____
Karin Kirchmeier, Executive Director

Attest: _____

EXHIBIT A
CITY OF SHEBOYGAN

TERMS AND CONDITIONS FOR CONTRACTS FUNDED WITH FEDERAL GRANTS SUBJECT TO THE UNIFORM GUIDANCE

In the event of a conflict between the below terms and conditions and the terms of the main body of the Contract or any exhibit or appendix, these federally required contract terms shall govern.

Background and Purpose

The American Rescue Plan Act ("ARPA") was passed in March 2021. ARPA provided $65 billion in recovery funds for cities across the country. The City of Sheboygan (the "City") received an allocation of recovery funds (the "ARPA funds"), and has approved the use of a portion of its ARPA funds to provide aid for affordable housing projects. In order to receive the ARPA funds, the City agreed to certain obligations. Broadly speaking, the City is required to comply with all applicable federal statutes, regulations, and executive orders, and to "provide for such compliance by other parties in any agreements it enters into with other parties relating to [the ARPA funds]."

The purpose of these Terms and Conditions to address Developer's compliance with all applicable federal statutes, regulations, and executive orders.

1. **Developer's Obligations.** As a condition of receiving ARPA funds from the City as part of aid for affordable housing projects, Developer agrees to comply with all applicable federal statutes, regulations, and executive orders. Developer shall disclose in writing to the City any potential conflict of interest affecting the Payment in accordance with 2 C.F.R. § 200.112. Developer shall provide any information necessary to the City in order for the City to comply with its reporting obligations related to the ARPA funds.

2. **Compliance with Statutes and Regulations.** In addition to the specific provisions in these Terms and Conditions, statutes and regulations prohibiting discrimination applicable to this contract may include, without limitation:

a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance

b. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability

c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance

d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance

e. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state or local governments or instrumentalities or agencies thereto Federal regulations applicable to this contract may include, without limitation:

1.. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), other than such provisions as Treasury may determine are inapplicable and subject to such exceptions as may be otherwise provided by Treasury

2. Universal Identifier and System for Award Management (SAM) (2 C.F.R. Part 25) (including the award term set forth in Appendix A to 2 C.F.R. Part 25)

3. Reporting Subaward and Executive Compensation Information (2 C.F.R. Part 170) (including the award term set forth in Appendix A to 2 C.F.R. Part 170)

4. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) (2 C.F.R. Part 180) (including the requirement to include a term or condition in all lower tier covered transactions)

5. Recipient Integrity and Performance Matters

6. Governmentwide Requirements for Drug-Free Workplace (31 C.F.R. Part 20)

7.. New Restrictions on Lobbying (31 C.F.R. Part 21)

8. Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations

9. Generally Applicable Federal Environmental Laws and Regulations

3. **Title VI Assurances.** In addition to the obligations listed above, as a condition of receiving the Payment, the Developer agrees to:

a. Ensure its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.

b. Acknowledge that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English Proficiency (LEP). The Developer understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, the Developer shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. The Developer understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Developer's programs, services, and activities.

c. Consider the need for language services for LEP persons when the Developer develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit http://www.lep.gov.

d. Acknowledge that compliance with the Assurances is binding upon the Developer and the Developer's successors, transferees, and assignees for the period in which federal financial assistance is provided.

e. Require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with the Assurances in this Title VI Assurances section.

f. Comply with, and include in any contract subject to Title VI and its regulations as follows: The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

4. **Amendment Permitted.** This list of Federally Required Contract terms may be amended by City in the event that the applicable federal grant providing funding for this Agreement contains additional required terms.

5. **Debarment and Suspension.** Developer represents and warrants that, as of the execution of this Contract, neither Developer nor any subcontractor or sub-consultant performing work under this Contract (at any tier) is included on the federally debarred bidder's list listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." If at any point during Contract's term Developer or any subcontractor or sub-consultant performing work at any tier is included on the federally debarred bidder's list, Developer shall notify City immediately. Developer's completed Vendor Debarment Certification is attached hereto and incorporated herein.

6. **Record Retention.** Developer certifies that it will comply with the record retention requirements detailed in 2 CFR § 200.333. Developer further certifies that it will retain all records as required by 2 CFR § 200.333 for a period of five (5) years after it receives City notice that City has submitted final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed. Unless Developer is functioning as a sub-recipient of grant funding, rather than as a contractor, this requirement is in addition to, and not in place of, City's public records retention requirements set forth elsewhere herein. In the event of conflict between local and federal retention periods, the longer retention requirement shall control.

7. **Procurement of Recovered Materials (Applies Only if the Work Involves the use of Materials).** Pursuant to 2 CFR §200.323, Developer represents and warrants that in its performance under the Contract, Developer shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in

guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

8. **Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as Amended**. If this is a contract or sub-grant in excess of $150,000, Developer must comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations must be reported to the City and understands and agrees that the City will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

9. **Energy Efficiency**. Developer certifies that it will comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

10. **Byrd Anti-Lobbying Amendment** (31 U.S.C. 1352). Developer certifies that:

10.1. No federal appropriated funds have been paid or will be paid, by or on behalf of Developer, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal Loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of and Federal contract, grant, loan, or cooperative agreement.

10.2. If any funds other than federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, Developer shall request from City and provide, completed, to City the "Disclosure Form to Report Lobbying," in accordance with its instructions as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).

10.3. Developer shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

10.4. Developer's completed Byrd Anti-Lobbying Certification is attached hereto and incorporated herein.

11. **Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708) (Applies Only to Funding Over $100,000, When Laborers or Mechanics are Used).** Developer must comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, Developer must compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions

which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

12. **Right to Inventions Made Under a Contract or Agreement**. Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any applicable implementing regulations.

13. **Federal Government is Not a Party**. The Federal Government is not a party to this Contract and is not subject to any obligations or liabilities to City, Developer, or any other party pertaining to any matter resulting from the Contract.

14. **Davis-Bacon Act, as amended (40 U.S.C. 3141-3148).** If this is a "prime construction contract," in its performance under the Contract, Developer shall comply with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, Developer is required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, Developer is required to pay wages not less than once a week. **Note: this paragraph is not applicable to contracts paid for solely with ARPA SLFRF moneys.**

15. **Copeland "Anti-Kickback" Act (40 U.S.C. 3145)**. If this is a "prime construction contract" in excess of $2,000, Developer shall, in its performance of the contract, comply with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that Developer is prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.

16. **Equal Employment Opportunity.** Developer shall comply with Executive Order 11246, "Equal Employment Opportunity," as amended by EO 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR Part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

17. **Termination for Convenience**. If this Contract is for an amount in excess of $10,000 and it lacks a termination for convenience clause, the following applies: City may terminate this Contract at any time for any reason by giving at least thirty (30) days' notice in writing from City to Developer. If Developer is terminated for convenience by City, Developer will be paid for services actually performed or commodity actually provided.

18. **Termination for Cause.** If this Contract is for an amount in excess of $10,000 and it lacks a termination for cause clause, the following applies: If Developer shall fail to fulfill in timely and proper manner any of its obligations or violate any of the provisions of this Contract; City shall have the right to terminate this Contract. City shall notify Developer of its intent to terminate, by giving Developer prior written notice at least five (5) business days before the effective date of the termination, identifying the alleged deficiencies in Developer's performance, and shall give Developer thirty (30) days to cure such deficiencies prior to termination. In such event, all deliverables completed by Developer as of the date of termination shall, at the option of City, become property of City. Notwithstanding the above, Developer shall not be relieved of liability to City for damages sustained by City by virtue of any breach of the Contract, and City shall retain its remedies under law.

19. **Executive Order 13202- Preservation of Open Competition and Government Neutrality Towards Contractors' Labor Relations on Federal and Federally Funded Construction Contracts**. These requirements apply to recipients and sub-recipients of awards and cooperative agreements and to any manager of a construction project acting on their behalf. These individuals or employees of one of these organizations must ensure that the bid specifications, project agreements, and other controlling documents do not: (a) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or other related construction project(s); or (b) otherwise discriminate against bidders, offerors, contractors, or subcontractors for becoming or refusing to become or remain signatories, or otherwise to adhere to agreements with one or more labor organizations, on the same or other related construction project(s). Contractors or subcontractors are not prohibited from voluntarily entering into agreements with one or more labor organizations.

20. **Domestic Preferences for Procurements.** Pursuant to 2 CFR §200.322, as appropriate, and to the extent consistent with law, Developer should, to the greatest extent practicable under this Contract, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subcontracts and purchase orders for work or products under this Contract.

21 **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment.** Developer shall not use funds under this Contract to purchase, or enter into subcontracts to purchase, any equipment, services, or systems that use telecommunications equipment or services as a substantial or essential component of a system that is subject to 2 CFR § 200.216 (generally, video surveillance or telecommunications equipment produced by Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company, their subsidiaries or affiliates, or any entity that the Secretary of Defense reasonably believes to be an entity owned or controlled by the government of a foreign country). In the event Developer identifies covered telecommunications equipment or services that constitute a substantial or essential component of any system, or as critical technology as part of any system that is subject to 2 CFR § 200.216, during Contract performance, Developer shall alert City as soon as possible and shall provide information on any measures taken to prevent recurrence.

22. **Prohibitions on Discrimination**. Developer agrees to comply with the following as applicable:

22.1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance.

22.2. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C.§§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.

22.3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.

22.4. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

22.5. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state or local governments or instrumentalities or agencies thereto.

22.6. Title IX of the Education Amendments of 1972 (Title IX), (20 U.S.C. 1681 et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 28, which prohibits discrimination on the basis of sex in any federally funded education program or activity

23. **Financial and Program Management** As subrecipient of federal funds, Developer is required to comply with 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, other than such provisions as Treasury may determine are inapplicable to this Agreement and subject to such exceptions as may be otherwise provided by Treasury.

23.1. Financial Management: Developer shall maintain records and financial documents sufficient to show compliance with section 603(c) of ARPA, Treasury's regulations implementing that section, and guidance issued by Treasury. Developer shall grant the Treasury Office of Inspector General and the Government Accountability Office or their authorized representatives, the right of access to these records in order to conduct audits or other investigations. Financial records, supporting documents, statistical records and all other records pertinent to the services purchased pursuant to this Agreement shall be retained for a period of five (5) years after all of the City's funds have been expended or returned to the Treasury Department, whichever is later.

23.2. Audit Requirements. Developer agrees to provide all reports requested by the City including, but not limited to, financial statements and reports, reports and accounting of services rendered, and any other reports or documents requested. Financial and service reports shall be provided according to a schedule (when applicable) or upon request. Developers who expend more than $750,000 in federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F.

23.3 Recipient Integrity and Performance Matters. Developer agrees to provide any information requested by the City in order to comply with 2 CFR Appendix XII to Part 200

23.4 SAM.gov Requirements. Developer is required to comply with 2 CFR Part 25 (System for Award Management ("SAM")) and 2 CFR Part 170 (Reporting Subaward and Executive Compensation Information) unless exempted pursuant to 2 CFR § 25.110.

24. **Drug-Free Workplace.** Developer acknowledges that as a subrecipient of federal funds, it is subject to 31 CFR Part 20 (Governmentwide Requirements for Drug-Free Workplace)

25. **Relocation Assistance**. Where an agreement or project requires the relocation of persons or such person's personal property, Developer is advised that 42 USC 4601-4655 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) may apply.

26. **Incorporation of Required Clauses and Conditions.** To the extent any applicable federal statute, regulation, or executive order requires any clause or condition to be included or incorporated into this Agreement between the City of Sheboygan and the Developer, and that term or condition has not been expressly included or incorporated, it is included or incorporated by reference. To the extent the Developer is required, by this Agreement or by any applicable federal statute, regulation, or executive order, to include or incorporate any clause or condition into any subsequent agreement, the Developer agrees to ensure that the required term is included.

27. **Hatch Act**. No personnel employed under this Agreement, shall be in any way or to any extent, engaged in the conduct of political activities in violation of 5 U.S.C. Ch. 15.

28. **Encouragement to Developer Regarding Reducing Text Messaging While Driving.** Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), the City encourages its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving and to establish workplace safety policies to decrease accidents caused by distracted drivers.

VIII

R. C. No. 16 - 23 - 24. By FINANCE AND PERSONNEL COMMITTEE. June 5, 2023.

Your Committee to whom was referred Direct Referral Res. No. 12-23-24 by Alderpersons Mitchell and Filicky-Peneski supporting the waiver of certain judgment liens filed on behalf of the City against properties owned by William Sukowaty; recommends adopting the Resolution.

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

III

DIRECT REFERRAL TO FINANCE AND PERSONNEL COMMITTEE

Res. No. 12 - 23 - 24. By Alderpersons Mitchell and Filicky-Peneski.
May 22, 2023.

A RESOLUTION supporting the waiver of certain judgment liens filed on behalf of the City against properties owned by William Sukowaty.

WHEREAS, William Sukowaty owns 14 properties within the City of Sheboygan, which were the subject of various code enforcement actions; and

WHEREAS, many of these code enforcement actions resulted in the issuance of citations for noncompliance with the Sheboygan Municipal Code relating to property maintenance of which Mr. Sukowaty was found guilty; and

WHEREAS, $428,716.28 in judgment liens were filed with the Sheboygan County Clerk of Court for nonpayment of municipal citation forfeitures related to code enforcement activities; and

WHEREAS, due to continued noncompliance with property maintenance codes and ongoing rental of the noncompliant properties, the City filed a Motion for Injunction in Sheboygan County Circuit Court Case 2016 CV 183; and

WHEREAS, on March 22, 2023, the Circuit Court approved a court-administered sale of all 14 properties to Partners for Community Development via Final Order; and

WHEREAS, the Court's Final Order, attached, documented the Court's stated desire that the Common Council support waiving its right to collect the judgment liens that would not otherwise be paid and closed through the sale; and

WHEREAS, the final sale amount is $400,000 and the following encumbrances are expected to be released through sale proceeds:

Sheboygan County Delinquent Property Tax	$107,547.79
Federal Tax Lien	$1.00 - $40,460.11
Mortgage Assigned to JCG Properties, LLC	$ 20,030.00
Closing Costs	$ 1,830.00
Wisconsin Real Estate Transfer Fee	$ 1,200.00

WHEREAS, the federal tax lien balance is not yet known but is being sought by the title company assisting in this transaction; and

WHEREAS, depending on the balance owed for the federal tax lien, the amount of City judgment liens that would be satisfied by the sale ranges from $228,932.10 - $269,391.21 leaving an unpaid balance of $159,325.07 - $199,784.18.

NOW, THEREFORE, BE IT RESOLVED: That the Common Council declares its support for waiving its right to recoup those judgment liens for unpaid citations issued to William Sukowaty that would not otherwise be satisfied via the court-administered sale and asks that the City Attorney's Office draft a Motion and Proposed Order for the Sheboygan-Kohler Municipal Court to consider to effectuate this goal.

_____

_____

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

FILED
03-22-2023
Sheboygan County
Clerk of Circuit Court
2016CV000183

DATE SIGNED: March 22, 2023

Electronically signed by Angela W Sutkiewicz
Circuit Court Judge

STATE OF WISCONSIN SHEBOYGAN COUNTY CIRCUIT COURT

CITY OF SHEBOYGAN

Plaintiff,

v. Case No. 2016CV183

Case Code 30704

WILLIAM SUKOWATY

Defendant.

ORDER

For the reasons set forth on the record on February 28, 2023, **THE COURT HEREBY ACCEPTS** Partners for Community Development's Offer to Purchase the following properties for a total price of $400,000:

- **1627 Erie Avenue**: Lot Five (5), Block Eighty-seven (87), of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1003 Georgia Avenue**: Lot One (1), Block Four (4), Assessment Subdivision No. 17, City of Sheboygan, Sheboygan County, Wisconsin.

- **1221 Georgia Avenue**: Lot Five (5), Block Two (2), Assessment Subdivision No. 19, City of Sheboygan, Sheboygan County, Wisconsin.

- **1714 Huron Avenue**: The North Thirty-three (33') feet of Lot Ten (10), Block Nineteen (19), except the West One (1') foot of the North Fifty (50') feet thereof, in the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **922 Kentucky Avenue**: The East One-half (1/2) of Lot Nine (9), Block Two Hundred Sixty (260) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1603 Martin Avenue**: Lot Twenty-six (26), Zelle & Schaetzer Subdivision, City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded plat thereof.

- **1102 N. 12th Street**: The South 50 feet of Lot Twelve (12), Block Eighty (80) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1216 N. 12th Street**: The North One-quarter (1/4) of Lots Eleven (11) and Twelve (12), Block Fifty-nine (59), of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1330 N. 17th Street**: The North 37.5 feet of the East 74 feet of Lots One (1) and Two (2), Block Fifty-three (53) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **3201 N. 27th Street**: Lot Thirty-one (31) and the North 20 feet of vacated Columbus Avenue adjacent, of Hillside Addition, City of Sheboygan, Sheboygan County, Wisconsin, according to the recorded plat thereof.

- **1307 S. 7th Street**: The South One-half (1/2) of the North Two-thirds (2/3) of Lot Six (6), Block Two Hundred Eighty-nine (289) of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1510 S. 10th Street**: Lot Forty-two (42), Block Three (3), Assessment Subdivision No. 17, of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1509 S. 13th Street**: Lot Eight (8), Block Six (6), of Assessment Subdivision No. 19 of the City of Sheboygan, Sheboygan County, Wisconsin.

- **1411 Wisconsin Avenue**: The West One-half (1/2) of Lot Two (2), Block One Hundred Thirty-six (136), of the Original Plat of the City of Sheboygan, Sheboygan County, Wisconsin.

THE COURT HEREBY ORDERS:

1. The City of Sheboygan ("City") shall cause a title report to be generated for each property at issue and supply same to Mr. Sukowaty within five business days of receipt.

2. Within ten business days of receipt, Mr. Sukowaty shall execute a release of information to allow the title search company that generated the title reports to ascertain any payoff amounts necessary to clear the encumbrances noted in the report.

3. The City, in conjunction with Partners for Community Development, shall generate the requisite legal documents effectuating the Court-administered sale noting a closing date within 90 days of this Order. The City shall file such documents with the Court for review.

4. Upon completion of all contingencies that form a part of the accepted offer, the Court will issue an Order confirming the sale of the properties. The City shall cause such Order to be recorded with the Sheboygan County Register of Deeds.

5. The proceeds of the sale, after costs associated with the sale itself have been paid, will be distributed pursuant to Wisconsin law, with appropriate priority given to lienholders, including the City of Sheboygan. Any surplus proceeds will be provided to Mr. Sukowaty.

THE COURT HEREBY DECLARES its desire that the Sheboygan Common Council and Sheboygan-Kohler Municipal Court agree to reopen and vacate all municipal court judgments for which a lien has been filed against Mr. Sukowaty's property interest, that remain unpaid as of this Order, and that would not otherwise be paid off by proceeds of the sale.

Drafted by Elizabeth Majerus
City of Sheboygan
828 Center Avenue
Sheboygan, WI 53081
(920) 459-3917
Liz.majerus@gmail.com

VIII

R. C. No. 17 - 23 - 24. By FINANCE AND PERSONNEL COMMITTEE. June 5, 2023.

Your Committee to whom was referred Direct Referral Res. No. 13-23-24 by Alderpersons Mitchell and Filicky-Peneski authorizing an adjustment to the 2023 budget to fund a KM International asphalt hotbox reclaimer; recommends adopting the Resolution.

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

III

DIRECT REFERRAL TO FINANCE AND PERSONNEL COMMITTEE

Res. No. 13 - 23 - 24. By Alderpersons Mitchell and Filicky-Peneski.
May 22, 2023.

A RESOLUTION authorizing an adjustment to the 2023 budget to fund a KM International asphalt hotbox reclaimer.

WHEREAS, the motor vehicle department of the Department of Public Works currently has one functioning pothole patching wagon; and

WHEREAS, the response time goal for pothole filling requests is within two business days of notification; and

WHEREAS, the Department of Public Works has determined that additional labor and product resources will be required to reach 2023 and future goals; and

WHEREAS, there is sufficient unbudgeted revenues to pay for the purchase of the pothole patching wagon due to recent equipment auctions.

NOW, THEREFORE, BE IT RESOLVED: That the Finance Director is hereby authorized to fund the purchase of the asphalt hotbox reclaimer in the amount of $39,270 via the following budget amendment:

INCREASE:

Motor Vehicle Fund - Motor Vehicle - Heavy Equipment (Acct. No. 730399-651400)	$39,270
Motor Vehicle Fund - Motor Vehicle - Sale of Equip./Property (Acct. No. 730-493000)	$39,270

_____

_____

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

J.O. #

1151 W Main Avenue
DePere, WI 54115
Sales Rep: Troy Redfearn
Ph: (920) 360-4446
www.MonroeTruck.com

Quotation ID: 2MAW003558
Date: 5/4/2023
Valid thru: 6/3/2023
Terms: NET 30
Quoted by: Mark Woelfel
Ph/Fax: 920-347-4181 / 920-336-8118

Quoted to:
SHEBOYGAN, CITY OF (ATTN:)
828 CENTER AVE ATTN: PURCHASNG
SHEBOYGAN, WI 53081-4497
Ph: 920-459-0246 / Fax: 920-459-3967
Email:

Chassis Information

Year:	*Make:*		*Model:*		*Chassis Color:*	*Cab Type:*
Single/Dual:	*CA:*	*CT:*	*Wheelbase:*	*Engine:*	*F.O. Number #:*	*Vin:*

Notes:

Monroe Truck Equipment, Inc. is pleased to offer the following quote for your review:

Description **Amount**

KM INTERNATIONAL ASPHALT HOTBOX RECLAIMER
-4 TON TRAILER MOUNT
-ELECTRIC BRAKES
-DIESEL BURNER
-DUMP HOIST
-BATTERY UPGRADE
-7 GALLON UTILITY SOLVENT TANK – TRAILER MOUNT
-4 HOLE TOOL RACK – TRAILER MOUNT
-AMBER STROBE LIGHT ON TOP OF UNIT
-DIRECTIONAL ARROW BOARD ON TOP OF UNIT
-4" AMBER STROBES MOUNTED IN FENDERS
-TRANSPORTED TO C/O SHEBOYGAN INCLUDING IN-SERVICE WITH STAFF

Quote Total: $39,270.00

SOURCEWELL CONTRACT #080521-KMI

Terms & Conditions

- Terms are Due Upon Receipt unless prior credit arrangements are made at the time of order.
- Please note if chassis is furnished, it is as a convenience and terms are Net Due on Receipt of Chassis.
- State and Federal taxes will be added where applicable. Out-of-state municipal entities may be subject to Wisconsin sales tax.
- Restocking fees may be applicable for cancelled orders.
- MTE is not responsible or liable for equipment that does not meet local/state regulations if those laws are not made known at time of order.

By signing and accepting this quote, the customer agrees to the terms listed above and has confirmed that all chassis information listed above is accurate to chassis specs.

Re-Assign (Required for all pool units): ☐ Fleet ☐ Retail	MSO/MCO (ONLY check if legally required): ☐ MCO ☐ MSO	
Customer Signature:	Customer P.O. Number:	Date of Acceptance:

KM International Inc.
6561 Bernie Kohler Dr. North Branch, MI 48461
800-492-1757 | www.kminternational.com

$38,020.00 base + $1,250.00 transportation and setup = $39,270.00

SOURCEWELL PRICE GUIDE- ASPHALT HOTBOX RECLAIMERS & OPTIONS

PRICES EFFECTIVE FEBRUARY 1, 2023
F.O.B. NORTH BRANCH, MICHIGAN - PREPAID & ADDED
PRICING IS SUBJECT TO CHANGE WITHOUT NOTICE

Sourcewell Contract #080521-KMI

Sourcewell

MODEL	DESCRIPTION	MSRP PRICE	SOURCEWELL PRICE
	SKID MOUNTED ASPHALT HOTBOX RECLAIMERS		
KM 4000SXPX	2 Ton Skid Mount - Propane	$ 14,095.00	$ 11,985.00
KM 4000SXDX	2 Ton Skid Mount - Diesel	$ 19,650.00	$ 16,700.00
KM 8000SXPX	4 Ton Mount - Propane	$ 21,500.00	$ 18,275.00
KM 8000SXDX	4 Ton Skid Mount - Diesel	$ 26,335.00	$ 22,385.00
KM 1000SXPX	½ Ton Skid Mount- Propane	$ 9,830.00	$ 8,355.00
	2 TON TRAILER MOUNTED ASPHALT HOTBOX RECLAIMER		
KM 4000TEPX	2 Ton Trailer Mount - Electric Brake - Propane	$ 21,500.00	$ 18,275.00
KM 4000TEPD	2 Ton Trailer Mount - Electric Brake - Propane - Dump	$ 27,335.00	$ 23,325.00
KM 4000TEDX	2 Ton Trailer Mount - Electric Brake - Diesel	$ 24,990.00	$ 21,240.00
KM 4000TEDD	2 Ton Trailer Mount - Electric Brake - Diesel - Dump	$ 31,325.00	$ 26.625.00
KM 4000THPX	2 Ton Trailer Mount - Hydraulic Brake - Propane	$23,350.00	$ 19,850.00
KM 4000THPD	2 Ton Trailer Mount - Hydraulic Brake - Propane - Dump	$ 32,170.00	$ 27,345.00
KM 4000THDX	2 Ton Trailer Mount - Hydraulic Brake - Diesel	$ 26,760.00	$ 22,745.00
KM 4000THDD	2 Ton Trailer Mount - Hydraulic Brake - Diesel - Dump	$ 33,165.00	$ 28,190.00
	4 TON TRAILER MOUNTED ASPHALT HOTBOX RECLAIMER		
KM 8000TEPX	4 Ton Trailer Mount - Electric Brake - Propane	$28,615.00	$ 24,325.00
KM 8000TEPD	4 Ton Trailer Mount - Electric Brake - Propane - Dump	$ 35,875.00	$ 30,495.00
KM 8000TEDX	4 Ton Trailer Mount - Electric Brake - Diesel	$ 32,740.00	$ 26,255.00
KM 8000TEDD	4 Ton Trailer Mount - Electric Brake - Diesel - Dump	$ 39,440.00	$ 33,525.00
KM 8000THPX	4 Ton Trailer Mount - Hydraulic Brake - Propane	$ 31,325.00	$ 26,625.00
KM 8000THPD	4 Ton Trailer Mount - Hydraulic Brake - Propane - Dump	$ 38,590.00	$ 32,805.00
KM 8000THDX	4 Ton Trailer Mount - Hydraulic Brake - Diesel	$35,165.00	$ 29,890.00
KM 8000THDD	4 Ton Trailer Mount - Hydraulic Brake - Diesel - Dump	$ 42,565.00	$ 36,180.00

Click on the Model Number to View Picture of the Unit

	BATTERY UPGRADE OPTIONS		
Supplemental Battery	**Required** for diesel, dump hotboxes with additional options requiring 12V connection (i.e strobe light, work lights, etc.)	$ 718.75	$625.00
Lithium-Iron Battery Upgrade	Upgrade from standard AGM battery to Lithium Iron Battery	$ 1,380.00	$ 1,200.00

KM International Inc.
6561 Bernie Kohler Dr. North Branch, MI 48461
800-492-1757 | www.kminternational.com

MISCELLANEOUS HOTBOX TRAILER OPTIONS

OPTION NAME	DESCRIPTION	MSRP PRICE	SOURCEWELL PRICE
Solvent Tank	7 Gallon Utility Solvent Tank - Mounted on Trailer	$ 555.00	$ 470.00
Tool Rack	4 Hole Tool Rack - Mounted on Trailer	$ 435.00	$ 370.00
Spare Tire, Loose	ST235/80R16 Tire & Rim - Not Mounted on Trailer	$ 390.00	$ 335.00
Spare Tire, Mounted	ST235/80R16 Tire & Rim - Mounted on Trailer	$ 775.00	$655.00
60 Lb. Cylinders	60 lb. Propane Cylinders	$ 480.00	$ 410.00
100 Lb. Cylinders	100 lb. Propane Cylinders	$ 765.00	$ 650.00
Hoist - Manual	Loading Hoist/ Winch & Davit - Manual Operation	$ 2,350.00	$ 2,000.00
Hoist - 12 V	Loading Hoist / Winch & Davit - 12 V Powered – Remote	$ 4,135.00	$ 3,515.00
Torch (LP Unit)	Hand Torch W Retractable Hose Reel	$ 2,285.00	$ 1,940.00
Torch (Diesel Unit)	Hand Torch W Retractable Hose Reel	$ 2,285.00	$1,940.00
Low Temp Thermostat	Allows Heating of Cold Patch 60-250° F	$ 1,785.00	$ 1,520.00
Wash Down Spray System	12V Pump, 2.2 GPM, 7 PSI, 1 Gallon Tank, Rear Mounted Hose Wrap w/Spray Wand (KM 8000T only)	$ 2,277.00	$ 1,935.00
Extended KM 8000 Trailer	Adds 2 Ft. to overall length (20 Ft total)	$ 750.00	$ 635.00
Extended KM 4000 Trailer	Adds 2 Ft. to overall length (16 Ft total). Adds Additional 7K Axle	$ 2,140.00	$ 1,820.00
Mounted Deck for 2-18x	Deck Mounted to fit KM 2-18x on Front of Hotbox Trailers. Required Extended Trailer Option	$ 410.00	$ 350.00
24 Hour Timer	24 Hour Timer, 110 Volt Powered	$ 1,587.60	$ 1,350.00
Heated Shovel Deck	Heated Shovel Deck	$ 880.00	$ 750.00
5 Gallon Bucket Holder	5 Gallon Bucket Holder	$ 391.00	$ 335.00
Plate Compactor Basket	24" x 28" Mounting Basket for Plate Compactor	$ 425.00	$ 360.00
Roller Cradle Basket	Roller Cradle for BOMAG BW55E Roller or Similar Model	$ 425.00	$ 360.00
	TACK TANK OPTIONS		
30-Gal Tack	30 Gallon Heated Tack Tank 10,000 Btu Propane Burner. Extended Trailer Option Recommended	$ 5,625.00	$ 4,785.00
Spray Tack Unit	¾ Roper Pump, Spray Wand and 5.5 HP Honda Engine	$ 5,520.00	$ 4,690.00
Tack Tank Skid	Tack Tank Skid Deck. Requires Extended Trailer, KM 2-18X Deck, Tack Tank Options	$ 750.00	$ 585.00
	LIGHTING OPTIONS		
Work Lights	2 Work Lights Mounted and Switched	$ 520.00	$ 440.00
Strobe Light	Amber Strobe Light, Mounted and Switched	$ 445.00	$ 380.00
Light Bar	Directional Arrow Board & Controller - Mounted on Unit	$ 2,140.00	$ 1820.00
Rear Mounted Fender Strobes	4" Amber Strobe Lights Mounted in Rear Fenders. KM 8000T Only	$ 975.00	$ 830.00
	SKID MOUNTED UNIT OPTIONS		
Bottle Rack	Bottle Rack to Fit Three 30lb Propane Cylinders	$ 875.77	$ 745.00
Extended Hoses	8" Pigtails for Skid Mounted Hotbox Units	$ 103.03	$90.00
	BATTERY UPGRADE OPTIONS		
Supplemental Battery	**Required** for diesel, dump hotboxes with additional options requiring 12V connection (i.e strobe light, work lights, etc.)	$718.75	$625.00
Lithium-Iron Battery Upgrade	Upgrade from standard AGM battery to Lithium Iron Battery	$1,380.00	$1,200.00

Click On the Option Name to View a Picture

IX

R. C. No. 18 - 23 - 24. By LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE. June 5, 2023.

Your Committee to whom was referred Gen. Ord. No. 3-23-24 by Alderpersons Salazar and Felde adopting, enacting, and republishing the Code for the Code of Ordinances of Sheboygan, Wisconsin; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this ordinance shall become effective; recommends adopting the Ordinance.

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

Gen. Ord. No. 3 - 23 - 24. By Alderpersons Salazar and Felde.
May 15, 2023.

AN ORDINANCE adopting, enacting, and republishing the Code for the Code of Ordinances of Sheboygan, Wisconsin; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this ordinance shall become effective.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. The Code entitled "Municipal Code of the City of Sheboygan, Wisconsin," published by Municode, consisting of Chapters 1 through 208, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before July 5, 2022, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule, or regulation adopted or issued in pursuance thereof shall be punished by a forfeiture in an amount up to the maximum permitted or required by state law. Each act of violation and each day upon which any such violation continues or occurs shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies as allowed by state law including but not limited to abatement of nuisances, injunctive relief, and revocation of licenses or permits.

Section 5. Additions or amendments to the Code, when passed in such form as to indicate the City's intent to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after July 5, 2022, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

LHPS

Section 7. This ordinance shall be in effect from and after its passage and publication.



_____

_____

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor



City of Sheboygan

Sheboygan County, Wisconsin

Municipal Code

Compiled: Thursday, April 27, 2023

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Sec 1-1 Code Designated And Cited

The ordinances embraced in the following chapters and sections shall constitute and be designated as the "Municipal Code of the City of Sheboygan, Wisconsin," and may be so cited. This Code may also be referred to as the "Sheboygan Municipal Code" and may be abbreviated as "SMC."

(Code 1975, § 1-1; Code 1997, § 1-1)

State law reference—Authority to codify ordinances generally, Wis. Stats. § 66.0103.

Sec 1-2 Definitions And Rules Of Construction

In the construction of this Code and for all ordinances and resolutions passed by the common council, words shall be construed in their common and usual significance unless the contrary is clearly indicated, and the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

City. The term "the city" or "this city" means the City of Sheboygan, in the County of Sheboygan and State of Wisconsin.

City clerk, chief of police or other city officers or departments. The term "city clerk," "chief of police" or "other city officers or departments" means the city clerk, chief of police or such other municipal officers or departments, respectively, of the city.

Code. The term "Code" means the provisions of chapters 1 through 138, inclusive, and as may be subsequently amended of the Municipal Code of the City of Sheboygan,

Wisconsin.

Council, common council or *the council*. Whenever the term "council" or "common council" or "the council" is used in this Code, it means the common council of the city.

County or *this county*. The term "county" or "this county" means the County of Sheboygan, Wisconsin.

Delegation of authority. Whenever a section of this Code requires or authorizes an officer or city employee to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty, unless the terms of the section specifically provide otherwise.

Easement. The term "easement" means a right, liberty, privilege or advantage without profit which the owner of one parcel of land may have in the lands of another; a right in the owner of one parcel of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property right in the owner.

Gender. Words of gender include all genders.

Highway. The term "highway" means and includes any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the city, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it is otherwise declared.

Law. The term "law" means any statute, ordinance or regulation promulgated by the state, the United States, the county, the city or any agencies thereof, as well as the rules and regulations of other bodies politic that may be appropriate.

May. The term "may" is to be construed as being permissive and not mandatory.

Month. The term "month" means a calendar month.

Number. Any word importing the singular number includes the plural, and any word importing the plural number includes the singular.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Or, and. The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it.

Owner. The term "owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The term "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate, as well as individuals.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Qualified. The term "qualified," when applied to any person elected or appointed to office, means that such person has done those things which are required, by law, to be done before entering upon the duties of said office.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means any portion of the street between the curb, or the lateral line of the roadway, and the adjacent property line intended for the use of pedestrians.

Signature or subscription. The term "signature" or "subscription" means and includes a mark when a person cannot write.

State. The term "the state" or "this state" means the State of Wisconsin.

Street. The term "street" means and includes any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the city, dedicated or devoted to public use.

Tense. Words used in the past or present tense include the future, as well as the past and present.

Time computation.

(a) The time within which an act is to be done or a proceeding had or taken shall be computed by excluding the first day and including the last. When any such time is expressed in hours, the whole of Sunday and of any legal holiday, from 12:00 midnight to 12:00 midnight, shall be excluded.

(b) If the last day within which an act is to be done or a proceeding had or taken falls on a Sunday or legal holiday, the act may be done or the proceeding had or taken on the next secular day.

(c) When the last day within which a proceeding is to be had or taken or an act done, which consists of any payment to or the service upon or the filing with any officer, agent, agency, department or division of the state or of any county, city, village, town, school district or other subdivision of the state, of any money, return,

statement, report, notice or other document, falls on a Saturday and the duly established official office hours of such officer, agent, agency, department or division to which such payment is to be made or upon which such service is to be made or with which such return, statement, report, notice or other document is required to be filed do not include any office hours thereof on such Saturday, the proceeding may be had or taken or such act may be done on the next succeeding day that is not a Sunday or a legal holiday.

(d) Regardless of whether the time limited in any statute for the taking of any proceeding or the doing of an act is measured from an event or from the date or day on which such event occurs, the day on which such event took place shall be excluded in the computation of such time.

(e) The term "legal holiday," as used in this definition, means any statewide legal holiday provided in Wis. Stats. § 895.20. When an act is permitted to be done by the use of the postal service and the last day within the time prescribed by law for performing such act falls on a legal public holiday under federal law or other holiday designated by the President, such that the postal service does not receive registered mail or make regular deliveries on that day, the day shall be considered a legal holiday for the purposes of this definition.

Wis. Stats. The abbreviation "Wis. Stats." means the official Wisconsin Statutes, as amended.

Written or in writing. The term "written" or "in writing" means and includes any representation of words, letters or figures, whether by printing or otherwise.

Year. The term "year" means a calendar year.

(Code 1975, § 1-3; Code 1997, § 1-2)

Sec 1-3 City Boundaries

The boundaries of the city shall be kept on record in the city clerk's office. The description of the corporate limits shall be amended by the city engineer upon the annexation of any additional lands.

(Code 1975, § 1-4; Code 1997, § 1-4)

Sec 1-4 Jurisdiction Over Persons And Property

The jurisdiction of the city extends to all persons, places and property within its boundaries, and such extraterritorial jurisdiction as is granted to it under state law and amendments thereto.

(Code 1975, § 1-8; Code 1997, § 1-7)

State law reference—Extraterritorial jurisdiction, Wis. Stats. §§ 62.23, 66.0415, 66.0105, 236.10, and 254.57.

Sec 1-5 Catchlines, Notes And References

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, not as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are intended merely to indicate the source of matter contained in the section. Editor's notes, charter references and state law references that appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) All references to chapters, articles, divisions, subdivisions, or sections are to chapters, articles, divisions, subdivisions, or section of this Code, unless otherwise specified.

(Code 1975, § 1-11; Code 1997, § 1-8)

Sec 1-6 Altering Code

It shall be unlawful for any person in the city to change or amend, by addition or deletion, any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished, as provided in section 1-15.

(Code 1975, § 1-13; Code 1997, § 1-10)

Sec 1-7 Certain Ordinances Not Affected By Code

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following, when not inconsistent with this Code:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

(3) Any contract or obligation assumed by the city;

(4) Any right or franchise granted by the city, including CATV, and use of fees generated thereby;

(5) Any ordinance dedicating, naming, establishing, locating, platting, opening, paving, widening, vacating, etc., any street or public way in the city;

(6) Any ordinance establishing or prescribing grades for streets in the city;

(7) Any ordinance dedicating or accepting any plat or subdivision in the city;

(8) Any ordinance regarding zoning, establishing or amending the zoning map or rezoning property;

(9) Any ordinance calling elections or prescribing the manner of conducting the election in accordance with state law;

(10) Any ordinance prescribing any fee or payment of money to the city;

(11) Any ordinance providing for local improvements and assessing taxes therefor;

(12) Any ordinance fixing salaries of public officials, employees and election officials;

(13) Any ordinance establishing positions or classifying positions of city officers and employees or any personnel regulations;

(14) Any ordinance regarding traffic control, including, but not limited to, stopping, standing, parking, one-way, through streets, turns, pedestrian control, yield, intersections, trucks and buses;

(15) Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the city;

(16) Any ordinance regarding the naming and changing of names of public grounds and parks;

(17) Any ordinance regarding the purchase of land;

(18) Any ordinance regarding the letting of contracts without bids;

(19) Any ordinance regarding the release and discharge of claims against the United States government;

(20) Any appropriation ordinance;

(21) Any ordinance which is temporary although general in effect;

(22) Any ordinance which is special, although permanent in effect; and

(23) Any ordinance containing any administrative provisions.

(b) All such ordinances shall remain in full force and effect and are on file in the city clerk's office.

(Code 1997, § 1-11)

Sec 1-8 Effect Of Amendments

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the common council to make the addition or amendment a part of this Code, shall be deemed to be incorporated in this Code so that reference to this Code shall be understood and intended to include such additions and amendments.

(Code 1975, § 2-95; Code 1997, § 1-18)

Sec 1-9 Inclusion Of Amendments

All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code or, in the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances, as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the common council.

(Code 1975, § 2-96; Code 1997, § 1-19)

Sec 1-10 Language Of Amendments

Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "That section ____ of the Municipal Code of the City of Sheboygan, Wisconsin, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.

(Code 1975, § 2-97; Code 1997, § 1-20)

Sec 1-11 New Material

(a) If a new section not existing in the Code is to be added, the following language may be used: "That the Municipal Code of the City of Sheboygan, Wisconsin, is hereby amended by adding a section (or article, chapter or other designation as the case may be), to be numbered ____, which reads as follows:...." The new provisions shall then be set out in full as desired.

(b) In lieu of subsection (a) of this section, when the common council desires to

enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the council desires to incorporate into the Code, a provision in substantially the following language may be made part of such ordinance: "It is the intention of the common council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Municipal Code of the City of Sheboygan, Wisconsin, and the sections of this ordinance may be renumbered to accomplish such intention."

(Code 1975, § 2-98; Code 1997, § 1-21)

Sec 1-12 Repeal

All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter number or other number, as the case may be.

(Code 1975, § 2-99; Code 1997, § 1-22)

Sec 1-13 Effect Of Repeals

(a) No ordinance or part of any ordinance repealed by a subsequent act of the common council is revived or affected by the repeal of the repealing act.

(b) The repeal of the whole or part of an ordinance shall not remit, defeat or impair any civil liability for offenses committed, penalties or forfeitures incurred or rights of action accrued under such ordinance before the repeal thereof, whether or not in course of prosecution or action at the time of such repeal; but all such offenses, penalties, forfeitures and rights of action created by or founded on such ordinance, liability wherefor shall have been incurred before the time of such repeal thereof, shall be preserved and remain in force notwithstanding such repeal, unless specially and expressly remitted, abrogated or done away with by the repealing ordinance.

(Code 1975, § 1-16; Code 1997, § 1-23)

Sec 1-14 Severability

It is declared to be the intention of the common council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since such would have been enacted by the common council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

(Code 1975, § 1-17; Code 1997, § 1-25)

Sec 1-15 General Penalty; Continuing Violations; Abatement Of Nuisance

(a) *Generally*. Whenever in this Code or in any city ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a forfeiture of not less than $50.00 nor more than $500.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed 90 days. Whenever a forfeiture is expressly provided but no provision is included for imprisonment in default of payment of such forfeiture, the imprisonment until the forfeiture is paid shall be for a term not exceeding 30 days.

(b) *Continuing violations*. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(c) *Nuisance remedies applicable*. In addition to the penalties provided by this Code, any conditions caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be summarily abated as such by the city.

(d) *Costs and sentence in judgments*. Whenever a penalty of forfeiture is imposed as the whole or any part of the punishment of any offense under this Code, the judgment shall also include the costs of prosecution and shall provide for imprisonment in the county jail for default in the payment of such penalty, forfeiture and costs.

(e) *Amendments subject to general penalty*. For the amendment by the common council of any section of this Code for which a penalty is not provided, the general penalty as provided in this section shall apply to the section as amended. If such amendment contains provisions for which a penalty, other than the general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

(Code 1975, §§ 1-14, 1-15, 2-100; Code 1997, §§ 1-12, 1-15, 1-17)

State law references—Penalty for violation of ordinances, Wis. Stats. § 66.0109; bail generally, Wis. Stats. § 66.0417; outstanding unpaid forfeitures, Wis. Stats. § 66.0115; actions for violations of municipal ordinances, Wis. Stats. § 66.0114; fines and costs in municipal courts, Wis. Stats. § 814.65.

CHAPTER 2 ADMINISTRATION

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ARTICLE 2-I ADMINISTRATION IN GENERAL

Sec 2-1 Flying American Flag On Public Buildings
Sec 2-2 Benchmark Locations And Elevation

Sec 2-1 Flying American Flag On Public Buildings

All city-owned public buildings shall fly the American flag when open in the regular course of business and on legal holidays.

(Code 1975, § 2-10; Code 1997, § 2-1)

Sec 2-2 Benchmark Locations And Elevation

The elevation of the following designated official benchmark monuments are given in feet and decimals of a foot above city datum, which is 581 feet above mean tide, New York, New York:

Name of Building		*Location*	*Elevation*
(1)	Sheboygan County Social Services Building	North Eighth Street and Ontario Avenue, southwest corner, stone water table, west side	57.651
(2)	Courthouse	Center Avenue and North Sixth Street, southwest corner, south side	45.617
(3)	City Hall	Center Avenue and North Ninth Street, west of main entrance, top of stone slab	52.567
(4)	Town & Country Electric	North 18th Street and Erie Avenue, northeast corner, north side of brick wall	71.707
(5)	Water Reservoir	Taylor Hill, south side column with bronze marker	153.603
	Sheboygan Paper	South Seventh Street and Clara Avenue, southeast	

(6)	Box Co.	corner, south side, brick wall	9.506
(7)	Fireside Apt.	South 11th Street between Alabama Avenue and Georgia Avenue, northwest corner of concrete foundation, west side	28.855
(8)	Farnsworth Middle School	South Tenth Street and Union Avenue, east of main entrance, top step	60.439
(9)	C. & N.W. Ry. Bridge	New Jersey Avenue between South 17th Street and Sheboygan River, northwest corner, north face stone abutment at south line of New Jersey Avenue	11.998
(10)	Central Boat House	Niagara Avenue, east of North 14th Street, southeast corner, south side	11.675
(11)	Polyfab Corp.	North 15th Street north of North Avenue, northwest corner, west side	56.990
(12)	St. Dominic's School	North 21st Street and Cleveland Avenue, northeast corner, north side	82.984
(13)	Washington School	Geele Avenue and North 13th Street, first windowsill west of main entrance	62.533
(14)	Sewage treatment plant	Lake Shore Drive, south of Wilson Avenue, northwest corner, north side	24.404

(Code 1975, § 1-10; Code 1997, § 1-26)

ARTICLE 2-II COMMON COUNCIL

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DIVISION 2-II-3 MEETINGS
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State law reference—Councils generally, Wis. Stats. § 62.11.

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Sec 2-24 Powers Generally
Sec 2-25 Control Of Members
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Sec 2-30 Publication Of Council Proceedings
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Sec 2-23 Composition

The mayor and alderpersons shall constitute the common council of the city.

(Code 1975, § 2-21; Code 1997, § 2-31)

State law reference—Common council generally, Wis. Stats. § 12.11.

Sec 2-24 Powers Generally

The common council shall have the management and control of the city property, finances, highways, navigable waters and the public service and shall have power to act for the government and good order of the city, for its commercial benefit and for the health, safety and welfare of the public. Such powers shall be in addition to all other grants conferred by the state, unless limited by express language.

(Code 1975, § 2-22; Code 1997, § 2-32)

Sec 2-25 Control Of Members

The common council shall be the judge of the election and qualifications of its members, may compel their attendance and may fine or expel a member for neglect of duty.

(Code 1975, § 2-23; Code 1997, § 2-33)

Sec 2-26 Swearing In Elected Officers

The newly elected mayor, councilmembers and all duly elected city hall officials shall be sworn in by the city clerk at the organizational meeting of the new common council.

(Code 1975, § 2-24; Code 1997, § 2-34)

Sec 2-27 Privilege Of The Floor

The following persons, and no others, shall be admitted to that portion of the council chambers reserved to the members during the sessions thereof: the mayor, the city clerk, the city administrator, the chief of police or such other police officer in attendance, members of the department of engineering and public works, the city attorney, the city finance director/treasurer, the director of planning and development, editors of newspapers published within the city, reporters for the press who confine themselves to their professional duties, and such other persons as the presiding officer, upon the order of the council, may invite.

(Code 1975, § 2-25; Code 1997, § 2-35; Ord. No. 34-16-17, § 1, 1-19-2017)

Sec 2-28 Audit Of Accounts

The council or a committee authorized by it shall examine and audit the accounts of the clerk, finance director/treasurer, department of engineering and public works and all other officers and city agents at the end of each year and before the terms of office for which they were elected or appointed shall expire and at such other times as the council shall direct. All such examinations and audits shall be reported and entered in the official council proceedings. Such reports are to include an accounting of all costs and other expenditures attributable to each state or federal mandate imposed upon the respective department.

(Code 1975, § 2-26; Code 1997, § 2-36)

Sec 2-29 Authorization Of Expenditures

No debt shall be contracted against the city or evidence thereof given unless authorized by a majority vote of all the members of the council.

(Code 1975, § 2-27; Code 1997, § 2-37)

Sec 2-30 Publication Of Council Proceedings

Proceedings of the council shall be published in the official newspaper of the city. The proceedings for the purpose of publication shall include the substance of every official action taken by the council. Each ordinance shall be published in the official city newspaper within 15 days of passage and shall take effect on the date after its publication or at a later date if expressly prescribed. The clerk shall record all published proceedings, together with the publisher's affidavit of publication, in proper books kept in the clerk's office.

(Code 1975, § 2-28; Code 1997, § 2-38)

Sec 2-31 Disturbances

(a) Whenever any disturbance or disorderly conduct shall occur in the council chambers or rooms or halls adjacent thereto, the mayor or other presiding officer of the council is empowered, by and with the aid of the chief of police or other police officer in attendance upon the meeting of the council, to cause the chambers, rooms or halls to be cleared of all persons except members and officers of the council.

(b) The council may punish by fine members or other persons present for disorderly behavior or improper conduct.

(Code 1975, § 2-29; Code 1997, § 2-39)

Sec 2-32 Clerk's Attendance At Meetings

The city clerk shall attend the meetings of the common council and keep a full record of its proceedings. In the absence of the clerk, the deputy city clerk shall perform the duties of the clerk.

(Code 1975, § 2-30; Code 1997, § 2-40)

State law reference—Clerk generally, Wis. Stats. § 62.09(11).

Sec 2-33 Clerk's Duties For Journal Of Proceedings

(a) *Contents*. The city clerk shall superintend the recording in a journal of the proceedings of each meeting of the common council, which recordation shall be verified by the signature of the mayor or other presiding officer of the council and attested by the signature of the clerk. The clerk shall also record at length in the journal all reports of committees and of the department of engineering and public works; all ordinances, resolutions and memorials passed by the council; and such other matters which the council may direct.

(b) *Manner of keeping*. In making up the journal of the proceedings, the clerk shall enter a synopsis of all ordinances, resolutions, petitions, communications and other matters introduced or presented to the council and the immediate action taken thereon. The clerk shall only record at length in the journal, on first presentation or consideration by the council, reports of regular and special committees, reports of the department of engineering and public works, the quarterly and other reports of city officers and such other matters as the council shall direct the clerk to record at length. The clerk shall cause to be prepared, for the printer of the official newspaper authorized to print the proceedings of the council, a copy of the journal of its proceedings but shall only include therein copies of the recapitulation of the reports of the finance director/treasurer, director of public assistance, chief of police, chief of the fire department, board of education, library board, public works committee, and such other matters as the council shall order and direct the printing of, together with copies of all reports of officers, committees and finance director/treasurer, the department of engineering and public works, ordinances, resolutions, orders and memorials which were passed by the council on first or second reading or otherwise.

(Code 1975, § 2-31; Code 1997, § 2-41)

Sec 2-34 Clerk's Preparation Of Agenda And Delivery Of Matters Referred

(a) The city clerk shall, within 24 hours after reference shall have been made, deliver copies of all petitions, communications, memorials, ordinances, resolutions, amendments or other matters to the chairperson of the committee of the council or to any city official or board thereof to whom any such matter was referred and

as may be required. The clerk shall permit no record or papers belonging to the city to be taken out of the clerk's custody, otherwise than in the regular course of business. The clerk shall report any missing paper or record to the mayor or other presiding officer of the council. The clerk shall generally perform all duties pertaining to the clerk's office as city clerk and shall be responsible for all official acts of the clerk's assistants.

(b) The clerk shall, on the Thursday preceding any regular council meeting or until completed, prepare an agenda of the proceedings of the meeting, including a synopsis of all documents listing them by folio number and a file of the documents referred to and to be considered at such regular meeting, and present them to the mayor, each alderperson and the city attorney thereafter as soon as possible. The agenda and file documents shall include all council documents, except messages by the mayor which shall be read by the mayor, and appointments and resignations which shall be received and read by the city attorney.

(c) The city clerk may create a subsection on any council agenda entitled, "consent agenda." In a consent agenda, the clerk shall place matters that, in the clerk's judgment, are routine and noncontroversial and do not require a special vote or specific action by the council.

(Code 1975, § 2-32; Code 1997, § 2-42; Ord. No. 1-02-03, § 1, 5-6-2002)

Sec 2-35 Correction Of Errors By Clerk

The city clerk shall correct all minor clerical errors in any ordinance, memorial or resolution such as errors in orthography or grammar.

(Code 1975, § 2-33; Code 1997, § 2-43)

DIVISION 2-II-2 COMMITTEES

Sec 2-59 Committee Of The Whole
Sec 2-60 Standing Committees
Sec 2-61 Special Committees
Sec 2-62 Subcommittees
Sec 2-63 Reports Generally
Sec 2-64 Contents Of Reports
Sec 2-65 Reports On Bills, Claims, Accounts
Sec 2-66 Relevance Of Amendments, Substitutes, Motions
Sec 2-67 Dissenting Members
Sec 2-68 Majority And Minority Reports To Lie Over
Sec 2-69 Deferring Action By Three Members
Sec 2-70 Cooperation Of City Officers

Sec 2-59 Committee Of The Whole

(a) There shall be a committee known as the committee of the whole consisting of all the alderpersons. Immediately after the first regular meeting of the common council, the president of the council shall convene the committee of the whole for the election of a chairperson from among its own members for the ensuing council year. The council president shall serve as vice-chairperson of the committee of the whole.

(b) A brief synopsis of the business and the agenda for a meeting called by the chairperson of the committee of the whole shall be presented to each committee member or department head to be present, on or before the time of the notification of the meeting.

(c) Meetings of the committee of the whole shall be called by the chairperson of the committee of the whole in accordance with the open meetings laws of the state. Such meetings of the committee of the whole shall be held only as needed for budget deliberations and for the discussion of other important issues, as determined by the chairperson.

(Code 1975, § 2-41; Code 1997, § 2-71)

Sec 2-60 Standing Committees

(a) The following standing committees of the council shall be appointed by the mayor, subject to confirmation of the council, on the third Tuesday of April of each year, or as soon thereafter as may be possible:

(1) Finance and personnel committee: Five alderpersons.

(2) Licensing, hearings, and public safety committee: Five alderpersons.

(3) Public works committee: Five alderpersons.

(b) Each alderperson shall be appointed to at least one, but not more than two, standing committees. Each committee shall consist of five members, which shall include a chairperson and a vice-chairperson. The chairperson and vice-chairperson for each committee shall be designated by the mayor. No alderperson shall chair more than one committee.

(c) A quorum for each committee shall consist of three members.

(Code 1975, § 2-42; Code 1997, § 2-72; Ord. No. 113-99-00, § 1, 4-5-2000; Ord. No. 40-00-01, § 1, 9-5-2000; Ord. No. 69-03-04, § 1, 3-15-2004; Ord. No. 39-16-17, § 1, 4-5-2017; Ord. No. 37-17-18, § 2, 2-19-2018)

Sec 2-61 Special Committees

Select or special committees of the council may be provided for on motion or by resolution, designating the number of members and the object of the committee, and

unless otherwise ordered shall be appointed by the mayor.

(Code 1975, § 2-43; Code 1997, § 2-73)

Sec 2-62 Subcommittees

Any standing or special committee of the council may appoint a subcommittee from among its membership to take charge of a part of the appointing committee's business and report back.

(Code 1975, § 2-44; Code 1997, § 2-74)

Sec 2-63 Reports Generally

All business referred to a committee of the council shall be taken up before the next regular council meeting whenever possible. The chairperson of a committee shall make a report of all matters still pending before it whenever requested to do so by a member of the council. The council may recall any matter referred to a committee and refer the matter to another committee or take other appropriate action thereon. The council may designate a time within which any committee having a matter in charge shall report thereon and may, if the circumstances warrant, extend such time.

(Code 1975, § 2-45; Code 1997, § 2-75)

Sec 2-64 Contents Of Reports

(a) The chairperson of a council committee to which a matter was referred shall submit a written and dated report to the council of the committee's recommendation or action taken thereon and shall authenticate the report with the chairperson's signature. Such reports shall be in substantially the following form:

Your committee on _____ to whom was referred _____ (ordinance, resolution or other matter) No. _____ by alderperson _____, relating to _____ (stating subject matter) recommends _____ (stating action recommended).

(b) The chairperson of any committee reporting and recommending any ordinance, resolution or other matter to the council for passage by substitute or with any amendments shall submit with such report a draft of the substitute ordinance, resolution or other matter or a draft thereon having incorporated into it such amendments.

(Code 1975, § 2-46; Code 1997, § 2-76)

Sec 2-65 Reports On Bills, Claims, Accounts

All petitions, claims, bills, accounts or demands asking for an appropriation of money shall be preserved by the council committee to whom such may be referred, and such committee shall endorse on such petitions, claims, bills, accounts or demands its recommendations of approval or disapproval of the whole or part thereof. After the committee report is made, such petitions, claims, bills, accounts or demands shall be filed with the clerk and preserved by the clerk in the clerk's office.

(Code 1975, § 2-47; Code 1997, § 2-77)

Sec 2-66 Relevance Of Amendments, Substitutes, Motions

(a) Council committees or any members thereof shall not report any substitute or amendment for any ordinance or resolution referred to such committee, which substitution or amendment relates to a different subject or is intended to accomplish an entirely different purpose. Any substitute or amendment shall be rejected whenever, as a matter of procedure, the substitution or amendment is a violation of this rule. This rule shall not be suspended without the unanimous consent of the council and shall apply to all ordinances or resolutions in the council or originated in its committees.

(b) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and no ordinance or resolution shall at any time be amended by annexing thereto or incorporating therein any ordinance or resolution pending before the council.

(Code 1975, § 2-48; Code 1997, § 2-78)

Sec 2-67 Dissenting Members

(a) Council committee members dissenting from an action of a committee shall be so reported when requested by them.

(b) Where committee members are not unanimous on a report to be submitted to the council, the majority and minority of such committee may each make a separate report, and any member dissenting in whole or in part from the reasoning and conclusions of both majority and minority may also present a statement of that member's reasons and conclusions. All such reports, decorous in language and respectful to the council, shall be entered at length on the journal.

(Code 1975, § 2-49; Code 1997, § 2-79)

Sec 2-68 Majority And Minority Reports To Lie Over

In all cases where there shall be majority and minority reports submitted to the council, as provided in section 2-67, the ordinance, resolution, memorial or other matter reported upon shall lie on the table until the reports thereon shall have been printed in the public

copy of the journal.

(Code 1975, § 2-50; Code 1997, § 2-80)

Sec 2-69 Deferring Action By Three Members

Any action by the common council on any matter shall be deferred to the next meeting, to be held no sooner than one week following, upon the request of any three members of the council, but action so deferred shall not be laid over or deferred a second time.

(Code 1975, § 2-51; Code 1997, § 2-81)

Sec 2-70 Cooperation Of City Officers

Any council committee may require the cooperation of any city officer in relation to any matter pending before it.

(Code 1975, § 2-52; Code 1997, § 2-82)

DIVISION 2-II-3 MEETINGS

Sec 2-99 Open To Public
Sec 2-100 Time Of Regular Meetings
Sec 2-101 Adjournment Of Regular Meetings
Sec 2-102 Special Meetings
Sec 2-103 Quorum
Sec 2-104 Attendance, Leave Of Absence
Sec 2-105 Call Of The House
Sec 2-106 Mayor As Presiding Officer
Sec 2-107 Council President As Presiding Officer
Sec 2-108 Council Vice-President As Presiding Officer
Sec 2-109 Duties Of Presiding Officer
Sec 2-110 Agenda
Sec 2-111 Order Of Business
Sec 2-112 Call To Order
Sec 2-113 Roll Call
Sec 2-114 Petitions, Memorials
Sec 2-115 Ordinances And Resolutions
Sec 2-116 Consent To Spread On Journal
Sec 2-117 Objection To Introduction
Sec 2-118 Referral Of Matters To Committees
Sec 2-119 Objections To Referred Matters
Sec 2-120 Second Reading Of Matters
Sec 2-121 Roll Call Vote
Sec 2-122 Voice Vote
Sec 2-123 Mayor's Vote
Sec 2-124 General Veto

Sec 2-125 Partial Budget Veto
Sec 2-126 Remote Attendance At Meetings

Sec 2-99 Open To Public

All meetings of the council shall be open to the public, and all of its procedure shall be recorded by or under the authorization of the city clerk in record books kept for that purpose.

(Code 1975, § 2-61; Code 1997, § 2-111)

Sec 2-100 Time Of Regular Meetings

(a) The regular meetings of the common council shall be held on the first and third Mondays of each month at 6:00 p.m., except that:

(1) The first meeting in April of each year shall be held the day following the municipal election, and the second meeting in April shall be held on the second Monday thereafter.

(2) Each organizational meeting of the new council shall be held on the third Tuesday of April, and there shall also be a regular meeting of the council on the first Monday following the organizational meeting only for the purpose of confirming or rejecting the appointments made by the mayor at the organizational meeting.

(b) If any of the days designated as regular meetings shall be a legal holiday, or an officially designated city government holiday, the regular meeting shall be held on the following Tuesday, at 6:00 p.m. However, if such Tuesday falls on election day, the meeting shall be held on the next succeeding day.

(Code 1975, § 2-62; Code 1997, § 2-112; Ord. No. 58-05-06, § 2, 12-5-2005; Ord. No. 16-13-14, § 1, 9-16-2013)

State law reference—Time of meetings, Wis. Stats. § 62.11(2).

Sec 2-101 Adjournment Of Regular Meetings

Any regular meeting of the council at which there shall be a quorum present may adjourn to a day and time fixed, at which time such meeting may, in a like manner, be further adjourned. However, no such adjournment shall be to a time later than the next regular meeting.

(Code 1975, § 2-63; Code 1997, § 2-113)

Sec 2-102 Special Meetings

Special meetings of the council may be called by the mayor or, in the mayor's absence, by the council president by written notice of the time and purpose delivered to each member personally or left at the member's usual abode at least six hours before the meeting. Upon petition of ten or more councilmembers, the mayor or, in the mayor's absence, the council president shall call a special meeting. No other business except that stated in the notice shall be considered at a special meeting.

(Code 1975, § 2-64; Code 1997, § 2-114)

Sec 2-103 Quorum

Two-thirds of the members elected to the common council shall constitute a quorum for the transaction of business, but a lesser number may adjourn any meeting or compel the attendance of absent members. The mayor shall not be counted in determining whether a quorum is present at a council meeting.

(Code 1975, § 2-65; Code 1997, § 2-115)

State law reference—Quorum, Wis. Stats. § 62.11(3).

Sec 2-104 Attendance, Leave Of Absence

No member of the council or the city clerk shall be absent from the meetings of the council, unless for illness or other good cause, without first having obtained leave of absence from the presiding office. No member present at a meeting shall leave the council chamber without permission from the chair.

(Code 1975, § 2-66; Code 1997, § 2-116)

Sec 2-105 Call Of The House

(a) *Authorized*. Three members of the council may make a call of the house and require absent members to be summoned, but a call of the house cannot be made after the voting has commenced.

(b) *Putting question*. On the call of the house being moved, the mayor or other presiding officer shall say: "It requires three members to make a call of the house, those in favor of a call will rise," and if a sufficient number shall rise, the call shall be thereby ordered.

(c) *Doors closed*. On the call of the house being moved, the chief of police or other police officer in attendance shall close the doors, and no member shall be allowed to leave the room.

(d) *Absentees brought to chambers*. The clerk shall immediately call the roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are absent with leave and who are

absent without leave. The clerk shall furnish the chief of police or police officer in attendance with a list of those who are absent without leave, and such officer shall forthwith proceed to find and bring in such absentees.

(e) *Procedure while under call*. While the council is under call, no business shall be transacted except to receive and act on the report of the chief of police or other police officer in attendance, and no other motion shall be in order except to adjourn or to suspend further proceedings under the call, which motions shall be determined by call of the roll, and the motion to suspend further proceedings under the call shall not be adopted unless a majority of all the members-elect vote in favor thereof. A majority of those present may vote to adjourn, and, upon reconvening, the council shall not be considered to be under the call, but a call of the house may then again be ordered in the same manner as provided in this section.

(f) *Raising call*. When the chief of police or other police officer in attendance shall make a report, showing that those who were absent without leave (naming them) are present, such report shall be entered on the journal and the call shall be at an end, whereupon the doors shall be opened, and the council may proceed with the business pending when the call was made.

(g) *Report of police chief*. The chief of police or other police officer in attendance may make a report of police proceedings at any time, which report may be accepted, and further proceedings under the call thereupon dispensed with. The motion to accept such report shall be determined by the call of the roll, and it shall not be adopted unless a majority of all the members-elect of the council shall vote in favor thereof. If such report is not accepted, the chief of police or other police officer shall proceed to a completion of police duties under the call.

(Code 1975, § 2-67; Code 1997, § 2-117)

Sec 2-106 Mayor As Presiding Officer

The mayor, when present, shall preside at the meetings of the common council. The mayor shall from time to time give the council such information and recommend such measures as the mayor may deem advantageous to the city.

(Code 1975, § 2-68; Code 1997, § 2-118)

State law reference—Common council, Wis. Stats. § 62.09.

Sec 2-107 Council President As Presiding Officer

The council, at its first meeting subsequent to the regular election and qualification of new members, shall, after organization, choose from its members a president, who, in the absence of the mayor, shall preside at meetings of the council. During the absence or inability of the mayor, the council president shall have the power and duties of the

mayor, except that the president shall not have power to approve an act of the council which the mayor has disapproved by filing objections with the clerk. The president shall, when so officiating, be styled "acting mayor." The council president shall serve as vice-chairperson of the committee of the whole.

(Code 1975, § 2-69; Code 1997, § 2-119)

Sec 2-108 Council Vice-President As Presiding Officer

The council, at its first meeting subsequent to the regular election and qualification of new members, shall, in addition to a president, also choose a vice-president who, in the absence of the mayor and the president, shall preside at meetings of the council. During the absence or inability of the mayor and the president, the council vice-president shall have the power and duties of the mayor or the president.

(Code 1975, § 2-70; Code 1997, § 2-120)

Sec 2-109 Duties Of Presiding Officer

(a) The mayor or other presiding officer of the council shall have the following general duties:

(1) Open the session at the time fixed for a meeting or adjournment thereof, by taking the chair and calling the members to order.

(2) Announce, at the conclusion of the roll call, whether a quorum is present.

(3) Announce the business before the council in the order upon which it is to be acted as stipulated in the common council rules and as set forth in the agenda for the common council meeting.

(4) Receive and submit in proper manner all motions and propositions presented by members.

(5) Put to vote the questions which are regularly moved, or which necessarily arise in the course of the proceedings and announce the result.

(6) Restrain the members while engaged in debate within the rules of order.

(7) Enforce on all occasions the observance of order and decorum among the members.

(8) Inform the council when necessary or when referred to for that purpose on any point of order or practice.

(9) Authenticate, by signature, when necessary, all ordinances, resolutions, orders and proceedings of the meetings of the council over which presided.

(10) Name the members who are to serve on committees when directed to do

so in a particular case or when it is a part of the general duty by the rules in this article or on any other occasion when it becomes necessary to do so.

(11) Represent and stand for the council meetings over which presided.

(12) Preserve order and decorum and may speak to points of order in preference to others, rising from their seat for that purpose. The presiding officer shall decide questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by leave of the council. On appeal being taken, the question shall be:

"Shall the decision of the chair stand as the judgment in council?"

which question, and the action thereon, shall be entered on the journal.

(13) May call a member to the chair, but such substitution shall not extend beyond an adjournment of the meeting.

(b) In the absence of the mayor, president or vice-president of the council, one of its members shall be elected to preside temporarily.

(Code 1975, § 2-71; Code 1997, § 2-121)

Sec 2-110 Agenda

The common council shall operate its regular council meetings under an agenda, as provided in section 2-111, which shall be prepared by the city clerk predicated on the documents requested by the common councilmembers, and documents that do not appear on the agenda will not be considered except matters declared an emergency by the mayor.

(Code 1975, § 2-72; Code 1997, § 2-122)

Sec 2-111 Order Of Business

The order of business in the meetings of the common council shall be as follows:

(a) Call of roll and announcement of the presence or absence of a quorum.

(b) Corrections of the journal.

(c) Executive communications and other communications from the mayor or presiding officer of the council.

(d) Communications to the council.

(e) Public input from preregistered citizens.

(f) Consent agenda.

(g) New reports of officers.

(h) Offering, reference or consideration of resolutions.

(i) Reports of standing committees with new resolutions or ordinances.

(j) Reports of committees with communications only.

(k) Reports of committees with reports of officers only.

(l) Reports of committees with resolutions or ordinances placed on file.

(m) Reports of committees with resolutions on second reading.

(n) Reports of committees with ordinances on second reading.

(o) New ordinances introduced.

(p) Oral presentation and consideration of matters concerning the general welfare of the city.

(Code 1975, § 2-73; Code 1997, § 2-123)

Sec 2-112 Call To Order

The mayor or, in the mayor's absence, the council president or vice-president shall promptly call each meeting of the council to order at the hour designated for holding the meeting.

(Code 1975, § 2-74; Code 1997, § 2-124)

Sec 2-113 Roll Call

Before proceeding to business, the roll of the councilmembers shall be called alphabetically, and the names of those present and those absent shall be recorded in the proceedings of the meeting. Succeeding roll calls during any single council meeting shall continue to be called alphabetically, with the exception that the first name shall be dropped to last after each call.

(Code 1975, § 2-75; Code 1997, § 2-125)

Sec 2-114 Petitions, Memorials

Petitions, memorials and other papers addressed to the council shall be presented to the city clerk by the alderperson prior to commencement of the meeting, and a brief statement of the contents, together with the name of the presenting member, shall be endorsed on the matter presented.

(Code 1975, § 2-76; Code 1997, § 2-126; Ord. No. 1-02-03, § 2, 5-6-2002)

Sec 2-115 Ordinances And Resolutions

(a) All ordinances, resolutions, reports of officers and reports of committees to be submitted at a regular common council meeting must either be submitted in full to the city clerk or a request for the drafting thereof on or before 8:00 a.m. of the Thursday preceding any regular council meeting so that they can be included in the agenda and set forth in full in the attached documents.

(b) All ordinances, resolutions, communications, and other matters to be directly referred to a board, commission, or committee must either be submitted in full to the city clerk or a request for the drafting thereof at least 72 hours preceding any meeting of the board, commission or committee so that they can be included in the agenda and set forth in full in the attached documents. After inclusion on a board, commission or committee agenda, the matter may be reported on to council and shall be considered to be before the council for consideration and action with no need for a second reading.

(c) All ordinances and resolutions shall be signed by the councilmember presenting the ordinance or resolution.

(Code 1975, § 2-77; Code 1997, § 2-127; Ord. No. 12-15-16, § 1, 10-19-2015)

Sec 2-116 Consent To Spread On Journal

No ordinance, resolution or other matter requiring two readings shall be spread at length on the journal at the time of its first reading or printed in full in the proceedings of the council, unless the council shall order otherwise.

(Code 1975, § 2-78; Code 1997, § 2-128)

Sec 2-117 Objection To Introduction

(a) When an ordinance or other matter appears on the common council agenda, any member of the council can object to the passage of the ordinance or other matter. In that case, the question shall be:

"Shall the ordinance, resolution or other matter (as the case may be) so objected to be rejected?"

(b) If no objection is made or the question to object is lost, the ordinance, resolution or other matter shall be acted upon or referred to or go to a second reading, as the case may be, without further question.

(Code 1975, § 2-79; Code 1997, § 2-129)

Sec 2-118 Referral Of Matters To Committees

(a) All ordinances, resolutions, petitions, communications or other matters may be referred by the city clerk directly to an appropriate board, commission, or committee without being first introduced at a meeting of the council. Matters that have not been directly referred in such a fashion may be referred to an appropriate committee by announcement of the presiding officer unless the council on motion shall make a different order in relation thereto. However, any matter or measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city or any fund thereof shall be referred to a committee and shall not be acted upon by the council until reported upon by the committee.

(b) With the exception of the adoption of any measure assessing or levying taxes, appropriating or disbursing money or creating any liability or charge against the city or any fund thereof or the adoption of any ordinance, all documents of the same classification may be referred to the common council or to an appropriate board, commission, or committee in a comprehensive report thereon.

(Code 1975, § 2-80; Code 1997, § 2-130; Ord. No. 12-15-16, § 2, 10-19-2015)

Sec 2-119 Objections To Referred Matters

When any matter before the council is referred by the presiding officer to any committee, which is not required to be referred by law or the rules in this article, any member of the council may object to its being so referred and may make a motion for some other proper disposition thereof. Whenever any matter is referred to any committee which requires reference, any member at the time it is so referred may move to have such matter referred to a different committee than the one named. Except as otherwise provided by law or the rules in this article, no motion, resolution, or ordinance needs to lie over for consideration, regardless of whether it has been referred to a board, commission, or committee.

(Code 1975, § 2-81; Code 1997, § 2-131; Ord. No. 12-15-16, § 3, 10-19-2015)

Sec 2-120 Second Reading Of Matters

All ordinances and resolutions included on the council meeting agenda and all committee reports or other matters on the agenda shall be considered to have been read in length by the clerk when the agenda and documents have been submitted to the councilmembers in advance of the meeting as required.

(Code 1975, § 2-82; Code 1997, § 2-132; Ord. No. 12-15-16, § 4, 10-19-2015)

Sec 2-121 Roll Call Vote

On adoption of all ordinances and of all resolutions, reports of committees or officers or other measures assessing or levying taxes, appropriating or disbursing money, creating

any liability or charge against the city or any fund thereof, or releasing, discharging or commuting a claim or demand of the city, the vote of the council shall be taken by call of the roll and shall be passed or adopted by a majority of all members-elect of the council, which vote shall be recorded in the journal. In recording the votes taken by call of the roll, the clerk shall also report those members absent or not voting.

(Code 1975, § 2-83; Code 1997, § 2-133)

Sec 2-122 Voice Vote

All matters or measures, other than those specified in section 2-121 for which a roll call vote is required, may be adopted or passed by a voice vote, unless a roll call vote is requested by a member of the council.

(Code 1975, § 2-84; Code 1997, § 2-134)

Sec 2-123 Mayor's Vote

The mayor may vote on matters coming before the council in case of a tie. When the mayor does vote in case of a tie, the mayor's vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on a measure.

(Code 1975, § 2-85; Code 1997, § 2-135)

Sec 2-124 General Veto

In addition to the veto power granted in section 2-125, the mayor shall have the veto power as to all acts of the council, except such as to which it is expressly by state law or by necessary implication otherwise provided. All such acts shall be certified and submitted by the clerk and shall be in force upon approval evidenced by the mayor's signature or, upon failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If disapproved, the mayor's objections shall be filed with the clerk, who shall record them in the journal and present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective, notwithstanding the objections of the mayor.

(Code 1975, § 2-86; Code 1997, § 2-136)

Sec 2-125 Partial Budget Veto

(a) The mayor shall have the power to disapprove or veto any annual budget item under the control of the council, and upon disapproving any such item returned the budget to the clerk with objections to such item in writing and the reasons therefor. Immediately upon filing any such veto with the clerk, the mayor shall issue a call for a special meeting to be held within two days of such filing for the

purposes of considering and acting on the items vetoed.

(b) The common council shall vote on each item disapproved by the mayor separately, and if the mayor's disapproval is sustained it shall affect only the items so disapproved and sustained. The council may thereupon proceed, by an affirmative vote of a majority of the alderperson, to adopt a substitute for the item rejected, which shall be separately submitted to the mayor for approval.

(Code 1975, § 2-87; Code 1997, § 2-137)

Sec 2-126 Remote Attendance At Meetings

(a) *Remote attendance permitted*. A member of a city governmental body, as defined in Wis. Stats. § 19.82(1), who desires to appear at a meeting by telephone, video conference, or other remote method of participation shall be entitled to participate and vote to the fullest extent possible, except as follows:

(1) The member shall not be entitled to participate and vote on any matter that requires the visual assessment of a witness's demeanor if the member is unable to make such a visual assessment.

(2) The member shall not be entitled to participate and vote on any matter that requires the visual assessment of physical evidence or exhibits that have not been previously reviewed by the member.

(b) *Quorum*. A member who appears remotely pursuant to subsection (a) of this section shall count towards a quorum during the appearance.

(c) *Proper equipment*. Appropriate equipment shall be used so that the attending public can readily observe or hear such person's participation in the meeting.

(d) *Notice*. Whenever a city governmental body anticipates that a member will appear by telephone, video conference, or other remote method of participation, the meeting agenda shall specifically and conspicuously identify which persons or members shall be appearing by such means.

(e) *Exceptions*. No person shall be allowed to participate in any meeting where the meeting notice failed to state the person would appear by telephone/conference means or where such equipment is unavailable or unusable at the time of the meeting.

(Code 1997, § 2-138; Ord. No. 4-15-16, § 1, 10-19-2015; Ord. No. 45-18-19, § 1, 3-4-2019)

DIVISION 2-II-4 RULES OF ORDER, PROCEDURE

Sec 2-151 Parliamentary Rules Adopted
Sec 2-152 Changing Rules Of Procedure

Sec 2-153 Suspension Of Rules
Sec 2-154 Action On Matter Before Council
Sec 2-155 Recalling Matter From Mayor
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Sec 2-175 Motions Decided Without Debate
Sec 2-176 Motions In Order During Debate
Sec 2-177 Moving Previous Question
Sec 2-178 Obedience
Sec 2-179 Consent Agenda Procedure

Sec 2-151 Parliamentary Rules Adopted

The rules of parliamentary practice set forth in Robert's Rules of Order, Newly Revised, shall be the standard in all cases to which they are applicable and not inconsistent with this division.

(Code 1975, § 2-109; Code 1997, § 2-166)

Sec 2-152 Changing Rules Of Procedure

No standing rule of order of procedure of the council shall be rescinded or amended without notice having been given by a motion therefor at a previous meeting, which motion shall embrace the proposed recission or amendment.

(Code 1975, § 2-110; Code 1997, § 2-167)

Sec 2-153 Suspension Of Rules

Any standing rules of order or procedure of the council may be suspended in reference to any proposition or action by a vote of not less than three-fourths of the members-elect of the council. Unless unanimous consent is given, the vote on suspension shall be by vote on call of the roll.

(Code 1975, § 2-111; Code 1997, § 2-168)

Sec 2-154 Action On Matter Before Council

All ordinances, resolutions, memorials or other matters presented to the council by a member or reported to the council by a committee and that are on the agenda for a council meeting shall be before the council for reference, consideration or passage, as the case may be, without being seconded, and the only question shall be a reference, recommittal, adoption, amendment, passage or other appropriate action under the rules without division of the question.

(Code 1975, § 2-112; Code 1997, § 2-169)

Sec 2-155 Recalling Matter From Mayor

Whenever any ordinance, resolution or other matter shall have been recalled from the mayor for further consideration by the council, such matter, after having been returned to the council, shall be deemed to be before the council for further action thereon and may be considered or otherwise acted upon without further reference in like manner as though it were before the council for passage on first or second reading, as the case may be. The motion to recall, being carried, shall have the same effect as the adoption of a motion to reconsider the vote whereby such was passed.

(Code 1975, § 2-113; Code 1997, § 2-170)

Sec 2-156 Committee Amendments

Amendments reported by committees shall be acted upon by the council in the same manner as though offered upon the floor. On an amendment being moved, a member who has spoken on the main question may speak again on the amendment.

(Code 1975, § 2-114; Code 1997, § 2-171)

Sec 2-157 Amendments Before Final Action

Amendments may be offered to any ordinance, resolution or other matter and acted upon by the council before final passage of the original ordinance, resolution or other matter.

(Code 1975, § 2-115; Code 1997, § 2-172)

Sec 2-158 Amendments Not Germane

No amendment shall be considered in order that will totally alter the nature of the original ordinance, resolution or memorial, and the presiding officer of the council shall rule as to the admissibility of an amendment where the question is raised as to whether it does totally alter the nature of the original proposition.

(Code 1975, § 2-116; Code 1997, § 2-173)

Sec 2-159 Reading Amendments

Amendments shall be read by the clerk and stated by the presiding officer of the council before being acted upon.

(Code 1975, § 2-117; Code 1997, § 2-174)

Sec 2-160 Order Of Action On Amendments

Any ordinance, resolution or other matter before the council may be recommitted at any time prior to its passage. If any amendment is offered by any member on the floor or is adopted by a majority or minority of the committee to which the ordinance, resolution or other matter was referred, the question shall be upon the amendment or amendment to amendment, if any is offered from the floor, and if adopted the question on the first or second reading of the ordinance, resolution or other matter shall then be put.

(Code 1975, § 2-118; Code 1997, § 2-175)

Sec 2-161 Putting Question

All questions before the council shall be put in substantially the following form: "Those who are of the opinion that the ordinance (resolution or other matter) do pass, as recommended (by the committee, or otherwise) say aye; those of the contrary opinion say no." When required by the rules, a roll call vote shall be requested.

(Code 1975, § 2-119; Code 1997, § 2-176)

Sec 2-162 Division Of Question

(a) In doubtful cases, any councilmember may call for a division. A division of the question, such as the adoption of a committee report in advance of the main question on passage of the ordinance, resolution or other matter so reported, shall not be allowed.

(b) Any member may call for a division of a question, which shall be divided if it comprises propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the council.

(Code 1975, § 2-120; Code 1997, § 2-177)

Sec 2-163 Vote Required

Every member of the council present when a question is put or when the member's name is called shall vote, unless excused by the council shall, for a special reason, but it shall not be in order for a member to be excused after the council has commenced voting.

(Code 1975, § 2-121; Code 1997, § 2-178)

Sec 2-164 Decorum During Roll Call

No councilmember or other person shall visit or remain at the clerk's table while the ayes and nays are being called.

(Code 1975, § 2-122; Code 1997, § 2-179)

Sec 2-165 Members Leaving Chambers

While the mayor or other presiding officer is addressing the council or submitting a question, no member shall cross the floor or leave the council chamber, nor shall any member, while another is speaking, walk between the speaker and the chair.

(Code 1975, § 2-123; Code 1997, § 2-180)

Sec 2-166 Motions Stated Before Debate

When a motion is made, it shall be stated by the presiding officer or read by the clerk prior to debate. Upon request of any member, all motions, except for adjournment, for postponement to a later meeting or for commitment, shall be reduced to writing. Any motion may be withdrawn by consent of the council before division or amendment.

(Code 1975, § 2-124; Code 1997, § 2-181)

Sec 2-167 Recognition For Debate

(a) When a member is about to speak in debate or deliver any matter before the council, the member shall rise in place and respectfully address the chair and, upon being recognized, shall proceed, confining remarks to the question in debate and avoiding personalities.

(b) When any two or more members shall rise at the same time, the presiding officer shall name the person who is to speak first.

(Code 1975, § 2-125; Code 1997, § 2-182)

Sec 2-168 Member Out Of Order

When a councilmember is called to order, the member shall sit down and shall not speak, except in explanation, until it shall have been determined whether or not the member is in order.

(Code 1975, § 2-126; Code 1997, § 2-183)

Sec 2-169 Members Speaking Twice On Question

No councilmember shall speak except standing in place, and not more than twice on a question, except on leave of the council. If a question pending is lost by adjournment and revived at the succeeding meeting, the member shall then be permitted again to speak without leave of the council.

(Code 1975, § 2-127; Code 1997, § 2-184)

Sec 2-170 Motion To Reconsider

A motion to reconsider a question may be made by any councilmember who voted with the prevailing side or, in case of a tie vote, by any member who voted in the affirmative. The motion to reconsider must be seconded by any member at the time such motion is made. This motion shall be made at the same meeting at which the vote to be reconsidered was taken. Such motion having been put and lost shall not be renewed.

(Code 1975, § 2-128; Code 1997, § 2-185)

Sec 2-171 Motion To Postpone Or Commit

A motion to postpone to a later council meeting, to commit or postpone indefinitely, being decided, shall not be again allowed at the same meeting or at the same stage of the ordinance, resolution or other proposition.

(Code 1975, § 2-129; Code 1997, § 2-186)

Sec 2-172 Motion To Strike Out And Insert

A councilmember's motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost shall preclude neither amendment nor motion to strike out and insert.

(Code 1975, § 2-130; Code 1997, § 2-187)

Sec 2-173 Motion To Table

A motion to lay on the table shall only have the effect of disposing of the matter temporarily, and it may be taken from the table at any time by order of the council. However, a motion to reconsider a question lost on call of ayes and nays or to lay that motion on the table shall be equivalent to indefinitely postponing further consideration,

which motion shall preclude further consideration of the main subject.

(Code 1975, § 2-131; Code 1997, § 2-188)

Sec 2-174 Motion To Adjourn

A motion to adjourn a council meeting shall always be in order, except when the council is voting, but this rule shall not authorize any member to move an adjournment when any other member has the floor.

(Code 1975, § 2-132; Code 1997, § 2-189)

Sec 2-175 Motions Decided Without Debate

A motion to adjourn, to take a recess, to lay on the table, and call for the previous question shall be decided without debate by the council. All incidental questions of order arising after any such motion is pending, whether appeal or otherwise, shall also be decided without debate.

(Code 1975, § 2-133; Code 1997, § 2-190)

Sec 2-176 Motions In Order During Debate

When a question is under debate by the council, no motion except the following shall be received, and these motions shall have preference in the order in which they are arranged:

(a) Adjourn.

(b) Lay on the table.

(c) The previous question.

(d) Postpone to the next meeting.

(e) Commit to a standing committee.

(f) Commit to a select committee.

(g) Amend.

(h) Postpone indefinitely.

(Code 1975, § 2-134; Code 1997, § 2-191)

Sec 2-177 Moving Previous Question

(a) *Making; seconding*. When any ordinance, resolution, memorial or other matter is under consideration, any member of the council, being in order and having the

floor, may move the previous question, but such motion must be seconded by at least three members of the council.

(b) *Debate precluded*. The previous question being moved, the mayor or other presiding officer shall state:

"It requires three members of the council to second the motion for the previous question, those in favor of seconding the motion will rise."

(1) If a sufficient number rise, the previous question shall be thereby seconded, and the question shall then be:

"Shall the main question be now put?"

which question shall be determined by the call of the roll.

(2) If the main question is ordered to be now put, its effect shall be to end all debate and bring the council to an immediate vote upon the pending amendment, if there is any, and then upon the main question.

(c) *Call of the house permitted*. On motion for the previous question and prior to the ordering of the main question, one call of the house shall be in order. However, after proceedings under such call shall have been once dispensed with or after a majority shall have ordered the main question, no call shall be in order prior to the decision on the question.

(d) *Effect when motion lost*. When, upon moving the previous question, the council shall decide that the main question shall not now be put, the main question shall remain as the question before the council in the same stage of proceeding as before the previous question was moved.

(Code 1975, § 2-135; Code 1997, § 2-192)

Sec 2-178 Obedience

All members of the council, city officers, administrative boards and commissions, their agents and representatives and all other city officers shall strictly conform their official conduct to the requirements of this division.

(Code 1975, § 2-136; Code 1997, § 2-193)

Sec 2-179 Consent Agenda Procedure

The following procedure shall apply when a consent agenda is used for council meetings:

(a) No separate discussion or debate may be permitted on any matter listed on the

consent agenda.

(b) A single motion, seconded and adopted by a majority vote of all members present of the council, shall be required to approve, adopt, enact or otherwise favorably resolve all matters listed on the consent agenda.

(c) Any alderperson may request removal of any item or part of an item included in the consent agenda. At the time the consent agenda is considered, the item, as requested by the alderperson, shall be removed without debate or vote.

(d) If an item or any part of the item has been removed from the consent agenda in accordance with this procedure, the council shall consider that item at an appropriate time during the council's regular order of business.

(Code 1975, § 2-137; Code 1997, § 2-194)

ARTICLE 2-III OFFICERS AND EMPLOYEES

DIVISION 2-III-1 OFFICERS AND EMPLOYEES GENERALLY
DIVISION 2-III-2 ETHICS
DIVISION 2-III-3 CITY ENGINEER
DIVISION 2-III-4 PURCHASING AGENT
DIVISION 2-III-5 CITY ADMINISTRATOR
DIVISION 2-III-6 CITY ATTORNEY
DIVISION 2-III-7 CITY CLERK
DIVISION 2-III-8 SENIOR SERVICES DIRECTOR

State law reference—Officers generally, Wis. Stats. § 62.09.

DIVISION 2-III-1 OFFICERS AND EMPLOYEES GENERALLY

Sec 2-197 Working Hours
Sec 2-198 Appointive Officers Generally
Sec 2-199 Time Of Taking Office
Sec 2-200 Terms
Sec 2-201 Bonds Generally
Sec 2-202 Oath
Sec 2-203 Vacancies In Elective Offices
Sec 2-204 Vacancies In Appointive Offices
Sec 2-205 Occurrence Of Vacancy
Sec 2-206 Removal And Suspension
Sec 2-207 Paraphernalia Of Office
Sec 2-208 Biweekly Payment Of Earnings

Sec 2-197 Working Hours

The city administrator shall set normal working hours for city hall. The city administrator may, in the administrator's own discretion, change such hours from time to time as

needed to balance customer needs, personnel issues, and costs. Whenever such a change in working hours is made, reasonable notice of the change to employees and the general public shall be provided.

(Code 1975, § 2-11; Code 1997, § 2-221; Ord. No. 88-01-02, § 1, 3-18-2002; Ord. No. 9-16-17, § 1, 7-18-2016)

Sec 2-198 Appointive Officers Generally

All officials not declared elective and all other officials necessary for the proper management of city affairs, unless otherwise provided, shall be appointed by the mayor in writing, subject to confirmation by the council, at a subsequent meeting of the council following the appointment.

(Code 1975, § 2-150; Code 1997, § 2-222)

Sec 2-199 Time Of Taking Office

The regular term of office of the mayor, supervisors and alderpersons shall commence on the third Tuesday in April succeeding their election. The regular term of all other elected and appointed officials shall commence on May 1 following their election or appointment, unless otherwise specifically provided.

(Code 1975, § 2-151; Code 1997, § 2-223)

Sec 2-200 Terms

(a) *Mayor*. The term of office of the mayor shall be four years.

(b) *Administrative officials*. The terms of office of the clerk and the attorney shall be four years.

(c) *Alderpersons*.

(1) The term of alderpersons shall be two years, with the following exception:

a. The eight alderpersons elected in 2016 shall serve terms of one year; and

b. The five alderpersons elected in 2017 in the even-numbered alderpersonic districts shall serve terms of one year.

(2) The alderpersons shall be residents of the alderpersonic district from which they are elected, and commencing in 2018 and thereafter, five of their number, representing one alderperson from each of the five even-numbered districts in even-numbered years, and one alderperson from each of the five odd-numbered districts in odd-numbered years shall be elected.

(d) *Appointive officials*. All appointive officials, except as otherwise provided, shall be appointed at-will, removable by the appointing authority at pleasure.

(Code 1975, § 2-152; Code 1997, § 2-224; Ord. No. 60-12-13, § 1, 4-15-2013; Ord. No. 1-15-16, § 2, 11-16-2015)

Sec 2-201 Bonds Generally

(a) The various city officers and employees shall be bonded in the following amounts:

(1) City finance director/treasurer: $50,000.00.

(2) Deputy finance director/treasurer: $50,000.00.

(3) Cashier: $50,000.00.

(4) Director of community development/secretary redevelopment authority: $25,000.00.

(5) One cashier/data entry: $50,000.00.

(6) City administrator: $20,000.00.

(b) To affect the complete bonding of city officers and employees, there is authorized a blanket bond. The balance of city employees will not be named or listed specifically but shall also be covered under the same blanket bond policy.

(Code 1975, § 2-153; Code 1997, § 2-225; Ord. No. 41-20-21, § 3, 4-7-2021)

Sec 2-202 Oath

Every person elected or appointed to an office with the city shall take and file the official oath within ten days after notice of such election or appointment.

(Code 1975, § 2-154; Code 1997, § 2-226)

State law references—Oaths and bonds generally, Wis. Stats. §§ 60.31, 61.21, 61.22; municipal employment generally, Wis. Stats. § 111.70.

Sec 2-203 Vacancies In Elective Offices

Vacancies in city elective offices shall be filled as follows:

(a) *Mayor*. In the office of mayor, except as provided in Wis. Stats. § 17.23, the office shall be filled by appointment by the common council.

(b) *Alderperson*. In the office of alderperson, the vacancy shall be filled by

appointment by the common council, except as provided in Wis. Stats. § 17.23.

(c) *Other elective offices*. Vacancies in all other elective offices shall be filled by appointment by the mayor, subject to the confirmation of the council. Any person so appointed shall hold office until their successor is elected and qualified. The successor shall be elected for the balance of the unexpired term on the first Tuesday of April next after the vacancy happens if it happens 90 days or more before such day, but if such vacancy happens within 90 days before such first Tuesday of April, such successor shall be elected on the first Tuesday of April of the next ensuing year, but no election to fill a vacancy in such office shall be held at the time of holding the regular election for such office.

(Code 1975, § 2-155; Code 1997, § 2-227)

Sec 2-204 Vacancies In Appointive Offices

(a) Vacancies in city appointive offices shall be filled by appointment for the remainder of the unexpired term by the appointing power and in a manner prescribed by law for making regular full-term appointments.

(b) Vacancies in the following city appointive offices may be filled on a temporary basis for no longer than 90 days by the city administrator:

(1) Finance director/treasurer.

(2) Director of public works.

(3) Director of information technology.

(4) Director of human resources and labor relations.

(5) Director of planning and development.

(6) Director of senior services.

All persons so appointed on a temporary basis shall have the same qualifications as if that person were being appointed on a permanent basis by the appointing power.

(c) The director of public works may fill a vacancy in the office of city engineer on a temporary basis for no longer than 90 days. Any person so appointed on a temporary basis shall have the same qualifications as if that person were being appointed on a permanent basis by the appointing power.

(d) Temporary appointments to the appointive offices set forth in subsections (b) and (c) of this section may be extended for an additional 90 days by the city administrator upon approval for such extension by the common council.

(Code 1975, § 2-156; Code 1997, § 2-228; Ord. No. 2-21-22, 2-21-2022)

Sec 2-205 Occurrence Of Vacancy

A vacancy in any city office which shall occur for the dismissal or death of any official; the removal of any officer from the city; when any officer elected or appointed in, for or from any city ward or district shall move to a residence outside the limits of such ward or district; or when any official shall refuse or neglect, for 20 days after notice of election or appointment, to qualify and enter upon the discharge of the duties of the office.

(Code 1975, § 2-157; Code 1997, § 2-229)

Sec 2-206 Removal And Suspension

(a) *Appointive officers*. All city appointive officers may be removed or suspended as provided for in Wis. Stats. §§ 17.12 and 17.16.

(b) *Elective officials*. All elective officials are subject to removal and recall, as provided in Wis. Stats. § 9.10.

(Code 1975, § 2-158; Code 1997, § 2-230)

Sec 2-207 Paraphernalia Of Office

Each city officer and employee shall deliver to the officer or employee's successor in office or employment all books, papers, records and other property which may be under the officer or employee's control by virtue of the officer or employee's office or employment.

(Code 1975, § 2-159; Code 1997, § 2-231)

Sec 2-208 Biweekly Payment Of Earnings

Except for employees covered under a valid collective bargaining agreement providing otherwise, all salaries and wages shall be paid biweekly for salaries and wages earned during the biweekly period preceding the most current biweekly period (i.e., two-week holdback).

(Code 1997, § 2-232; Ord. No. 62-09-10, § 1, 4-7-2010)

DIVISION 2-III-2 ETHICS

Sec 2-240 Definitions
Sec 2-241 State Law Adopted
Sec 2-242 Declaration Of Policy
Sec 2-243 Ethics Board
Sec 2-244 Applicability
Sec 2-245 Violations
Sec 2-246 Responsibility Of Public Officials And Employees

Sec 2-247 Use Of Public Property
Sec 2-248 Obligations To Citizens
Sec 2-249 Conflict Of Interest
Sec 2-250 Incompatible Private Employment
Sec 2-251 Disclosure Of Confidential Information
Sec 2-252 Gifts And Favors
Sec 2-253 Representing Private Interests Before City Agencies
Sec 2-254 Contracts With City
Sec 2-255 Disclosure Of Interest In Legislation
Sec 2-256 Campaign Contributions

Sec 2-240 Definitions

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Financial interest means any interest which shall yield, directly or indirectly, a monetary or other material benefit to the officer, employee, or agent, any member of the officer's immediate family, the officer's partner, or a person or organization which employs or retains or is about to employ or retain any of the parties indicated herein.

Officer includes any person who holds an elected or appointed city office.

Personal interest means any interest, whether or not any financial interest is involved, arising from:

(a) Any member of the officer, employee, or agent's immediate family;

(b) The officer, employee, or agent's partner;

(c) A person or organization which employs or retains or is about to employ or retain any of the parties indicated in subsection (a) or (b) of this definition; or

(d) A close political association.

(Code 1975, § 2-402; Code 1997, § 2-261; Ord. No. 5-21-22, § 1, 6-7-2021)

Sec 2-241 State Law Adopted

The provisions of Wis. Stats. § 19.59, code of ethics for local government officials, employees and candidates, are adopted by reference in this section as if fully set forth herein.

(Code 1997, § 2-262)

Sec 2-242 Declaration Of Policy

The proper operation of democratic government requires that public officers, employees, and agents be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, there is established a code of ethics for all city officers, employees, and agents, whether elected or appointed, paid or unpaid, including members of city boards, committees and commissions. The purpose of this division is to establish guidelines for ethical standards of conduct for all such officers, employees, and agents by setting forth those acts or actions that are incompatible with the best interests of the city and by directing disclosure by such officers, employees, and agents of private financial or other interest in matters affecting the city. The common council recognizes that city officers, employees, and agents are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; that citizens who serve as city officers, employees, and agents retain their rights as citizens to interests of a personal or economic nature; that the standards of ethical conduct for city officers, employees, and agents need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial in material; and that city officers, employees, and agents may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this article. The provisions and purpose of this article and such rules and regulations as may be established under this article are declared to be in the best public interest. It is the intent of the common council that, in its operations, the ethics board established under this article shall protect, to the fullest extent possible, the rights of individuals affected.

(Code 1975, § 2-400; Code 1997, § 2-263; Ord. No. 5-21-22, § 2, 6-7-2021)

Sec 2-243 Ethics Board

Administration and civil enforcement of this article is vested in an ethics board consisting of all of the alderpersons. The chairperson of the council committee of the whole shall serve as chairperson of the ethics board. The city clerk shall attend the meetings of the ethics board and shall keep a full record of its proceedings. In the absence of the clerk, the deputy city clerk shall perform the duties of the clerk. The board may issue subpoenas, administer oaths and investigate any violation of this article on its own motion or upon complaint by any person. The board may issue opinions upon request. Notwithstanding Wis. Stats. § 19.35, records of the board's opinions, opinion requests and investigations of violations of this article may be closed in whole or in part to public inspection. Any member who is the subject of investigation by the board for any violation of this article shall be excused from participation as a board member in such investigation.

(Code 1975, § 2-413; Code 1997, § 2-264)

Sec 2-244 Applicability

When a city officer, employee, or agent has doubt as to the applicability of a provision of this article to a particular situation or definition of terms used in this article, the officer, employee, or agent shall apply to the ethics board for an advisory opinion and will be guided by that opinion when given. The officer, employee, or agent shall have the opportunity to present the officer, employee, or agent's interpretation of the facts at issue and of the applicable provisions of this article before such advisory decision is made. This article shall be operative in all instances covered by its provisions, except when superseded by an applicable statutory provision and statutory action is mandatory, or when the application of a statutory provision is discretionary but determined by the ethics board to be more appropriate or desirable.

(Code 1975, § 2-414; Code 1997, § 2-265; Ord. No. 5-21-22, § 3, 6-7-2021)

Sec 2-245 Violations

Violation of any provision of this article may constitute a cause for suspension, removal from office or employment or other disciplinary action.

(Code 1975, § 2-415; Code 1997, § 2-266)

Sec 2-246 Responsibility Of Public Officials And Employees

(a) Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the constitution of the state and carry out impartially the laws of the nation, state and city and, thus, to foster respect of all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach so as to foster respect for all government.

(b) Public officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or by officially recognized confidentiality of their work.

(Code 1975, § 2-401; Code 1997, § 2-267)

Sec 2-247 Use Of Public Property

No city officer, employee, or agent shall request or permit the unauthorized use of city-owned vehicles, equipment, materials, or property for personal convenience or profit.

(Code 1975, § 2-403; Code 1997, § 2-268; Ord. No. 5-21-22, § 4, 6-7-2021)

Sec 2-248 Obligations To Citizens

No city officer, employee, or agent shall grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

(Code 1975, § 2-404; Code 1997, § 2-269; Ord. No. 5-21-22, § 5, 6-7-2021)

Sec 2-249 Conflict Of Interest

No city officer, employee, or agent, whether paid or unpaid, shall engage in any business or transaction or shall act in regard to financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of the officer, employee, or agent's official duties in the public interest contrary to this article or which would tend to impair the officer, employee, or agent's independence of judgment or action in the performance of the officer, employee, or agent's official duties.

(Code 1975, § 2-405; Code 1997, § 2-270; Ord. No. 5-21-22, § 6, 6-7-2021)

Sec 2-250 Incompatible Private Employment

No city officer, employee, or agent shall engage in or accept private employment or render service for private interests when such employment or service is incompatible with the proper discharge of the officer, employee, or agent's official duties or would tend to impair the officer, employee, or agent's independence of judgment or action in the performance of the officer, employee, or agent's official duties, unless otherwise permitted by law and unless disclosure is made as provided in this article.

(Code 1975, § 2-406; Code 1997, § 2-271; Ord. No. 5-21-22, § 7, 6-7-2021)

Sec 2-251 Disclosure Of Confidential Information

No city officer, employee, or agent shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the city nor use such information to advance the financial or other private interest of the officer, employee, or agent or others.

(Code 1975, § 2-407; Code 1997, § 2-272; Ord. No. 5-21-22, § 8, 6-7-2021)

Sec 2-252 Gifts And Favors

(a) No city officer, employee, or agent may solicit or accept any valuable gift, favor or thing from any person who, to the officer, employee, or agent's knowledge, is interested, directly or indirectly, in any manner whatsoever in business dealings with the city nor shall any such officer, employee, or agent accept any gift, favor or thing of value that may tend to influence the officer, employee, or agent in the

discharge of the officer, employee, or agent's duties or grant in the discharge of the officer, employee, or agent's duties any improper favor, service or thing of value. Favors shall include, but are not limited to, admission tickets to sports or entertainment events, restaurant meals, transportation for personal purposes and providing accommodations at a hotel or resort.

(b) Absent other unusual circumstances, the following actions of officers, employees, or agents shall not be deemed to be violations of this article:

(1) Receipt of a gift that is an unsolicited item of nominal intrinsic value.

(2) Receipt of mementos, such as coffee cups, paperweights, etc., provided the value received does not exceed $20.00 and that distribution is of a general nature.

(3) Attendance or participation at modest ceremonial events, i.e., ground breakings, grand openings, receptions, as well as business lunches, outings and conferences, provided the value received does not exceed $30.00.

(4) Attendance or participation at events or functions sponsored by the city where there is no intend to influence the officer, employee, or agent.

(c) Gifts or favors received under unusual circumstances should be referred to the appropriate departmental supervisor or to the ethics board within ten days for recommended disposition.

(Code 1975, § 2-408; Code 1997, § 2-273; Ord. No. 5-21-22, § 9, 6-7-2021)

Sec 2-253 Representing Private Interests Before City Agencies

No city officer, employee, or agent shall appear on behalf of any private person, other than the officer, employee, or agent, or the officer, employee, or agent's spouse or minor children, before any city agency. However, a member of the common council may appear before city agencies on behalf of the officer, employee, or agent's constituents in the course of the officer, employee, or agent's duties as a representative of the electorate or in the performance of public or civic obligations.

(Code 1975, § 2-409; Code 1997, § 2-274; Ord. No. 5-21-22, § 10, 6-7-2021)

Sec 2-254 Contracts With City

No city officer, employee, or agent who, in their capacity as such officer, employee, or agent, participates in the making of a contract in which the officer, employee, or agent has a private financial interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on the officer, employee, or agent's part shall enter into any contract with the city unless, within the confines of Wis. Stats. § 946.13:

(a) The contract is awarded through a process of public notice and competitive bidding; or

(b) The ethics board created in this article waives the requirement of this section after determining that it is in the best interests of the city to do so.

(Code 1975, § 2-410; Code 1997, § 2-275; Ord. No. 5-21-22, § 11, 6-7-2021)

Sec 2-255 Disclosure Of Interest In Legislation

Any member of the common council who has a financial interest or personal interest in any proposed legislation before the common council shall disclose on the records of the common council or the ethics board created in this article the nature and extent of such interest. Any other officer, employee, or agent who has a financial or personal interest in any proposed legislative action of the common council and who participates in discussion with or gives an official opinion or recommendation to the common council shall disclose on the records of the common council or the ethics board the nature and extent of such interest.

(Code 1975, § 2-411; Code 1997, § 2-276; Ord. No. 5-21-22, § 11, 6-7-2021)

Sec 2-256 Campaign Contributions

Campaign contributions shall be reported by all candidates for city office in strict conformity with state law. Any campaign contribution tendered to or accepted by a candidate subsequent to the final statutory report shall be reported to the ethics board.

(Code 1975, § 2-412; Code 1997, § 2-277)

DIVISION 2-III-3 CITY ENGINEER

Sec 2-276 Appointment

Sec 2-276 Appointment

The city engineer shall be appointed by the director of public works, subject to confirmation of the common council.

(Code 1975, § 2-197; Code 1997, § 2-306; Ord. No. 1-96-97, § 2, 8-19-1996; Ord. No. 4-07-08, § 1, 6-4-2007; Ord. No. 20-10-11, § 1, 10-11-2020)

State law reference—Authority, Wis. Stats. § 66.01.

DIVISION 2-III-4 PURCHASING AGENT

Sec 2-301 Position Established
Sec 2-302 Duties And Powers
Sec 2-303 Purchasing Procedure
Sec 2-304 Disposal Of Property

State law reference—Local government purchasing generally, Wis. Stats. § 66.0131.

Sec 2-301 Position Established

The position of purchasing agent is established for the city service, which position shall be under the direction of the finance director/treasurer.

(Code 1975, § 2-150.3(a); Code 1997, § 2-336)

Sec 2-302 Duties And Powers

(a) The city purchasing agent shall have the power and it shall be their duty to purchase all supplies, equipment and services needed by any and all departments, boards, commissions and other agencies of the city, regardless of source of funds. Agencies empowered by state statute to purchase independently may have the city purchasing agent appointed as their agent for purchases upon relinquishing of such independence by the proper authority.

(b) The purchasing agent shall keep complete and detailed records of all purchases and disbursements, including purchase orders issued, quotations received, basis for bid award, and any and all documents required for audit of purchase activity.

(c) Purchases or contracts for goods and services shall not be executed by any officer or employee other than the purchasing agent or upon the agent's delegation.

(Code 1975, § 2-150.3(b); Code 1997, § 2-337)

Sec 2-303 Purchasing Procedure

(a) The purchasing agent shall prepare or approve all standards and written specifications for supplies, equipment and services. All such specifications shall permit competition wherever practicable.

(b) All public construction contracts shall be bid in accordance with state statutes.

(c) The city administrator shall establish, maintain, and from time to time amend, a policy regarding purchases and contracts for goods and services, except as otherwise provided by resolution of the common council, and subject to all relevant state and federal statutes and regulations and to subsection (b) of this section. The city administrator shall notify the common council in writing of the establishment of and any amendments to the policy. Additionally, the policy shall be kept on file, as section 2-303 in the supplement to this Code, in the city clerk's office.

(Code 1975, § 2-150.3(c); Code 1997, § 2-338; Ord. No. 35-00-01, § 1, 8-7-2000; Ord. No. 8-17-18, § 1, 6-19-2017)

Sec 2-304 Disposal Of Property

All city agencies shall submit reports to the purchasing agent showing stocks of supplies, materials and equipment on hand and not in use, as requested. The purchasing agent shall be responsible for and shall have the authority for the disposal of obsolete, excess, unused or scrap materials, supplies and equipment. All revenues shall be deposited with the city finance director/treasurer.

(Code 1975, § 2-150.3(d); Code 1997, § 2-339)

DIVISION 2-III-5 CITY ADMINISTRATOR

Sec 2-327 Position Established
Sec 2-328 Appointment And Term
Sec 2-329 Duties

Sec 2-327 Position Established

The position of city administrator is established for the city service, which position shall be under the direction of the common council with input from the mayor.

(Code 1997, § 2-340; Ord. No. 41-20-21, § 1, 4-7-2021)

Sec 2-328 Appointment And Term

The city administrator shall be appointed by the common council with input from the mayor. The appointee may be removed only for cause by a four-fifths vote of the common council. The term "cause," as used in this section, means inefficiency, neglect of duty, official misconduct or malfeasance in office.

(Code 1997, § 2-341; Ord. No. 41-20-21, § 1, 4-7-2021)

Sec 2-329 Duties

The city administrator shall perform the duties and shall have the authority and powers prescribed by the common council and prescribed by state statute.

(Code 1997, § 2-342; Ord. No. 41-20-21, § 1, 4-7-2021)

DIVISION 2-III-6 CITY ATTORNEY

Sec 2-347 Position Established; Outside Business Activities Prohibited
Sec 2-348 Health Insurance Premiums
Sec 2-349 Salary

Sec 2-347 Position Established; Outside Business Activities Prohibited

The full-time salaried position of city attorney is established. As a full-time employee, the city attorney shall not engage in any outside business activities during normal city hall hours.

(Ord. No. 36-21-22, 1-4-2022)

Sec 2-348 Health Insurance Premiums

Employee health insurance premium contributions for the city attorney shall be consistent with that of nonrepresented city employees.

(Ord. No. 36-21-22, 1-4-2022)

Sec 2-349 Salary

(a) The city attorney shall receive a salary in the annual amount established by the city council, commencing with the first payday in May of each year. For the years 2023--2026, the salary of the city attorney shall be as follows:

(1) 2023: $132,320.00.

(2) 2024: $134,967.00.

(3) 2025: $137,666.00.

(4) 2026: $140,419.00.

(b) Amounts given in subsection (a) of this section for 2023 reflect a two percent increase, plus an additional 0.75 percent increase so that the 2023 increases reflect the across-the-board increases earned by other nonrepresentative employees (0.5 percent in 2017 and 0.25 percent in 2018) that were not accounted for in a previous salary ordinance. Amounts for 2024--2026 reflect a two percent increase. It is anticipated that any increases for other nonrepresented employees above two percent will be added to the salary schedule in 2027.

(Ord. No. 36-21-22, 1-4-2022)

DIVISION 2-III-7 CITY CLERK

Sec 2-372 Position Established; Outside Business Activities Prohibited
Sec 2-373 Health Insurance Premiums
Sec 2-374 Salary

Sec 2-372 Position Established; Outside Business Activities Prohibited

The full-time salaried position of city clerk is established. As a full-time employee, the city clerk shall not engage in any outside business activities during normal city hall hours.

(Ord. No. 36-21-22, 1-4-2022)

Sec 2-373 Health Insurance Premiums

Employee health insurance premium contributions for the city clerk shall be consistent with that of nonrepresented city employees.

(Ord. No. 36-21-22, 1-4-2022)

Sec 2-374 Salary

(a) The city clerk shall receive a salary in the annual amount established by the city council, commencing with the first payday in May of each year. For the years 2023--2026, the salary of the city clerk shall be as follows:

(1) 2023: $94,918.00.

(2) 2024: $96,817.00.

(3) 2025: $98,753.00.

(4) 2026: $100,728.00.

(b) Amounts listed in subsection (a)(1) of this section for 2023 reflect a two percent increase, plus an additional 0.75 percent increase so that the 2023 increases reflect the across-the-board increases earned by other nonrepresentative employees (0.5 percent in 2017 and 0.25 percent in 2018) that were not accounted for in a previous salary ordinance. Amounts for 2024--2026 reflect a two percent increase. It is anticipated that any increases for other nonrepresented employees above that two percent will be added to the salary schedule in 2027.

(Ord. No. 36-21-22, 1-4-2022)

DIVISION 2-III-8 SENIOR SERVICES DIRECTOR

Sec 2-392 Position Established; Appointment
Sec 2-393 Duties And Powers
Sec 2-394 Qualifications

Sec 2-392 Position Established; Appointment

The position of senior services director is hereby established for the city service. The senior services director shall be appointed by the common council based on the recommendation of the city administrator and the mayor. Notwithstanding this provision, the person holding the position of full-time supervisor of the senior activity center pursuant to former section 2-730 (commonly referred to as the senior services director) on December 31, 2021, shall hold the position as if having been appointed pursuant to this division.

(Ord. No. 1-21-22, 2-7-2022)

Sec 2-393 Duties And Powers

The senior services director shall have the duties and shall have the authority and powers prescribed by the common council.

(a) The senior services director, in consultation with the senior activity center commission, shall establish and direct policy of the multipurpose senior activity center; shall develop a mission statement; shall establish goals; shall establish bylaws, subject to common council approval; and shall govern the facilities and activities.

(b) The senior services director shall, in consultation with the senior activity center commission, establish hours of operation of the city senior activity center.

(c) The senior services director shall, with input from the senior activity center commission, direct and supervise the management and operation of the senior activity center in accordance with appropriate city policies and procedures.

(d) The senior services director shall, in consultation with the senior activity center commission, oversee the budget and financial activities of the senior activity center, subject to common council approval.

(e) The senior services director shall, in consultation with the senior activity center commission, report to the common council on the status of the management and operation of the senior activity center annually.

(f) The senior services director shall encourage and promote gifts, grants and donations of money and property from all available resources for senior activity center purposes.

(Ord. No. 1-21-22, 2-7-2022)

Sec 2-394 Qualifications

The senior services director shall have the qualifications prescribed by the common council.

(Ord. No. 1-21-22, 2-7-2022)

ARTICLE 2-IV DEPARTMENTS
DIVISION 2-IV-1 DEPARTMENTS GENERALLY (RESERVED)
DIVISION 2-IV-2 PUBLIC WORKS
DIVISION 2-IV-3 MUNICIPAL COURT
DIVISION 2-IV-4 CITY ASSESSOR
DIVISION 2-IV-5 INFORMATION TECHNOLOGY
DIVISION 2-IV-6 HUMAN RESOURCES

DIVISION 2-IV-1 DEPARTMENTS GENERALLY (RESERVED)

DIVISION 2-IV-2 PUBLIC WORKS

Sec 2-446 Established
Sec 2-447 Director
Sec 2-448 Deputy Director
Sec 2-449 Assessment Of Costs For Repair Of Damages To Public Property

State law reference—Board of public works generally, Wis. Stats. § 62.14.

Sec 2-446 Established

A department of public works is established, which shall consist of a director of public works and a deputy director of public works.

(Code 1997, § 2-396; Ord. No. 3-07-08, § 1, 6-4-2007)

Sec 2-447 Director

(a) *Qualifications*. The director of public works shall be a graduate of an accredited university with a major in civil engineering, public works administration or a closely related field or shall have related experience in public works management.

(b) *Appointment*. The director of public works shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable at the appointing authority's pleasure.

(c) *Duties and powers*.

(1) The director of public works shall perform the duties and shall have the authority and powers prescribed by the council and prescribed by state statute for the board of public works.

(2) The director of public works shall have general control of the public works department. The departments of public works, streets, sanitation, parks, incinerator, the sewage disposal system and cemetery are consolidated within the department of public works; provided, however, that the personnel of such departments and officers shall continue to be appointed and shall be subject to civil service regulations.

(3) Any public work or part thereof may be done directly by the city without submitting the work for bids, and the director shall conduct any such work upon authorization of the council.

(4) The director of public works shall be responsible for the building and construction of reservoirs, sewers and public mains; and for any public works or improvement.

(5) The director of public works shall be responsible for the overall management, effectiveness and efficiency of the department of public works. The director shall effectively delegate the responsibility of department activities to subordinate personnel and shall effectively supervise and direct all supervisory personnel.

(6) The director of public works shall attend, when requested, any meetings of the council or any committee thereof.

(Code 1997, § 2-397; Ord. No. 3-07-08, § 1, 6-4-2007; Ord. No. 56-11-12, § 1, 12-19-2011; Ord. No. 39-16-17, § 2, 4-5-2017; Ord. No. 20-20-21, § 1, 9-21-2020)

Sec 2-448 Deputy Director

(a) *Appointment*. The position of deputy director of public works shall be appointed by the director of public works, subject to confirmation of the common council.

(b) *Qualifications*. The deputy director of public works shall be a graduate of an accredited university with a major in civil engineering, public works administration or a closely related field or shall have related experience in public works projects and administration, including responsible supervisory experience, as determined by the director of public works.

(c) *Duties*.

(1) The deputy director of public works shall supervise the department of public works under the direction of the director of public works and shall attend, when requested, any meetings of the council or any committee thereof.

(2) The deputy director of public works shall perform the duties and shall have the authority and powers prescribed by the common council, the state statutes and the director of public works.

(3) The deputy director of public works shall develop and implement practical ways and means to improve facilities, procedures and work standards and shall exercise necessary measures to ensure that public works supervisors are securing the required quality and quantity of work.

(Code 1997, § 2-398; Ord. No. 3-07-08, § 1, 6-4-2007)

State law reference—Required records of city engineer, Wis. Stats. § 62.14(7).

Sec 2-449 Assessment Of Costs For Repair Of Damages To Public Property

(a) In addition to any penalties imposed for violation of section 12-631, 40-48, 48-250 or 60-74, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of repairing such damages or replacing such property. The parents of any unemancipated minor child who causes such damage or destruction may be held liable for the cost of repairing such damages or replacing such destroyed property in accordance with Wis. Stats. § 895.035.

(b) The costs of repairing such damages or replacing destroyed property will be billed based on an hourly charge for employee time and equipment usage, plus materials. The employee time charge will include wages and benefits, and the equipment usage will include a charge for maintenance and repair of the equipment. All materials used will be charged at actual cost, plus 30 percent, plus applicable sales tax, with a minimum fee of $100.00. A schedule of employee wage and benefit rates and equipment usage charges shall be prepared and updated from time to time by the director of public works.

(Code 1997, § 2-399; Ord. No. 1-15-16, 5-19-2015)

DIVISION 2-IV-3 MUNICIPAL COURT

Sec 2-467 Court Established
Sec 2-468 Jurisdiction
Sec 2-469 Municipal Judge
Sec 2-470 Municipal Court
Sec 2-471 Collection Of Forfeitures And Costs
Sec 2-472 Contempt Of Court
Sec 2-473 Stipulations And Deposits
Sec 2-474 Abolition

Sec 2-467 Court Established

Pursuant to the authority granted by Wis. Stats. ch. 755, there is hereby created and established a municipal court to be designated "Municipal Court for the City of Sheboygan and the Village of Kohler," the court to become operative and functional on January 1, 2006, or as soon thereafter as is reasonably practicable.

(Code 1997, § 2-406; Ord. No. 69-05-06, § 1, 12-19-2005)

Sec 2-468 Jurisdiction

(a) The municipal court shall have jurisdiction over incidents occurring on or after January 1, 2006, as provided in article VII, § 14 of the state constitution, Wis. Stats. §§ 755.045 and 755.05, and as otherwise provided by state law. In addition, it shall have exclusive jurisdiction over actions in which the

municipalities seek to impose forfeitures for violations of municipal ordinances, resolutions and bylaws.

(b) The municipal judge may issue civil warrants to enforce matters under the jurisdiction of the municipal court under Wis. Stats. §§ 66.0119 and 755.045(2).

(c) The municipal court has jurisdiction over juvenile offenders when it enacts an ordinance under the authority of Wis. Stats. § 938.17(2)(cm).

(Code 1997, § 2-407; Ord. No. 69-05-06, § 1, 12-19-2005)

Sec 2-469 Municipal Judge

(a) *Office established*. There is hereby created the office of municipal judge of the municipal court of the City of Sheboygan and the Village of Kohler.

(b) *Qualifications*. The municipal judge shall be a resident of either municipality and shall be licensed to practice law in the state.

(c) *Oath and bond*. The judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Wis. Stats. § 757.02(1) and file such oath with the county clerk of circuit court. At the same time, the judge shall execute and file an indemnity bond with the city clerk in an amount of $5,000.00. The judge shall not act until the oath and bond have been filed as required by Wis. Stats. § 19.01(4)(c), and the requirements of Wis. Stats. § 755.03, have been complied with.

(d) *Compensation*.

(1) The municipal judge shall receive a salary as determined from time to time by the common council, which shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during the term for which the judge has not executed and filed the official bond and oath. The salary may be increased by the common council before the start of a term but shall not be decreased during a term. The municipal judge's salary for 2023--2026 shall be as follows:

a. 2023: $48,155.00.

b. 2024: $49,118.00.

c. 2025: $50,100.00.

d. 2026: $51,102.00.

(2) Amounts listed in subsection (a)(1) of this section reflect a two percent increase, plus an additional 0.75 percent increase so that the 2023 increases reflect the across-the-board increases earned by other nonrepresentative employees (0.5 percent in 2017 and 0.25 percent in

2018) that were not accounted for in a previous salary ordinance. Amounts for 2024--2026 reflect a two percent increase. It is anticipated that any increases for other nonrepresented employees above two percent will be added to the salary schedule in 2027.

(e) *Retirement benefits; outside employment or business activities*. The position is a limited hour position and benefit eligibility is limited to Wisconsin Retirement System (WRS) contributions only. The municipal judge, as a part-time elected official, may engage in outside business activities during normal city business hours.

(f) *Election term*. The municipal judge shall be elected at large for a term of four years at the spring election held every four years beginning 2011 and shall take office on May 1 following the election. All candidates for the position of municipal judge shall be nominated by nomination papers, as provided in Wis. Stats. § 8.10, and selection at a primary election if such is held, as provided in Wis. Stats. § 8.11. The elections division of the government accountabilities board shall serve as filing officer for the candidates.

(g) *Electors*. Electors in all municipalities that are parties to the agreement creating the joint municipal court shall be eligible to vote for the municipal court judge. Mid-term vacancies in the office of municipal judge shall be filled by temporary appointment jointly by the governing bodies of all municipalities served by the judge, pursuant to Wis. Stats. § 8.50(4)(fm). The salary of a municipal judge who is designated or appointed under Wis. Stats. § 8.50(4)(fm) or 800.06 shall be determined by contract between the city and the judge. The judge may not serve until the contract is entered into. The office shall then be permanently filled pursuant to state law.

(Code 1997, § 2-408; Ord. No. 69-05-06, § 1, 12-19-2005; Ord. No. 40-10-11, § 1, 11-15-2010; Ord. No. 36-21-22, 1-4-2022)

Sec 2-470 Municipal Court

(a) *Hours*. The municipal court for the city and Village of Kohler shall be open as determined by order of the municipal judge.

(b) *Employees*. The judge shall in writing appoint such clerks and deputy clerks as are authorized by the common council. Their salaries shall be fixed by the common council.

(c) *Location*. The municipal judge shall keep office and hold court in an adequate facility provided by the municipal governing bodies. However, the municipal judge may issue, process and perform ministerial functions at any place in the county.

(d) *Procedure*. The procedure in the municipal court shall be as provided by city and

village ordinance and state law including, without limitation because of enumeration, Wis. Stats. chs. 800 and 755 and Wis. Stats. §§ 23.50—23.85, 345.11, 345.20—345.53 and 972.11(3m).

(Code 1997, § 2-409; Ord. No. 69-05-06, § 1, 12-19-2005)

Sec 2-471 Collection Of Forfeitures And Costs

The municipal judge may impose punishment and sentences as provided by Wis. Stats. chs. 800 and 938, and as provided in the ordinances of the municipalities that are parties to the agreement. The municipal court shall collect all forfeitures, penalty assessments, jail assessments, fees and taxable costs in any action or proceeding and shall pay over such monies to the city finance director/treasurer and the Village of Kohler clerk/treasurer within seven days of collection, or as provided by agreement of the municipalities that are parties to the joint municipal court. At such time, the municipal court shall also report to the respective municipal treasurers the title of the action, nature of offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

(Code 1997, § 2-411; Ord. No. 69-05-06, § 1, 12-19-2005; Ord. No. 40-10-11, § 2, 11-15-2010)

Sec 2-472 Contempt Of Court

(a) In this section, the term "contempt of court" means any of the following intentional acts:

(1) Misconduct in the presence of the court that interferes with the court proceeding or with the administration of justice, or that impairs the respect due the court.

(2) Refusal of a witness to appear without reasonable excuse.

(b) A judge may impose a forfeiture in an amount not to exceed $200.00 for a contempt of court.

(c) For a contempt of court described in subsection (a)(1) of this section, the judge may impose imprisonment in the county jail for not more than seven days and impose a forfeiture. These penalties shall be imposed immediately after the contempt of court has occurred and only under the following conditions:

(1) For the purpose of preserving order in the court and protecting the authority and dignity of the court.

(2) After allowing the person who committed the contempt of court an opportunity to address the court.

(d) For a contempt of court described in subsection (a)(2) of this section, the judge

may do any of the following:

(1) Issue a warrant to bring the witness before the court for the contempt and to testify.

(2) In addition to ordering the witness to pay a forfeiture under subsection (b) of this section, the judge may order the witness to pay all costs of the witness's apprehension.

(Code 1997, § 2-412; Ord. No. 69-05-06, § 1, 12-19-2005; Ord. No. 31-10-11, § 1, 10-4-2010)

Sec 2-473 Stipulations And Deposits

(a) *Deposits for ordinance violations*. The municipal judge shall establish and submit to the common council and village board for approval in accordance with Wis. Stats. § 800.03(3), a schedule of deposits for violations of city/village ordinances, resolutions and bylaws.

(b) *Deposits for traffic and boating violations*. The deposit schedule established by the Wisconsin Judicial Conference and the procedures set forth in Wis. Stats. chs. 23 and 345, shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Wis. Stats. § 345.27, boating regulations enacted in accordance with Wis. Stats. § 30.77, and all-terrain vehicle regulations enacted in accordance with Wis. Stats. § 23.33.

(c) *Stipulations and deposits in lieu of court appearance*. Persons cited for violations of city and village ordinances, resolutions or bylaws or violations of traffic or boating regulations for which a deposit has been established, shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance, as provided in Wis. Stats. §§ 800.03, 800.04 and 800.09.

(Code 1997, § 2-413; Ord. No. 69-05-06, § 1, 12-19-2005)

Sec 2-474 Abolition

The municipal court hereby established shall not be abolished as long as the Wis. Stats. § 755.01(4) agreement creating this joint municipal court is still in effect.

(Code 1997, § 2-414; Ord. No. 69-05-06, § 1, 12-19-2005)

DIVISION 2-IV-4 CITY ASSESSOR

Sec 2-502 City Assessor

Sec 2-502 City Assessor

(a) *Appointment*. The city assessor shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

(b) *Qualifications*. No person may assume the office of city assessor unless certified by the state department of revenue pursuant to Wis. Stats. § 73.09, as qualified to perform the functions of the office of assessor.

(Code 1997, § 2-415; Ord. No. 62-12-13, § 2, 4-15-2013; Ord. No. 39-16-17, § 3, 4-5-2017)

DIVISION 2-IV-5 INFORMATION TECHNOLOGY

Sec 2-528 Director

Sec 2-528 Director

(a) *Established*. The position of director of information technology is hereby established for the city service.

(b) *Appointment*. The director of information technology (IT) shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

(c) *Duties and powers*. The director of information technology shall have the duties and shall have the authority and powers prescribed by the common council.

(d) *Qualifications*. The director of information technology shall have the qualifications prescribed by the common council.

(Code 1997, § 2-419; Ord. No. 66-12-13, § 1(2-415), 5-6-2013; Ord. No. 39-16-17, § 4, 4-5-2017)

DIVISION 2-IV-6 HUMAN RESOURCES

Sec 2-550 Director Of Human Resources And Labor Relations

Sec 2-550 Director Of Human Resources And Labor Relations

(a) *Established*. The position of director of human resources and labor relations is hereby established for the city service.

(b) *Appointment*. The director of human resources and labor relations shall be appointed by the common council based on the recommendation of the city administrator and the mayor.

(c) *Duties and powers*.

(1) The director shall be responsible for labor contract negotiations, administration of the employee benefit and salary plans, and related work. The director shall make recommendations regarding reorganization and personnel policies to the finance and personnel committee.

(2) The director shall be the official upon or with whom all personnel-related notices, requests for hearings, complaints, or other official documents shall be served or filed, except those complaints, notices or other official documents which are prescribed by law to be served upon other city officials.

(3) The director shall have access to all necessary records and papers, the examination of which will aid in the disposition of the complaints and notices and in the discharge of the director's duties.

(4) The director shall be responsible for such other policies, rules and regulations not inconsistent with this chapter and other personnel-related ordinances as the director deems necessary for its enforcement and administration.

(5) The director shall be the administrative officer of the civil service system. The director shall render such additional services in connection with the civil service system or may be requested by the city administrator and common council.

(6) The director shall have charge of recruitment, applications for employment, and the examination of applicants for positions, and shall be the custodian of the personnel records.

(Code 1997, § 2-420; Ord. No. 31-14-15, § 1, 10-20-2014; Ord. No. 39-16-17, § 5, 4-5-2017)

ARTICLE 2-V BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 2-V-1 BOARDS, COMMISSIONS AND COMMITTEES GENERALLY
DIVISION 2-V-2 POLICE AND FIRE COMMISSIONERS
DIVISION 2-V-3 BOARD OF REVIEW
DIVISION 2-V-4 TRANSIT COMMISSION
DIVISION 2-V-5 REDEVELOPMENT AUTHORITY
DIVISION 2-V-6 CAPITAL IMPROVEMENTS COMMISSION
DIVISION 2-V-7 SENIOR ACTIVITY CENTER COMMISSION

DIVISION 2-V-1 BOARDS, COMMISSIONS AND COMMITTEES GENERALLY

Sec 2-579 Record Of Proceedings
Sec 2-580 Standing Committee Chairperson Members
Sec 2-581 Residency Requirement

Sec 2-579 Record Of Proceedings

All city boards, committees and commissions shall keep a detailed record of their proceedings pursuant to Wis. Stats. § 19.01 et seq. The chairperson or person in charge of such board, committee or commission shall submit the minutes of such meeting to the city clerk's office within 96 hours of the meeting.

(Code 1975, § 2-219; Code 1997, § 2-426)

Sec 2-580 Standing Committee Chairperson Members

Wherever by ordinance or resolution it is provided that the chairperson of a standing committee of the common council shall be a member of another board, commission or committee by virtue of being chairperson of such standing committee, the standing committee chairperson may designate another member to attend a meeting of the other board, commission or committee in the member's absence with full power to act in the member’s stead.

(Code 1997, § 2-427; Ord. No. 1-99-00, § 1, 5-3-1999)

Sec 2-581 Residency Requirement

(a) All members of boards or commissions shall be city residents and maintain residency in the city while under the employment or service of the city. In the event that any such member of a board or commission does not meet the foregoing requirement, the office or position shall be automatically forthwith vacated, and such vacancy shall be filled in the manner prescribed by law or ordinance.

(b) Notwithstanding subsection (a) of this section, the residency requirement shall not apply:

(1) To members of a business improvement district board who own or occupy real property in the business improvement district.

(2) To nonvoting members of advisory committees to the common council.

(3) To licensed members of the board of examiners, provided that they hold a current active license for their membership classification and maintain their principal business office or place of employment in the city.

(4) To members of the mayor's special international committee residing within the boundaries of the Sheboygan Area School District.

(5) To one member of the board of waterworks commissioners who owns real property within and owns or operates a business within the city.

(6) To members of the architectural review board established pursuant to section 105-1012 of the city land development code.

(c) Nothing in this division shall prevent the city administrator from inviting noncity

residents to participate as a member of a team of employees or persons with special expertise whose role shall be to advise the city administrator on matters over which the city administrator may make reports or recommendations to the mayor or common council.

(Code 1997, § 2-428; Ord. No. 42-13-14, § 1(29-3), 12-3-2013; Ord. No. 6-16-17, § 1, 6-21-2016; Ord. No. 39-16-17, § 6, 4-5-2017; Ord. No. 37-19-20, § 1, 12-16-2019)

DIVISION 2-V-2 POLICE AND FIRE COMMISSIONERS

Sec 2-611 Composition
Sec 2-612 Appointment
Sec 2-613 Political Party Representation
Sec 2-614 Terms
Sec 2-615 Quorum
Sec 2-616 Duties
Sec 2-617 Records

State law reference—Police and fire departments generally, Wis. Stats. § 62.13.

Sec 2-611 Composition

The board of police and fire commissioners shall consist of five city citizens.

(Code 1975, § 2-236; Code 1997, § 2-486)

Sec 2-612 Appointment

The mayor shall annually, between the last Monday of April and the first Monday in May, appoint a member of the board of police and fire commissioners. Such appointment shall be in writing and filed with the secretary of the board.

(Code 1975, § 2-237; Code 1997, § 2-487)

Sec 2-613 Political Party Representation

No appointment shall be made to the board of police and fire commissioners which will result in more than three members of the board belonging to the same political party.

(Code 1975, § 2-238; Code 1997, § 2-488)

Sec 2-614 Terms

Each member of the board of police and fire commissioners shall be appointed for a term of five years, provided that the term of one member shall expire each year.

(Code 1975, § 2-239; Code 1997, § 2-489)

Sec 2-615 Quorum

Three members of the board of police and fire commissioners shall constitute a quorum for the transaction of business.

(Code 1975, § 2-240; Code 1997, § 2-490)

Sec 2-616 Duties

The board of police and fire commissioners shall have the powers and duties prescribed in Wis. Stats. § 62.13.

(Code 1975, § 2-241; Code 1997, § 2-491)

Sec 2-617 Records

The board of police and fire commissioners shall keep a record of its proceedings.

(Code 1975, § 2-242; Code 1997, § 2-492)

DIVISION 2-V-3 BOARD OF REVIEW

Sec 2-638 Composition
Sec 2-639 Appointment
Sec 2-640 Terms
Sec 2-641 Quorum
Sec 2-642 Officers
Sec 2-643 Meetings And Duties

State law reference—Boards of review generally, Wis. Stats. § 70.46 et seq.

Sec 2-638 Composition

The board of review shall consist of five city residents, none of whom shall occupy any public office or be publicly employed.

(Code 1975, § 2-251; Code 1997, § 2-521)

Sec 2-639 Appointment

Members of the board of review shall be appointed by the mayor, with the approval of the common council.

(Code 1975, § 2-252; Code 1997, § 2-522)

Sec 2-640 Terms

Each member of the board of review shall hold office for five years and until the member's successor is appointed and qualified, except that the appointments shall be in such a manner that one term will expire each year.

(Code 1975, § 2-253; Code 1997, § 2-523)

Sec 2-641 Quorum

A majority of the members of the board of review shall constitute a quorum for the transaction of business.

(Code 1975, § 2-254; Code 1997, § 2-524)

Sec 2-642 Officers

The members of the board of review shall elect a chairperson and secretary for each annual session thereof, which election shall be held at the first annual meeting of the board. The secretary shall be the clerk of the board of review and shall keep an accurate record of all of its proceedings and shall give the notices of meetings and adjournments as provided for by statutes.

(Code 1975, § 2-255; Code 1997, § 2-525)

Sec 2-643 Meetings And Duties

The meetings and the duties and functions of the board of review shall be as prescribed by state statutes, particularly Wis. Stats. §§ 70.46 and 70.47.

(Code 1975, § 2-256; Code 1997, § 2-526)

DIVISION 2-V-4 TRANSIT COMMISSION

Sec 2-675 Definitions
Sec 2-676 Established; Responsibilities
Sec 2-677 Composition; Appointment; Terms
Sec 2-678 Eligibility
Sec 2-679 Officers
Sec 2-680 Rules; Meetings; Seal
Sec 2-681 Jurisdiction
Sec 2-682 Fiscal Control
Sec 2-683 Parking Fees And Charges
Sec 2-684 Acquisition Of Property
Sec 2-685 Revenue Bonds
Sec 2-686 Revenues

Sec 2-675 Definitions

The following words, terms and phrases, when used in this division, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Comprehensive unified local transportation system means a transportation system comprised of motorbus lines in which the major portions are within the city.

Off-street parking facilities means any and all city-owned parking lots, garages, buildings and other structures for the public parking of vehicles for which fees or other charges are fixed, other than facilities for such public parking on the public streets in the city, including all meters, machinery or devices for obtaining revenues for such parking and all other equipment and accessories used in connection therewith.

On-street parking facilities means any and all existing spaces provided for the public parking of vehicles in and upon the public streets of the city for which fees or other charges are fixed, established and collected by means of parking meters or other machinery, devices or methods, including all such facilities provided by the public parking and transit utility and including all meters and other equipment or devices located adjacent to such spaces for the purpose of collecting such fees or charges.

Transit commission or commission means the local transit commission created under this division.

(Code 1975, § 2-264; Code 1997, § 2-556)

Sec 2-676 Established; Responsibilities

The city establishes a transit commission pursuant to Wis. Stats. § 66.1021, which shall be designated as the "Sheboygan Transit Commission." Such commission shall be responsible for the maintenance and operation of the city's comprehensive, unified local transportation system in accordance with the jurisdiction, powers and duties set forth in Wis. Stats. § 66.1021. Additionally, such commission shall maintain, operate and control all off-street parking facilities and on-street parking facilities, under the general control and supervision of the common council.

(Code 1975, § 2-263; Code 1997, § 2-557; Ord. No. 66-00-01, § 4, 10-2-2000)

State law reference—Authority regarding parking systems, Wis. Stats. § 66.0829.

Sec 2-677 Composition; Appointment; Terms

(a) The transit commission shall consist of nine commissioners. Six of the members shall be the mayor, a member of the finance and personnel committee of the common council, a member of the licensing, hearings, and public safety committee of the common council, a member of the public works committee of the common council, the chief of police and the director of city development, who shall be members by virtue of their office. The other commissioners shall be three

citizen members.

(b) The three citizen members shall be appointed by the mayor and approved by the common council.

(c) The citizen members of the commission shall be appointed for staggered three-year terms expiring on April 30 each year.

(d) The mayor, the chief of police and the director of city development may designate another member of their respective department to attend a meeting or meetings of the transit commission in their absence with full power to act in their stead.

(Code 1975, § 2-265; Code 1997, § 2-558; Ord. No. 1-99-00, § 2, 5-3-1999; Ord. No. 13-00-01, § 1, 6-19-2000; Ord. No. 106-05-06, § 1, 4-17-2006; Ord. No. 39-16-17, § 7, 4-5-2017; Ord. No. 37-17-18, § 3, 2-19-2018)

Sec 2-678 Eligibility

No person who holds stocks or bonds in any corporation subject to the jurisdiction of the transit commission or who is in any other manner directly or indirectly pecuniarily interested in any such corporation shall be a member of or employed by the transit commission.

(Code 1975, § 2-266; Code 1997, § 2-559)

Sec 2-679 Officers

(a) At its first meeting in May of each year, the transit commission shall choose from among its number a chairperson, who shall serve in such capacity for the succeeding year.

(b) The transit commission may appoint a secretary and employ such accountants, engineers, experts, inspectors, clerks and other employees and fix their compensation and may purchase such furniture, stationery and other supplies and materials as are reasonably necessary to enable it properly to perform its duties and exercise its powers.

(Code 1975, § 2-267; Code 1997, § 2-560)

Sec 2-680 Rules; Meetings; Seal

(a) The transit commission may adopt rules relative to the calling, holding and conduct of its meetings; the transaction of its business; the regulation and control of its agents and employees; the filing of complaints and petitions; and the service of notices thereof and conduct hearings.

(b) For the purpose of receiving, considering and acting upon any complaints or applications which may be presented to it or for the purpose of conducting

investigations or hearings on its own motion, the transit commission shall hold regular meetings at least once a week, except in the months of July and August in each year, and special meetings on the call of the chairperson or at the request of the city council.

(c) The transit commission may adopt a seal, of which judicial notice shall be taken in all courts of the state. Any process, writ, notice or other instrument which the commission may be authorized by law to issue shall be deemed sufficient if signed by the secretary of the commission and authenticated by such seal. All acts, orders, decisions, rules and records of the commission and all reports, schedules and documents filed with the commission may be proven in any court in the state by a copy thereof certified by the secretary under the seal of the commission.

(Code 1975, § 2-268; Code 1997, § 2-561)

Sec 2-681 Jurisdiction

Except as further provided in this division, the jurisdiction, powers and duties of the transit commission shall extend to the comprehensive unified local transportation system for which the commission is established, including any portion of such system extending into adjacent or suburban territory within the state lying outside of the city not more than 30 miles from the nearest point marking the corporate limits of the city.

(Code 1975, § 2-269; Code 1997, § 2-562)

Sec 2-682 Fiscal Control

Unless otherwise authorized by the transit commission, all books of accounts shall be kept in the city office finance director/treasurer. All transit commission expenditures shall be audited by the commission, and, if approved by the commission, shall be paid by the city in the manner provided by ordinance.

(Code 1975, § 2-270; Code 1997, § 2-563)

Sec 2-683 Parking Fees And Charges

The transit commission shall establish such fees and charges for the parking privilege on both off-street and on-street parking facilities as it shall determine reasonable. Such fees may be based either on hourly, daily, weekly or monthly parking and may be measured either by personal attendants or by parking meters.

(Code 1975, § 2-271; Code 1997, § 2-564)

Sec 2-684 Acquisition Of Property

The transit commission or an agent appointed by it shall have the power to obtain

options on properties for parking purposes and submit them with recommendations to the common council. The commission is empowered to proceed with purchase when specifically authorized to do so by the common council. The commission may construct parking structures or additions thereto with the approval of the common council.

(Code 1975, § 2-272; Code 1997, § 2-565)

Sec 2-685 Revenue Bonds

The transit commission, subject to approval by the common council, shall have the authority to issue mortgage revenue bonds for any of the purposes enumerated in Wis. Stats. § 66.0829. Such statute, insofar as applicable, is adopted by reference.

(Code 1975, § 2-273; Code 1997, § 2-566; Ord. No. 66-00-01, § 5, 10-2-2000)

Sec 2-686 Revenues

All revenues from the transit commission, exclusive of fines and forfeited bonds for violation of parking regulations, shall be deposited by the commission in a separate account to be known and designated as the parking transit commission fund and shall be used as necessary only to:

(a) Pay the cost and expense of acquiring, installing, servicing, operating, improving and maintaining the transit commission property and equipment.

(b) Pay the administrative costs of the commission.

(c) Pay interest, principal and charges incidental to and arising out of the issuing of bonds or other evidence of indebtedness of the commission to provide for transit commission property or facilities.

(d) Build a proper and adequate depreciation reserve.

(e) Purchase, from the proceeds of surplus funds, trust investments earmarked for transit commission purposes.

(Code 1975, § 2-274; Code 1997, § 2-567)

DIVISION 2-V-5 REDEVELOPMENT AUTHORITY

Sec 2-716 Established
Sec 2-717 Composition
Sec 2-718 Appointment
Sec 2-719 Terms
Sec 2-720 Functions
Sec 2-721 Matters Referred

Sec 2-716 Established

The redevelopment authority is established pursuant to Wis. Stats. § 66.1333.

(Code 1975, § 2-297; Code 1997, § 2-596; Ord. No. 66-00-01, § 6, 10-2-2000)

Sec 2-717 Composition

The redevelopment authority shall consist of seven commissioners who are city residents. No more than two of such commissioners shall be city officers, and one of such commissioners shall be a member of the council.

(Code 1975, § 2-298; Code 1997, § 2-597)

Sec 2-718 Appointment

The members of the redevelopment authority shall be appointed by the mayor, subject to confirmation by four-fifths of the common council. In making appointments, the mayor shall give due consideration to the qualifications listed in Wis. Stats. § 66.1333.

(Code 1975, § 2-299; Code 1997, § 2-598; Ord. No. 66-00-01, § 6, 10-2-2000)

Sec 2-719 Terms

The members of the redevelopment authority shall be appointed for terms of five years each, to expire on April 30 of the year of expiration, and shall be appointed in such manner as to affect the continuity of the initial appointments made to the authority.

(Code 1975, § 2-300; Code 1997, § 2-599)

Sec 2-720 Functions

The redevelopment authority shall be vested with the powers, duties and authority and subject to the restrictions and limitations imposed by Wis. Stats. § 66.1333, relating to urban renewal and related programs.

(Code 1975, § 2-301; Code 1997, § 2-600; Ord. No. 66-00-01, § 6, 10-2-2000)

Sec 2-721 Matters Referred

Any matter referred to the redevelopment authority may be subsequently referred to the committee of the whole prior to its resubmission to the common council.

(Code 1975, § 2-302; Code 1997, § 2-601; Ord. No. 97-97-98, § 1, 12-1-1997)

DIVISION 2-V-6 CAPITAL IMPROVEMENTS COMMISSION

Sec 2-741 Composition, Appointment, Terms
Sec 2-742 Organization
Sec 2-743 Project Program

Sec 2-741 Composition, Appointment, Terms

(a) The capital improvements commission shall consist of eight members as follows: the mayor, a plan commission member, a member of the finance committee, two citizen members and ex officio, the city finance director/treasurer, city engineer and city planning director. The plan commission member, the member of the finance committee and the two citizen members shall be appointed by the mayor. The member of the finance committee shall be appointed annually. The citizen members and the plan commission member shall be appointed for terms of three years each. All appointments by the mayor are subject to the confirmation of the common council.

(b) In addition to the eight members as set forth in subsection (a) of this section, the common council annually, at its organizational meeting, shall elect two councilmembers to the capital improvements commission to serve for one year.

(Code 1975, § 2-321; Code 1997, § 2-661)

Sec 2-742 Organization

The mayor shall act as chairperson of the capital improvements commission, and the director of planning shall be ex officio secretary of the board.

(Code 1975, § 2-322; Code 1997, § 2-662)

Sec 2-743 Project Program

(a) The capital improvements commission shall make recommendations for formulating a coordinated program to the common council as to the importance, priority, costs and time of completion of all capital expenditure projects.

(b) The commission shall list the various improvements which should be made, setting forth their desirable order of construction based upon total community needs, their individual estimated cost, their total estimated cost, the effect of the individual and total cost upon total expenditures and tax rates and the period of years in which they should be carried.

(c) The program shall include a five-year program at all times and shall be subject to annual review.

(Code 1975, § 2-323; Code 1997, § 2-663)

DIVISION 2-V-7 SENIOR ACTIVITY CENTER COMMISSION

Sec 2-770 Composition
Sec 2-771 Appointment
Sec 2-772 Organization

Sec 2-770 Composition

The senior activity center commission shall consist of nine voting members, composed of eight citizen members and one councilmember. The director of senior services shall be a non-voting ex-officio member. A minimum of three of the citizen members shall be members of the Friends of the Senior Activity Center. The names of the citizen members shall be recommended to the mayor by the senior activity center commission and shall represent a cross section of the community. Final appointments shall be made by the mayor, subject to approval by the common council.

(Code 1997, § 2-726; Ord. No. 7-08-09, § 1, 6-2-2008; Ord. No. 7-10-11, § 1, 6-21-2010; Ord. No. 45-10-11, § 1, 12-20-2010; Ord. No. 39-16-17, § 9, 4-5-2017; Ord. No. 2-19-20, § 1, 5-6-2019)

Sec 2-771 Appointment

The citizen members of the senior activity center commission shall serve for a term of three years and may be reappointed for not more than one consecutive three-year term. After the second three-year term, the individual must remain off the commission for one year before being eligible for reappointment. The councilmember shall serve a one-year term, to expire at the end of the council year for which the councilmember was appointed. The mayor may reappoint the councilmember at the member's discretion, subject to council approval.

(Code 1997, § 2-727; Ord. No. 7-08-09, § 1, 6-2-2008; Ord. No. 7-10-11, § 2, 6-21-2010; Ord. No. 45-10-11, § 2, 12-20-2010; Ord. No. 39-16-17, § 10, 4-5-2017)

Sec 2-772 Organization

The senior activity center commission shall annually elect, at the May meeting, a chairperson, vice-chairperson and secretary, whose terms shall begin June 1.

(Code 1997, § 2-729; Ord. No. 7-08-09, § 1, 6-2-2008)

ARTICLE 2-VI PUBLIC RECORDS

Sec 2-798 State Law Adopted
Sec 2-799 Duty To Maintain Records
Sec 2-800 Legal Custodian
Sec 2-801 Public Access To Records
Sec 2-802 Access Procedures
Sec 2-803 Limitations On Right To Access
Sec 2-804 General City Records Retention/Disposition Schedule
Sec 2-805 Preservation Through Microfilm
Sec 2-806 Destruction After Open Records Request Or Litigation Commenced
Sec 2-807 Police Department Records Retention Schedule

Sec 2-798 State Law Adopted

The provisions of Wis. Stats. § 19.21 et seq., regarding public records and property management, are adopted by reference in this section as if fully set forth.

(Code 1997, § 2-836)

Sec 2-799 Duty To Maintain Records

(a) Except as provided under section 2-804, each officer and city employee shall safely keep and preserve all records received from their predecessor or other persons and required by law to be filed, deposited or kept in their office or which are in the lawful possession or control of the officer or employee or the officer or employee's deputies or to the possession or control of which they may be lawfully entitled as such officers or employees.

(b) Upon the expiration of an officer's term of office or an employee's term of employment or whenever the office or position of employment becomes vacant, each such officer or employee shall deliver to the officer or employee's successor all records then in the officer or employee's custody, and the successor shall deliver to the officer or employee's successor all records then in the officer or employee's custody and the successor shall receipt therefor to the officer or employee, who shall file the receipt with the city clerk. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to and receipted for by the clerk, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(Code 1975, § 32.5-2; Code 1997, § 2-837)

Sec 2-800 Legal Custodian

(a) Each elected official and city administrator of each department are the legal custodians of their records and the records of that office, but the official may designate an employee of the official's staff to act as the legal custodian.

(b) Unless otherwise prohibited by law, the city clerk shall act as legal custodian for the common council; the chairmen of any committees, commissions, boards or other authorities created by ordinance or resolution of the common council shall act as legal custodian therefor.

(c) For every authority not specified or covered in subsection (a) or (b) of this section, the city administrator is the legal custodian for the authority, but the officer may designate an employee of the officer's staff to act as the legal custodian.

(d) Each legal custodian shall name a person to act as legal custodian in the custodian's absence or the absence of the custodian's designee.

(e) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under subchapter 11 of chapter 19 (Wis. Stats. § 19.21 et seq.) and this section. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(Code 1975, § 32.5-3; Code 1997, § 2-838)

Sec 2-801 Public Access To Records

(a) Except as provided in section 2-803, any person has a right to inspect a record and to make or receive a copy of any record as provided in Wis. Stats. § 19.35(1).

(b) Records will be available for inspection and copying during all regular office hours.

(c) If regular office hours are not maintained at the location where records are kept, the records will be available for inspection and copying upon at least 48 hours' advance notice of intent to inspect or copy. Two consecutive hours per week shall be established during which access to the records will be permitted upon 24 hours' advance notice of intent to inspect or copy.

(d) A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy or abstract a record.

(e) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(f) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

(1) Unless otherwise specified in this Code, the cost of photocopying shall be set from time to time by the council. The cost shall be calculated not to exceed the actual, necessary and direct cost of reproduction.

(2) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(3) The actual full cost of providing a copy of other records not in printed form on paper, such as films, computer printouts and audiotapes or videotapes, shall be charged.

(4) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

(5) There shall be no charge for locating a record unless the actual cost therefor exceeds $50.00, in which case the actual cost shall be determined by the legal custodian and billed to the requester.

(6) The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to ensure payment if such estimate exceeds $5.00.

(7) City elected and appointed officials shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

(8) The legal custodian may provide copies of a record without charge or at a reduced charge where it is determined that waiver or reduction of the fee is in the public interest.

(g) Pursuant to Wis. Stats. § 19.34, and the guidelines therein listed, each authority shall adopt, prominently display and make available for inspection and copying at their offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian from whom, and the methods whereby the public may obtain information and access to records in custody, make requests for records, or obtain copies of records and the costs thereof. Each authority shall also prominently display at their offices, for the guidance of the public, a copy of Wis. Stats. §§ 19.31 through 19.39 and sections 2-801 through 2-803. This subsection does not apply to members of the common council.

(Code 1975, § 32.5-4; Code 1997, § 2-839)

Sec 2-802 Access Procedures

(a) A request to inspect or copy a public record shall be made to the legal custodian. A request shall be deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under Wis. Stats. § 19.37. Except as provided in subsection (c) of this section and in section 2-803, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. No request may be refused because the request is received by mail unless prepayment of a fee is required under section 2-801(f)(6). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(b) Each custodian, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor. If the legal custodian, after conferring with the city attorney, determines that a

written request is so general as to be unduly time-consuming, the party making the request may first be required to itemize the request in a manner which would permit reasonable compliance.

(c) A request for a record may be denied as provided in section 2-803. If a request is made orally, the request may be denied orally unless a demand for a written statement of the reasons denying the request is made by the requester within five business days of the oral denial. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. Every written denial of a request shall inform the requester that if the request for the record was made in writing, the determination is subject to review upon petition for a writ of mandamus under Wis. Stats. § 19.37(1) or upon application to the attorney general or a district attorney.

(Code 1975, § 32.5-5; Code 1997, § 2-840)

Sec 2-803 Limitations On Right To Access

(a) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this article:

(1) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law;

(2) Any record relating to investigative information obtained for law enforcement purposes if federal law or regulations require exemption from disclosure or if exemption from disclosure is a condition to receipt of aids by the state;

(3) Computer programs, although the material used as input for a computer program or the material produced as a product of the computer program is subject to inspection; and

(4) A record or any portion of a record containing information qualifying as a common law trade secret.

(b) As provided by Wis. Stats. § 43.30, public library circulation records are exempt from inspection under this article.

(c) In responding to a request for inspection or copying of a record which is not specifically exempt from disclosure, the legal custodian, after conferring with the city attorney, may deny the request, in whole or in part, only if the custodian determines that the harm to the public interest resulting from disclosure would outweigh the public interest in full access to the requested record. Examples of matters for which disclosure may be refused include, but are not limited to, the following:

(1) Records obtained under official pledges of confidentiality which were

necessary and given in order to obtain the information contained in them.

(2) Records of current deliberations after a quasi-judicial hearing.

(3) Records of current deliberations concerning employment, dismissal, promotion, demotion, compensation, performance or discipline of any city officer or employee or the investigation of charges against a city officer or employee, unless such officer or employee consents to such disclosure.

(4) Records concerning current strategy for crime detection or prevention.

(5) Records of current deliberations or negotiations on the purchase of city property, investing of city funds or other city business whenever competitive or bargaining reasons require nondisclosure.

(6) Financial, medical, social or personal histories or disciplinary data of specific persons which, if disclosed, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such history or data.

(7) Communications between legal counsel for the city and any officer, agent or city employee, when advice is being rendered concerning strategy with respect to current litigation in which the city or any of its officers, agents or employees is or is likely to become involved or communications which are privileged under Wis. Stats. § 905.03.

(d) If a record contains information that may be made public and information that may not be made public, the custodian of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release. The custodian shall confer with the city attorney prior to releasing any such record and shall follow the guidance of the city attorney when separating out the exempt material. If, in the judgment of the custodian and the city attorney, there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

(Code 1975, § 32.5-6; Code 1997, § 2-841)

Sec 2-804 General City Records Retention/Disposition Schedule

(a) The purpose of this section is to establish a general city records retention/disposition schedule and authorize destruction of city records pursuant to the schedule. Records custodians may destroy a record prior to the time set forth in this schedule only if such record has been photographically reproduced as an original record or converted to optical disk format pursuant to Wis. Stats. § 16.61(7).

(b) Where indicated in the records retention schedule, the state public records board

has waived the required statutory 60-day notice for city records; therefore, for those records, notification to the state historical society is not required prior to destruction.

(c) The general city records retention/disposition schedule, as approved by the state public forms board on December 6, 2011, is hereby adopted, a copy of which is on file in the city clerk's office and made a part hereof by reference as though fully set forth herein.

(d) Destruction of records pursuant to the approved retention/disposition schedule is contingent upon the restrictions to record destruction contained in Wis. Stats. § 19.35(5), (Open Records Law), and that no records shall be destroyed if litigation or audit involving those records has commenced.

(Code 1975, § 32.5-7; Code 1997, § 2-842; Ord. No. 17-01-02, §§ 1, 2, 7-16-2001; Ord. No. 60-11-12, § 1, 12-19-2011)

Sec 2-805 Preservation Through Microfilm

Any city officer or the director of any department or division of city government may, subject to the approval of the common council, keep and preserve public records in their possession by means of microfilm or other photographic reproduction method. Such records shall meet the standards for photographic reproduction set forth in Wis. Stats. § 16.61(7)(a) and (b) and shall be considered original records for all purposes. Such records shall be preserved along with other files of the department or division and shall be open to public inspection and copying according to the provisions of state law and sections 2-801 through 2-803.

(Code 1975, § 32.5-8; Code 1997, § 2-843)

Sec 2-806 Destruction After Open Records Request Or Litigation Commenced

(a) No public record requested pursuant to the state open records law may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Wis. Stats. § 19.37, the requested record may not be destroyed until a court order is issued and all appeals have been completed.

(b) No record subject to pending litigation shall be destroyed until the litigation has been resolved.

(Code 1975, § 32.5-10; Code 1997, § 2-844)

Sec 2-807 Police Department Records Retention Schedule

(a) The purpose of this section is to establish a police department record retention schedule and authorize destruction of police department records pursuant to the

schedule on an annual basis. Records custodians may destroy a record prior to the time set forth in this schedule only if such a record has been photographically reproduced as an original record or converted to optical disk format pursuant to Wis. Stats. § 16.61(7).

(b) The state historical society (SHSW) has waived the required statutory 60-day notice for the police department's records contained in this records retention schedule; therefore, notification to the SHSW is not required prior to destruction of same.

(c) The police department records retention schedule, as approved by the state public records board on November 16, 2009, is hereby adopted, a copy of which is on file in the city clerk's office and made a part hereof by reference as though fully set forth herein.

(Code 1997, § 2-845; Ord. No. 85-99-00, § 1, 1-17-2000; Ord. No. 34-03-04, § 1, 10-6-2003; Ord. No. 62-04-05, § 1, 3-17-2005; Ord. No. 37-06-07, § 1, 10-2-2006; Ord. No. 83-07-08, § 1, 2-4-2008; Ord. No. 63-08-09, § 1, 10-20-2008; Ord. No. 7-09-10, § 1, 7-6-2009; Ord. No. 56-09-10, § 1, 2-15-2010)

ARTICLE 2-VII BUDGET AND FINANCE

DIVISION 2-VII-1 BUDGET AND FINANCE GENERALLY
DIVISION 2-VII-2 BUDGET
DIVISION 2-VII-3 FINANCE DEPARTMENT
DIVISION 2-VII-4 CLAIMS

State law references—Fiscal year generally, Wis. Stats. § 62.12; budgets generally, Wis. Stats. § 65.01 et seq.

DIVISION 2-VII-1 BUDGET AND FINANCE GENERALLY

Sec 2-838 Disposition Of Receipts Generally
Sec 2-839 Payments For Licenses, Permits; Appeal; Interpretive Rules
Sec 2-840 Petty Cash Funds
Sec 2-841 Special Assessments; Payment In Installments
Sec 2-842 Payment Of Taxes By City

Sec 2-838 Disposition Of Receipts Generally

All receipts and earnings of all city departments in addition to those specifically mentioned in section 2-839 shall be remitted to the finance director/treasurer at least weekly.

(Code 1975, § 2-2; Code 1997, § 2-871)

Sec 2-839 Payments For Licenses, Permits; Appeal; Interpretive Rules

(a) The applicant shall make all payments for licenses and permits issued by the city clerk's office directly to the finance director/treasurer.

(b) The payment of all personal property taxes, special assessments, special charges, taxes imposed pursuant to chapter 50, all forfeitures or judgments resulting from conviction for violation of any provision of this Code and all other judgments due and owing from the applicant to the city at the time of the application for any license or permit provided for in this Code and any of such relating to the property or business previously licensed if the new license is granted consequent or conditionally upon the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or of the ownership or control of a corporation is a condition precedent to the granting of such license or permit, except as provided in this section.

(c) A person denied a license or permit by the operation of this section may request a review of the denial to the city attorney by filing, in writing, a request for a review setting forth the grounds for the review. The city clerk shall grant the permit, notwithstanding the terms of this section, if the city attorney determines that:

(1) The license or permit applied for is required by the city in order to perform a task that the applicant has been lawfully ordered to perform by the city or another governmental unit, or which failure to perform is a violation of an ordinance or statute;

(2) The applicant shows financial inability to pay the full amount owed to the city;

(3) The applicant acknowledges the debt owed to the city and enters into a payment plan agreeable to both parties; and

(4) The granting of the license or permit would be in the best interests of the city.

(d) Except as otherwise provided in this section, the clerk shall issue no license or permit until the finance director/treasurer has certified on the application that all required payments have been made. Any license or permit issued improperly is null and void.

(Code 1975, § 2-4(a); Code 1997, § 2-872; Ord. No. 55-04-05, § 1, 2-21-2005)

Sec 2-840 Petty Cash Funds

(a) Petty cash funds for small or emergency expenditures shall be established in the following departments in the indicated amounts:

(1) Library board: $434.00.

(2) Building inspection: $150.00.

(3) Fire department: $50.00.

(4) Police department: $525.00.

(5) Municipal court: $100.00.

(6) Sheboygan Transit: $500.00.

(7) City clerk: $100.00.

(b) The amount of the finance director/treasurer's petty cash fund shall be $2,500.00, and no salary, wage advance or loans shall be made from this account.

(Code 1975, § 2-3; Code 1997, § 2-873; Ord. No. 32-98-99, § 1, 7-20-1998; Ord. No. 67-06-07, §§ 1, 2, 1-15-2007; Ord. No. 11-07-08, § 1, 6-4-2007; Ord. No. 31-09-10, § 1, 1-18-2010; Ord. No. 35-11-12, § 1, 10-17-2011; Ord. No. 46-12-13, § 1, 1-21-2013; Ord. No. 5-15-16, § 1, 6-15-2015; Ord. No. 54-15-16, § 1, 4-18-2016; Ord. No. 54-15-16, § 1, 4-18-2016)

Sec 2-841 Special Assessments; Payment In Installments

(a) Whenever any special assessments shall be levied to defray the cost of any public improvement, such expenses in excess of $100.00 may be paid in five annual installments, ten annual installments if the expenses exceed $5,000.00 for a single parcel of property, or if the expenses are incurred in the initial development of an approved planned residential development under a conditional use permit, the expenses so incurred may be paid in ten annual installments regardless of dollar amount.

(b) The first installment shall include a proportionate part of the principal of the special assessment, determined by the number of installments, together with interest on the whole assessment at the rate in effect at the time the assessment is levied. The interest rate shall be determined by the finance director/treasurer at the beginning of each calendar year using the percentage rate of the city's most recent general obligation borrowing. The interest shall be computed from a date, not before the date of the installment assessment notice under Wis. Stats. § 66.0715(3)(e), and to that date, not later than December 31, in the year in which the installment is to be collected. Each subsequent installment shall include the same proportion of the principal and one year's interest on the unpaid portion of the assessment at the same rate as the first installment.

(c) The first installment shall be entered in the first tax roll prepared after the installments shall have been determined as a special tax on the property upon which the special assessment was levied and shall be treated in all respects as any other municipal tax. Each subsequent installment shall be entered in each of the subsequent annual tax rolls until all installments are levied.

(d) If any installment so entered in the tax roll shall not be paid to the finance

director/treasurer with the other taxes, it shall be returned to the county as delinquent and accepted and collected by the county in the same manner as delinquent general taxes on real estate.

(Code 1997, § 2-874; Ord. No. 86-08-09, § 1, 4-20-2009; Ord. No. 35-10-11, § 1, 10-18-2010)

Sec 2-842 Payment Of Taxes By City

In lieu of the bond required pursuant to Wis. Stats. § 70.67(1), and in accordance with Wis. Stats. § 70.67(2), the common council of the city hereby obligates the city to pay, in case the finance director/treasurer shall fail to do so, all taxes of any kind required by law to be paid by such finance director/treasurer to the county treasurer.

(Code 1997, § 2-875; Ord. No. 50-09-10, § 1, 1-18-2010)

DIVISION 2-VII-2 BUDGET

Sec 2-863 Goals And Objectives
Sec 2-864 Preliminary Budget
Sec 2-865 Departmental Estimates Consideration; Standing Committee Review
Sec 2-866 Executive Budget
Sec 2-867 Proposed Budget Review, Public Hearing, Amendment, Adoption
Sec 2-868 Transfers Of Unencumbered Appropriation After Adoption
Sec 2-869 Surplus

State law reference—Municipal budgets generally, Wis. Stats. § 65.90.

Sec 2-863 Goals And Objectives

On or before the date established each year by the common council, the finance and personnel city committee shall meet with the city administrator to project goals and objectives to be included in the ensuing budget year.

(Code 1975, § 2-388; Code 1997, § 2-901; Ord. No. 9-09-10, § 1, 8-17-2009; Ord. No. 35-12-13, § 1, 11-5-2012; Ord. No. 39-16-17, § 14, 4-5-2017)

Sec 2-864 Preliminary Budget

(a) *Departmental estimates filed with the city administrator*. On or before the date established each year by the common council, each department or board shall file with the city administrator an itemized statement of disbursements made to carry out the powers and duties of such department or board during the preceding fiscal year, and a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such department or board during such year, also, detailed estimates of the same matters for the

current fiscal year and for the ensuing fiscal year. Such statements shall be presented in the form prescribed by the city administrator and shall be designated as the departmental estimates.

(b) *Audit; submission of preliminary budget*. The city administrator shall audit the departmental requests for current established policy and submit a preliminary budget prepared pursuant to Wis. Stats. § 65.90 to the finance committee on or before the date established each year by the common council.

(Code 1975, § 2-389; Code 1997, § 2-902; Ord. No. 9-09-10, §§ 2, 3, 8-17-2009; Ord. No. 35-12-13, §§ 2, 3, 11-5-2012)

State law reference—Local government audits generally, Wis. Stats. § 66.0605.

Sec 2-865 Departmental Estimates Consideration; Standing Committee Review

The city administrator, together with the appropriate standing committee chairperson, at the administrator's option shall consider such departmental estimates as provided in section 2-864 in consultation with the department head and shall then determine the total amount to be recommended in the budget for such department or activity. Such recommendation shall be submitted to the appropriate standing committee for review.

(Code 1975, § 2-390; Code 1997, § 2-903; Ord. No. 35-12-13, § 4, 11-5-2012)

Sec 2-866 Executive Budget

On or before the date established each year by the common council, the city administrator shall prepare and submit to the council a proposed budget presenting a financial plan for conducting city affairs for the ensuing fiscal year. Such budget shall include the following information:

(a) The expenses of conducting each department and activity of the city for the ensuing fiscal year and corresponding items for the current year and last preceding fiscal year, with reasons for increases or decreases recommended as compared with appropriations for the current year.

(b) An itemization of all anticipated income of the city, as required by Wis. Stats. § 65.90(2) and as recommended by the committee on finance.

(c) An estimate of the amount of money to be raised from general property taxes which, with income from other sources, will be necessary to meet the proposed expenditures.

(d) Such other information as may be required by the council and by state law.

(Code 1975, § 2-391; Code 1997, § 2-904; Ord. No. 62-08-09, § 1, 10-20-2008; Ord. No. 9-09-10, § 4, 8-17-2009; Ord. No. 35-12-13, §§ 5, 6, 11-5-2012)

Sec 2-867 Proposed Budget Review, Public Hearing, Amendment, Adoption

Upon completion of the review of the proposed budget by the standing committees, the committee on finance shall submit to the council a budget resolution providing a summary budget less anticipated revenues and a tax levy for the ensuing year. After submission of the proposed budget resolution to the council, it shall hold a public hearing as required by Wis. Stats. § 65.90. Following the public hearing the proposed budget may be changed as amended and shall then be adopted at a regular or special meeting of the council.

(Code 1975, § 2-392; Code 1997, § 2-905; Ord. No. 35-12-13, § 7, 11-5-2012)

Sec 2-868 Transfers Of Unencumbered Appropriation After Adoption

The council may at any time, after the budget has been adopted, by a two-thirds vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within ten days thereafter in the official newspaper.

(Code 1975, § 2-393; Code 1997, § 2-906)

Sec 2-869 Surplus

No money shall be drawn from city treasury nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation resolution or of such resolution when changed as authorized by section 2-868. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and may be subject to reappropriation; but appropriations may be made by the council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(Code 1975, § 2-394; Code 1997, § 2-907)

DIVISION 2-VII-3 FINANCE DEPARTMENT

Sec 2-887 Establishment
Sec 2-888 Finance Director/Treasurer
Sec 2-889 Contracts For Tax Incremental Financing

Sec 2-887 Establishment

There is established a department of finance, which shall be charged with the duties devolved upon the city finance director/treasurer as provided by state statutes and the ordinances and resolutions by the city.

(Code 1975, § 2-200; Code 1997, § 2-936)

Sec 2-888 Finance Director/Treasurer

(a) *Appointment*. The finance director/treasurer shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

(b) *Duties and authority*. The finance director/treasurer shall be:

(1) The administrative head of the finance department and as such shall supervise the work of all the officers and employees thereof for the effective and efficient operation of the department and the city's fiscal affairs.

(2) The finance director/treasurer shall perform the duties and shall have the authority and powers prescribed by the common council and prescribed by state statute for the treasurer.

(3) Responsible for reports required by state statutes and such others as may be required by law and the common council.

(Code 1975, § 2-201; Code 1997, § 2-937; Ord. No. 61-12-13, § 1, 4-15-2013; Ord. No. 39-16-17, § 15, 4-5-2017; Ord. No. 41-20-21, § 2, 4-7-2021)

Sec 2-889 Contracts For Tax Incremental Financing

No contract for tax incremental financing district projects or change orders to such contracts shall be executed on the part of the city until the city administrator shall have countersigned the contract of change order and made an endorsement thereon, showing that sufficient funds are in the treasury to meet the expense thereof, or that provision has been made to pay the liability that will accrue thereunder.

(Code 1975, § 2-202; Code 1997, § 2-938; Ord. No. 41-20-21, § 4, 4-7-2021)

DIVISION 2-VII-4 CLAIMS

Sec 2-912 Approval
Sec 2-913 Accounts Receivable

State law reference—Alternative system of approving claims, with exceptions, authorized, Wis. Stats. § 66.0609.

Sec 2-912 Approval

(a) An alternative system of approving financial claims against the municipal

treasury, other than claims subject to Wis. Stats. § 893.80, is established under Wis. Stats. § 66.0609. Payments may be made from the city treasury after the city administrator audits and approves each claim as a proper charge against the treasury and endorses the administrator's approval on the claim having determined that the following conditions have been complied with:

(1) Funds are available therefor pursuant to the budget approved by the common council.

(2) The item or service covered by such claim has been duly authorized by the proper official, department head or board or commission.

(3) The item or service has been actually supplied or rendered in conformity with such authorization.

(4) The claim is just and valid pursuant to law.

(5) The city administrator may require the submission of such proof and evidence to support the conditions as, in the administrator's discretion, the administrator may deem necessary.

(b) The city administrator shall file with the common council, not less than monthly, a list of the claims approved, showing the date paid, the name of the claimant, the purpose and the amount.

(c) The common council shall authorize an annual detailed audit of its financial transactions and accounts by the department of revenue pursuant to Wis. Stats. § 73.10 or by a public accountant licensed under Wis. Stats. ch. 442, the designation to be made by the common council.

(d) Such system shall be operative only if the city administrator is covered by a fidelity bond of not less than $20,000.00.

(e) With the adoption of this section, the claim procedure required by Wis. Stats. §§ 61.25(6), 61.51, 62.09(10), 62.11, and 62.12, and other relevant provisions, except Wis. Stats. § 893.80, is not applicable.

(Code 1975, § 2-163; Code 1997, § 2-966; Ord. No. 66-00-01, § 7, 10-2-2000; Ord. No. 41-20-21, § 5, 4-7-2021)

Sec 2-913 Accounts Receivable

(a) *Due date*. Unless otherwise provided by law, ordinance or contract, all receivables that are due and owing to the city shall be payable in full within 30 days from the date of invoicing. Unless otherwise provided by law, ordinance or contract, any amounts remaining unpaid after 30 days shall bear interest at the rate of 12 percent per annum on the unpaid balance beginning 30 days after date of invoicing.

(b) *Alleged errors in amounts claimed due*. Alleged errors in amounts claimed to be due the city may be appealed to a committee comprised of the assessor, the finance director/treasurer and the city attorney or their designees. The committee shall have no authority to review any matter for which a review or appeal procedure has been provided by statute or other provision of this Code. Within five days of being informed of any amount claimed due, the person seeking review shall pay the amount claimed and file a written notice of appeal with the clerk, stating the basis for the appeal and specifying the alleged error. Upon the certification of payment by the finance director/treasurer, the clerk may issue the license or permit if the applicant is otherwise qualified and has met all other requirements for issuance of the license or permit. As soon as practicable, the committee established in this subsection shall hold a hearing, at which the person shall have the right to present evidence to substantiate the claimed error, call witnesses in the person's behalf, cross examine witnesses and may be represented by legal counsel. After holding the hearing, the committee shall, by majority vote, make findings of fact and conclusions and shall correct any established errors. Any amount improperly required paid shall be refunded promptly, together with interest at the rate of 12 percent per annum from the date the amount was paid to the city to the date of refund.

(c) *Interpretive rules*. Interested persons who are directly affected by any city licensing ordinance may petition the common council for the adoption of an interpretive rule. Such petition shall be referred to and placed on the agenda of the appropriate standing committee of the council for review.

(Code 1975, §§ 2-4(b), (c), 2-164; Code 1997, § 2-967)

ARTICLE 2-VIII ELECTIONS

Sec 2-945 Elected Officials Enumerated
Sec 2-946 Inspectors
Sec 2-947 Board Of Canvassers

Sec 2-945 Elected Officials Enumerated

The elective officials of the city shall be a mayor, one alderperson from each district, a city clerk, and the city attorney. Every elective official shall hold office until the successor is elected and qualifies.

(Code 1975, § 2-148; Code 2007, § 38-1; Ord. No. 144-98-99, § 1, 4-7-1999; Ord. No. 1-15-16, 11-16-2015)

Sec 2-946 Inspectors

(a) *Qualifications*. At every election held in the city, there shall be at each voting poll in the city seven inspectors, each of whom shall be a qualified elector in the ward for which the polling place is established, except when necessary to fill a

vacancy, and shall not be a candidate to be voted for at such election, and the city shall allow for the selection of two or more sets of inspectors to work at different times on election day, and shall permit the city clerk or designee to establish different working hours for different inspectors assigned at the same polling place.

(b) *Appointment and term*. The election inspectors shall be chosen in accordance with Wis. Stats. § 7.30. The persons so appointed shall hold their offices for two years and until their successors are appointed and qualified and shall act as such officers at every election held in their wards during their terms of office.

(c) *Chief inspector*. Prior to the first election following their appointment, the inspectors at each polling place shall elect one of their number to act as chief inspector, who shall hold the position for the remainder of the term.

(d) *Change of election official numbers*. Notwithstanding subsection (a) of this section, the city clerk shall have the authority to determine the number of election inspectors to adequately staff each election and to reduce the number of election inspectors to an odd number of not less than three per voting poll at any given election held within the city.

(Code 1975, § 2-160; Code 2007, § 38-31; Ord. No. 37-02-03, § 1, 9-16-2002; Ord. No. 73-02-03, § 1, 3-3-2003)

Sec 2-947 Board Of Canvassers

(a) A municipal board of canvassers, established pursuant to Wis. Stats. § 7.53(2)(a), shall be appointed to canvass publicly the returns of every local election. The municipal board of canvassers shall be composed of the city clerk and two other qualified electors appointed by the clerk prior to the date of the election being canvassed.

(b) The members of the board of canvassers shall serve for two-year terms commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.

(c) If the clerk's office is vacant, if the clerk cannot perform the duties of the office or if the clerk is a candidate at an election being canvassed, the mayor shall designate another qualified elector of the city to serve in lieu of the clerk for that election. If any other member of the board of canvassers is a candidate at the election being canvassed, the clerk shall appoint another qualified elector of the city to temporarily fill the vacancy.

(Code 1975, § 2-160.5; Code 2007, § 38-32)

CHAPTER 4 ALCOHOL BEVERAGES

ARTICLE 4-I ALCOHOL BEVERAGES IN GENERAL
ARTICLE 4-II LICENSES
ARTICLE 4-III FERMENTED MALT BEVERAGES
ARTICLE 4-IV INTOXICATING LIQUOR
ARTICLE 4-V NONINTOXICATING LIQUOR LICENSE

State law reference—Municipal regulation generally, Wis. Stats. § 125.10.

ARTICLE 4-I ALCOHOL BEVERAGES IN GENERAL

Sec 4-1 State Statutes Adopted
Sec 4-2 Free Meals Prohibited, Exceptions, Penalties
Sec 4-3 Health Regulations
Sec 4-4 Violations Of Chapter For Which Specific Penalties Not Provided; Forfeitures

Sec 4-1 State Statutes Adopted

The provisions of Wis. Stats. § 125.01 et seq., defining and regulating the sale, procurement, dispensing and transfer of beverages, including the penalty provisions therein, except the fees and those penalties which impose a fine or term of imprisonment, are hereby adopted and, by reference, made part of this Code. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure statewide regulation of licensing and sale of alcohol beverages.

(Code 1975, § 4-1; Code 1997, § 10-1)

Sec 4-2 Free Meals Prohibited, Exceptions, Penalties

No person holding a license to sell alcohol beverages may give away or permit to be given away any meals, except popcorn, cheese, crackers, pretzels, sausage, fish, bread and butter on the licensed premises. Any person who violates this section shall be subject to a forfeiture of not less than $50.00 nor more than $100.00, plus costs and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs have been paid, but not to exceed 30 days.

(Code 1975, § 4-16; Code 1997, § 10-5)

Sec 4-3 Health Regulations

Each licensed premises under this chapter shall be maintained in a sanitary manner and shall be a safe and proper place for the purpose for which used. The common council may make reasonable rules for the sanitation of all places of business possessing

licenses under this section. Such rules and regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations shall have the same force as though specifically set forth in this chapter, and any infraction may be punished as a violation of this chapter.

(Code 1975, § 4-4; Code 1997, § 10-32)

Sec 4-4 Violations Of Chapter For Which Specific Penalties Not Provided; Forfeitures

(a) Any person who violates any provision of this chapter for which a specific penalty is not provided shall be subject to a forfeiture of not less than $50.00 nor more than $500.00, plus costs, and, in default of payment, to imprisonment in the county jail until such forfeiture has been paid, but not to exceed 90 days.

(b) Any person under 18 years of age who violates any provision of this chapter for which a specific penalty is not provided shall be subject to a forfeiture of not more than $25.00, except that disposition in proceedings against a person under 18 years of age on the date of disposition shall be as provided in Wis. Stats. § 125.07.

(Code 1975, § 4-18; Code 1997, § 10-7)

ARTICLE 4-II LICENSES

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Sec 4-27 General Licensing Requirements

No license may be issued to any person except as provided in Wis. Stats. § 125.01 et seq., and such license shall be in conformance with the following provisions:

(a) All applications for licenses to sell alcohol beverages, except licenses issued

under section 4-72(h) for picnics or similar gatherings, shall be filed with the city clerk at least 15 days prior to the granting of a license.

(b) At the time an application to sell intoxicating liquor is filed with the city clerk, the applicant shall pay to the clerk the cost of publication as determined under Wis. Stats. § 985.08.

(c) Applications for licenses to sell alcohol beverages shall be made in writing on the form prescribed by law and shall be sworn to by the applicant as provided in Wis. Stats. § 887.01.

(d) Within ten days of any change in any fact set out in an application for a license to sell alcohol beverages, the licensee shall file with the city a written description of the changed fact.

(e) No person may sell, manufacture, rectify, brew or engage in any other activity for which this article provides a license, permit or other type of authorization without holding the appropriate license, permit or authorization issued under this article.

(f) No license shall be granted for operation on any premises or with any equipment upon which taxes or assessments or other financial claims of the city are delinquent and unpaid.

(g) The city clerk shall submit all applications for licenses under this article to the common council, except as provided for in sections 4-36(a), (d), and (e)(1), and 10-72(h).

(h) Opportunity shall be given by the common council or the proper committee thereof to any person to be heard for or against the granting of any license under this article. Upon the approval of the application by the common council, the city clerk shall, upon the filing by the applicant of a receipt showing the payment of the required licensee fee to the city finance director/treasurer, issue to the applicant a license. Each license shall be numbered in the order in which issued and shall specifically state the premises for which issued, the date of issuance, the fee paid and the name of the licensee.

(i) Every license issued pursuant to this article shall be posted, while in force, in a conspicuous place in the room or place where alcohol beverages are sold. No person shall post any license or be permitted to post the same upon premises other than those mentioned in the application or shall knowingly deface or destroy a license or permit or remove the license or permit without the consent of the licensee.

(j) Whenever a license issued under the provisions of this article shall be lost or destroyed without fault on the part of the holder, a duplicate in lieu thereof, under the original application, shall be issued by the city clerk, upon satisfactory verification of that fact, on the payment of a fee of $10.00.

(Code 1975, § 4-2; Code 1997, § 10-31; Ord. No. 7-21-22, § 1, 6-7-2021)

Sec 4-28 Qualifications For Licenses And Permits

(a) *Natural persons*. Licenses and permits related to alcohol beverages, issued to natural persons under this article, may be issued only to persons who fulfill all of the following requirements:

(1) Do not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335.

(2) Have been residents of the state continuously for at least 90 days prior to the date of application.

(3) Have attained the legal drinking age.

(4) Have submitted proof under Wis. Stats. § 77.61(11).

(5) Have successfully completed within the two years prior to the date of application a responsible beverage server training course at any location that is offered by a vocational, technical and adult education (technical college) district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education (technical college system board) or a comparable training course that is approved by the department or the educational approval board. This subdivision does not apply to an applicant who held, or who was an agent appointed and approved under Wis. Stats. § 125.04(6), of a corporation or limited liability company that held, within the past two years, a Class "A," "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.

(b) *Criminal offenders*. No license or permit related to alcohol beverages may, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335, be issued under this article to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

(c) *Corporations and limited liability companies*. No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under subsections (a)(1) and (4) and (b) of this section, unless the agent of the entity appointed under Wis. Stats. § 125.04(6), and the officers and directors, or members or managers, of the entity meet the qualifications of subsections (a)(1) and (3) and (b) of this section, and unless the agent of the entity appointed under Wis. Stats. § 125.04(6), meets the qualifications under subsections (a)(2) and (5) of this section. The requirement that the entity meet the qualifications under subsections (a)(1) and (b) of this section does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(d) *Operators' and managers' licenses*. Subsection (a)(2) of this section does not apply to applicants for operators' licenses issued under Wis. Stats. § 125.17 or to

applicants for managers' licenses issued under Wis. Stats. § 125.18. Managers' licenses may be issued only to applicants who are residents of the state at the time of issuance. Subsection (a)(3) of this section does not apply to applicants for operators' licenses under Wis. Stats. § 125.17. Operators' licenses may be issued only to applicants who have attained 18 years of age. Subsection (a)(4) and (5) of this section does not apply to any of the following:

(1) Applicants for operators' licenses under Wis. Stats. § 125.17.

(2) Applicants for managers' licenses under Wis. Stats. § 125.18.

(3) Applicants for temporary Class "B" licenses under Wis. Stats. § 125.26(6) who are not required to hold a seller's permit under Wis. Stats. ch. 77, subch. III.

(4) Applicants for temporary "Class B" licenses under Wis. Stats. § 125.51(10) who are not required to hold a seller's permit under Wis. Stats. ch. 77, subch. III.

(Code 1975, § 4-5; Code 1997, § 10-33)

State law reference—Similar provisions, Wis. Stats. § 125.04(5).

Sec 4-29 Managers' Licenses

The city hereby elects not to issue managers' licenses described in Wis. Stats. § 125.18.

(Code 1975, § 4-22; Code 1997, § 10-34)

Sec 4-30 Retail Licenses

(a) No member of the common council may sell or offer to sell to any person holding or applying for a license any bond, material, product or thing which may be used by the licensee in carrying on the business subject to licensure under this article.

(b) The common council shall meet no later than May 15 of each year and be in session from day-to-day thereafter so long as may be necessary, for the purpose of acting upon license applications filed with it on or before April 15 for such applications under this article. The common council shall grant, issue or deny each application not later than June 15 for the ensuing license year. Licenses may be granted for issuance at a later date when the applicant has complied with all requirements for the issuance of the license. The common council may accept and act upon any application filed at any other time. The common council may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in its clerk's minutes.

(Code 1975, § 4-3; Code 1997, § 10-35)

Sec 4-31 Licenses Not Valid Until Fees Paid

No license for the sale of alcohol beverages may be delivered to the applicant until the applicant files with the city clerk a receipt showing payment of the license fee to the city finance director/treasurer. No applicant shall be required to pay the license fee more than 15 days prior to the date the license is to be issued, except that, applicants for a Class "A," Class "B," "Class A," "Class B" or "Class C" license, except temporary Class "B" licenses under section 4-72(h), shall pay the cost of the required publication fees at the time the application is filed.

(Code 1975, § 4-6; Code 1997, § 10-36; Ord. No. 89-99-00, § 1, 1-7-2000)

Sec 4-32 Expiration Dates

Licenses to sell alcohol beverages shall expire on June 30 of each year.

(Code 1975, § 4-7; Code 1997, § 10-37)

Sec 4-33 Transfer Of Licenses And Permits

(a) *From place to place*. Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under Wis. Stats. § 125.19, a winery permit under Wis. Stats. § 125.53 or an intoxicating liquor wholesaler's permit under Wis. Stats. § 125.54 may be transferred to another premises within the state. Transfers shall be made by the issuing authority upon payment of a fee of $10.00. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year.

(b) *From person to person*. Licenses to sell alcohol beverages may be transferred to persons other than the licensee if the licensee, or an applicant for a subsequently granted license, dies, becomes bankrupt or makes an assignment for the benefit of creditors during the license year or after filing the application. If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse may hold a license under section 4-28 and complies with all of the requirements under this article applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place. Upon the happening of any of the events under this subsection, the personal representative, the surviving spouse if a personal representative is not appointed, the trustee or the receiver may continue or sell or assign the business. If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if the successor:

    (1) Complies with the requirements applicable to original applicants; and

(2) Is acceptable to the issuing authority and consent to the transfer is given by the issuing authority.

(Code 1975, § 4-8; Code 1997, § 10-38)

Sec 4-34 Revocations Or Suspensions--Institution Of Proceedings

Proceedings for the revocation or suspension of any license issued in accordance with this article shall be instituted in the manner and under the procedure established by Wis. Stats. § 125.12; and the provisions therein relating to granting a new license shall likewise be applicable.

(Code 1975, § 4-19; Code 1997, § 10-39)

Sec 4-35 Revocations Or Suspensions--Reporting To State Department Of Revenue

Whenever the common council revokes or suspends a license for violation of this article, the city clerk shall, within ten days after the revocation or suspension, mail a report to the state department of revenue at Madison, Wisconsin, giving the name of the licensee, the address of the licensed premises and a full description of the reasons for revocation or suspension.

(Code 1975, § 4-20; Code 1997, § 10-40)

Sec 4-36 Operators' Licenses

(a) The city clerk shall submit all applications for licenses under this article to the common council, except as provided for in subsections (a), (d), and (e)(1) of this section, and section 4-72(h).

(b) Operators' licenses issued under this section are valid only within the city.

(c) *Operator's license fee*.

(1) Except as provided in subsection (c)(2) of this section, the fee for an operator's license shall be $57.00, which shall include the city clerk's cost of producing the wallet size license card with photo and running a background check. The license card shall be carried by the licensee when engaged as a beverage operator and shall be produced upon demand by any police officer. Operators' licenses shall be valid for two years and shall expire on the second succeeding June 30.

(2) The fee for a restricted operator's license for a member of a club holding a retail "Class B" club license under section 4-105, valid only upon the club premises, shall be $25.00.

(d) *Temporary license*. The city clerk shall issue temporary operators' licenses under the terms of subsections (a) and (b) of this section, except:

(1) This license may be issued only to operators employed by or donating their services to nonprofit corporations.

(2) No person may hold more than one temporary operator's license per year.

(3) The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

(4) The fee for a temporary operator's license shall be $15.00, which shall be nonrefundable and shall not apply toward any other operator's license under this section.

(5) Notwithstanding subsection (c) of this section, the procedure for licenses issued in accordance with this section for temporary operators' licenses shall be as follows: Upon application therefor, the city clerk shall submit such application to the common council. If the common council deems referral appropriate, the application shall be submitted to the license committee for further review. In all other cases, the common council may act to grant or deny issuance of such licenses. In situations where the temporary operator's license application is filed and time does not permit review by the common council, the city clerk shall have the authority to grant or deny the issuance of such license; provided, however, that in such case the license fee shall be $25.00, which shall be nonrefundable and shall not apply toward any other operator's license under this section.

(e) Provisional licenses shall be issued according to the following:

(1) The city clerk is authorized to issue a provisional operator's license to a person who has submitted an initial application for an operator's license under subsection (a) of this section, provided that, based upon the information contained in the application, the person meets the qualifications in section 4-28 for issuance of licenses relating to alcohol beverages, and provided further that the person has not previously been denied an operator's license by the city.

(2) The fee for a provisional operator's license shall be $15.00 which shall be nonrefundable and shall not apply toward any other operator's license under this section.

(3) A provisional operator's license shall expire 60 days after its issuance or when a license under subsection (a) of this section is issued to the holder, whichever is sooner.

(4) The city clerk may revoke the provisional license if it is discovered that the holder of the license made a false statement on the application.

(f) A training course shall be completed by the applicant as follows:

(1) Except as provided in subsection (f)(2) of this section, the city shall not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a vocational, technical and adult education district and that conforms to curriculum guidelines specified by the state board of vocational, technical and adult education, or a comparable training course that is approved by the state educational approval board or unless the applicant fulfills one of the following requirements:

a. The person is renewing an operator's license;

b. Within the past two years, the person held a Class "A," "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license;

c. Within the past two years, the person has completed such a training course.

(2) The city clerk shall issue a provisional operator's license to a person who is enrolled in a training course under subsection (f)(1) of this section and who meets the standards established in subsection (e)(1) of this section for issuance of a provisional operator's license and pays the fee established in subsection (e)(2) of this section. The city clerk shall revoke that license if the applicant fails successfully to complete the course in which enrolled.

(3) The city may require applicants to purchase at cost materials that deal with relevant local subjects not covered in the course under subsection (f)(1) of this section.

(Code 1975, § 4-21; Code 1997, § 10-41; Ord. No. 55-99-00, § 1, 11-15-1999; Ord. No. 89-99-00, § 2, 1-7-2000; Ord. No. 71-00-01, § 1, 12-18-2000; Ord. No. 83-00-01, § 1, 2-5-2001; Ord. No. 7-21-22, § 2, 6-7-2021)

Sec 4-37 Refusal To Issue New License

Whenever the common council or the city clerk decides not to issue a new license under this article, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision. When the decision not to issue is made by the city clerk, the notice shall inform the applicant that they may appeal the decision by filing an objection in writing with the clerk within 30 days of the notice. If the applicant so objects, the matter will be reviewed by the licensing, hearings, and public safety committee at a regular meeting within 35 days of the clerk's receipt of the written objection.

(Code 1975, § 4-23; Code 1997, § 10-42; Ord. No. 7-21-22, § 3, 6-7-2021)

Sec 4-38 Provisional Retail Licenses

(a) The city clerk is authorized to issue a provisional retail license to a person who has applied for a Class "A," Class "B," "Class A," "Class B" or "Class C" license, provided that, based upon the information contained in the application, the person meets the qualifications contained in section 4-28 for issuance of licenses relating to alcohol beverages, as well as the qualifications for issuance of the retail license for which the application is submitted. The provisional retail license authorizes only the activities that the type of retail license applied for authorizes.

(b) The fee for a provisional retail license shall be $15.00, which shall be nonrefundable and shall not apply toward any retail license being applied for.

(c) A provisional retail license expires 60 days after its issuance or when the Class "A," Class "B," "Class A," "Class B" or "Class C" license is issued to the holder, whichever is sooner. The city clerk may revoke the provisional retail license if it is discovered that the holder of the license made a false statement on the application.

(d) Notwithstanding subsection (a) of this section, the city clerk may not issue a provisional "Class B" license if the city's quota under Wis. Stats. § 125.51(4) prohibits the city from issuing a "Class B" license.

(e) No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

(f) Notwithstanding subsection (a) of this section, no provisional retail license shall be issued to a new applicant unless the premises to be licensed is approved for occupancy in writing by the building inspection department and the fire department.

(Code 1975, § 4-24; Code 1997, § 10-43; Ord. No. 89-99-00, §§ 3, 4, 2-7-2000; Ord. No. 107-99-00, § 1, 4-5-2000)

Sec 4-39 Music License; Restrictions

(a) No holder of a retail "Class B" license issued under this article shall allow music of any description on the premises for which licensed between the hours of 2:00 a.m. and 6:00 a.m., except on Saturday and Sunday when the hours shall be between 2:30 a.m. and 6:00 a.m. and on January 1 when premises operating under a "Class B" license are not required to close.

(b) Application for a music license shall be filed with the city clerk and shall accurately describe the premises for which the applicant desires a license. Before the clerk shall issue a license, the applicant shall pay to the city finance director/treasurer the sum of $10.00. Each license granted under this section

shall expire on June 30 following its issuance and shall permit dancing on the premises licensed. Such license shall not, however, apply to any premises or part thereof that would qualify as a dancehall under the definition contained in section 6-56.

(Code 1975, § 4-64; Code 1997, § 10-44)

Sec 4-40 Nude Or Nearly Nude Dancing

(a) It is unlawful for any person to perform or engage in, or for any licensee or manager or agent of the licensee to knowingly permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of an establishment licensed to sell alcohol beverages for consumption on the premises in such a manner or utilizing such attire as to expose to view:

(1) Any portion of the pubic area, genitals, vulva, anus, anal cleft or cleavage or any simulation thereof with less than a fully opaque covering;

(2) That portion of the female breast referred to as the areola, nipple or simulation thereof; or

(3) The covered male genitals in a discernibly turgid state.

(b) The provisions of this section do not apply to the following establishments licensed to sell alcohol beverages for consumption on the premises: theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of, employees, entertainers or patrons engaging in nude or nearly nude dancing.

(c) The term "licensee" means the holder of a retail alcohol beverage license granted by the common council pursuant to this article or Wis. Stats. ch. 125.

(d) Each performance in violation of subsection (a) of this section shall be a separate offense.

(Code 1975, § 4-66; Code 1997, § 10-45; Ord. No. 38-99-00, § 1, 9-20-1999)

Sec 4-41 Cessation Of Operations

If any retail licensee shall fail to commence business within six months of granting of a license, or if any retail licensee shall suspend or cease doing business for six consecutive months or more, any or all of the retail licenses held by the licensee shall be

subject to revocation by the council after a public hearing, pursuant to section 4-34. The council may, for a good cause shown, extend such six-month period.

(Code 1997, § 10-46; Ord. No. 57-02-03, § 1, 11-18-2002)

ARTICLE 4-III FERMENTED MALT BEVERAGES

Sec 4-71 Class "A" Licenses
Sec 4-72 Class "B" Licenses
Sec 4-73 Operator's Licenses; Class "A" Or Class "A" Premises; Use By Another
Sec 4-74 Closing Hours
Sec 4-75 Limitations On Other Business; Class "B" Premises
Sec 4-76 Restrictions On Issuance Of Licenses
Sec 4-77 Wholesaler's License--Issuance And Fee
Sec 4-78 Wholesaler's License--Qualifications; Conditions; Revocation
Sec 4-79 Limitations On Fermented Malt Beverages On Wholesale And Retail Premises

Sec 4-71 Class "A" Licenses

(a) A Class "A" license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers and bottles.

(b) Class "A" licenses may be issued to any person qualified under Wis. Stats. § 125.04(5), except a person acting as an agent for or in the employ of another.

(c) Class "A" licenses shall particularly describe the premises for which issued and not transferable, except under Wis. Stats. § 125.04(12).

(d) The fee for a Class "A" license shall be $230.00 per year. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(Code 1975, § 4-26; Code 1997, § 10-61; Ord. No. 83-00-01, § 2, 2-5-2001; Ord. No. 19-01-02, § 1, 8-6-2001)

Sec 4-72 Class "B" Licenses

(a) A Class "B" license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. Persons holding a Class "B" license may sell beverages containing less than one-half of one percent of alcohol by volume without obtaining a license under article IV of this chapter.

(b) Class "B" licenses may be issued to any person qualified under Wis. Stats. § 125.04(5). Such licenses may not be issued to any person acting as agent for or in the employ of another, except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile

establishment, or to a bona fide club, society or lodge that has been in existence for at least six months before the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter. Class "B" licenses may not be issued to brewers as provided in Wis. Stats. § 125.26.

(c) Class "B" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in Wis. Stats. § 125.04(12).

(d) The fee for a Class "B" license shall be $100.00 per year. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(e) No Class "B" retailer's license shall be issued to a new applicant unless the premises to be licensed is approved in writing by the director of public health, building inspector and fire inspector.

(f) Every Class "B" licensee selling or offering for sale draught fermented malt beverages shall display a sign on or near each tap or faucet disclosing the brand of fermented malt beverages drawn from the tap or faucet and the name of its brewer. The sign shall be visible to patrons from a distance of at least ten feet. No Class "B" licensee may substitute any other brand of fermented malt beverage in place of the brand designated on the sign.

(g) The city hereby elects not to issue six-month Class "A" or Class "B" licenses described in Wis. Stats. § 125.26(5).

(h) Special Class "B" licenses may also be issued to bona fide clubs, to state, county, or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application, and to posts of veterans' organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be $10.00.

(1) Notwithstanding section 4-27, the procedure for licenses issued in accordance with this section for special Class "B" licenses shall be as follows: Upon application therefor, the city clerk shall submit such application to the common council. If the common council deems referral appropriate, the application shall be submitted to the license committee for further review. In all other cases, the common council may act to grant or deny issuance of such licenses. In situations where the application is filed and time does not permit review by the common council, the city clerk shall have the authority to grant or deny the issuance of such license.

(2) Except as otherwise provided in Wis. Stats. § 125.26(6), a person holding an operator's license shall be present and supervise the sale of fermented malt beverages at meetings, fairs, picnics or similar gatherings which

have been issued licenses therefor pursuant to this section.

(i) No temporary retail Class "B" license shall be issued unless the premises to be licensed conform to the rules and regulations of the state board of health and the city board of health governing sanitation in restaurants.

(Code 1975, § 4-27; Code 1997, § 10-62; Ord. No. 70-98-99, § 1, 8-17-1998)

Sec 4-73 Operator's Licenses; Class "A" Or Class "A" Premises; Use By Another

(a) Except as provided under Wis. Stats. §§ 125.32(3)(b) and 125.07(3)(a)10, no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Wis. Stats. § 125.27(2) is valid outside the municipality that issues it. For the purpose of this section, any member of the licensee's or permittee's immediate family who has attained 18 years of age shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless the person has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

(b) No person may allow another to use the Class "A" or Class "B" license issued to that person or permit to another to sell alcohol beverages. The license or permit of a person who violates this subsection shall be revoked.

(Code 1975, § 4-29; Code 1997, § 10-63)

Sec 4-74 Closing Hours

Between 12:00 midnight and 6:00 a.m., no person may transport or carry out fermented malt beverages from Class "B" licensed premises in an original unopened package, container, or bottle or for consumption away from the premises.

(Code 1975, § 4-30; Code 1997, § 10-64; Ord. No. 67-11-12, § 1, 2-20-2012)

Sec 4-75 Limitations On Other Business; Class "B" Premises

No Class "B" license may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if

the premises for which the Class "B" license is issued is connected to premises where other business is conducted by a secondary doorway which serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license. These restrictions do not apply to any of the following:

(a) A hotel.

(b) A restaurant, whether or not it is a part of or located in any mercantile establishment.

(c) A combination grocery store and tavern.

(d) A combination novelty store and tavern.

(e) A bowling center or recreation premises.

(f) A club, society or lodge that has been in existence for six months or more prior to the date of filing application for the Class "B" license.

(g) A painting studio.

(h) Premises for which a special Class "B" license is issued under section 4-72(h) if the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.

(Code 1975, § 4-31; Code 1997, § 10-65; Ord. No. 4-20-21, § 1, 5-18-2020)

Sec 4-76 Restrictions On Issuance Of Licenses

No Class "A" or Class "B" license may be issued to a person having an indebtedness for fermented malt beverages outstanding for more than 15 days. In each application for a Class "A" or Class "B" license, the applicant shall state whether the applicant has indebtedness for fermented malt beverages to any licensee or permittee which has been outstanding for more than 15 days.

(Code 1975, § 4-32; Code 1997, § 10-66)

Sec 4-77 Wholesaler's License--Issuance And Fee

A wholesaler's license when issued by the city clerk under authority of the common council shall entitle the holder thereof to possess, sell or offer for sale fermented malt beverages in original packages or containers to dealers, not to be consumed in or about the premises where sold. The license fee for a wholesaler's license shall be $25.00 per year or fraction thereof.

(Code 1975, § 4-33; Code 1997, § 10-67)

Sec 4-78 Wholesaler's License--Qualifications; Conditions; Revocation

(a) A wholesaler's license authorizes sales of fermented malt beverages only in original packages or containers to retailers or wholesalers, not to be consumed in or about the premises where sold. No additional license or permit is required for the solicitation of orders for sale to or by licensed wholesalers.

(b) A wholesaler's license may be issued to any person qualified under Wis. Stats. § 125.04(5) except a person acting as an agent for, or in the employ of, another person. Notwithstanding Wis. Stats. § 125.04(5)(a)5, a person is not required to complete a responsible beverage server training course to be qualified for a license under this section. Except as provided in subsection (c) of this section and Wis. Stats. § 125.29, a wholesaler's license may not be issued to any of the following:

(1) A person holding one or more of the following licenses or permits:

a. A Class "A" license issued under Wis. Stats. § 125.25.

b. A Class "B" license issued under Wis. Stats. § 125.26.

c. A Class "B" permit issued under Wis. Stats. § 125.27.

d. An industrial fermented malt beverages permit issued under Wis. Stats. § 125.275.

(2) A person who has a direct or indirect ownership interest in a premises operating under one or more of the licenses or permits listed in subsection (b)(1)a through d of this section.

(c) A person who holds a wholesaler's license and a license or permit specified in subsection (b)(1) of this section, all of which licenses or permits were issued before May 5, 1994, may, subject to Wis. Stats. §§ 125.04 and 125.12, renew and continue to hold all of the licenses or permits. If a person holding a wholesaler's license and a license or permit fails to renew a license or permit, is denied renewal of a license or permit under Wis. Stats. § 125.12 or has one of the licenses or permits suspended or revoked under Wis. Stats. § 125.12, the person is subject to subsection (b) of this section with respect to holding a license or permit of that type after the failure or denial of renewal or the revocation or suspension of the license or permit. Wholesalers' licenses shall particularly describe the premises for which issued and are not transferable, except as provided in Wis. Stats. § 125.04(12). A wholesaler's license is subject to revocation for violation of any of the terms or provisions thereof. The amount of the license fee shall be determined by the council from time to time but may not exceed $25.00 per year or fractional part thereof.

(Code 1975, § 4-34; Code 1997, § 10-68)

State law reference—Similar provisions, Wis. Stats. § 125.28.

Sec 4-79 Limitations On Fermented Malt Beverages On Wholesale And Retail Premises

(a) No person, including a fermented malt beverages licensee or an agent, servant or employee of such licensee, may possess, on the premises covered by a retail or wholesale fermented malt beverages license, any alcohol beverages not authorized by law for sale on the premises.

(b) No fermented malt beverages licensee may keep any beverages of an alcohol content prohibited by federal law on the premises covered by the license.

(Code 1975, § 4-35; Code 1997, § 10-69)

ARTICLE 4-IV INTOXICATING LIQUOR

Sec 4-102 Restrictions On Issuance Of Licenses
Sec 4-103 Retail "Class A" Licenses
Sec 4-104 Retail "Class B" Licenses
Sec 4-105 Retail "Class C" Licenses
Sec 4-106 Restrictions
Sec 4-107 Connecting Premises
Sec 4-108 Approval Requirements For Issuance/Transfer Of Retail Licenses
Sec 4-109 Licenses Issued For Less Than One Year
Sec 4-110 Sale Without License; Failure To Obtain Permit; Penalties
Sec 4-111 Operator's Licenses; "Class A," "Class B" Or "Class C" Premises
Sec 4-112 Restrictions On Location
Sec 4-113 Closing Hours
Sec 4-114 Use By Another Prohibited
Sec 4-115 Club Licenses For Clubs Restricting Its Membership To 35 Members Or Less

Sec 4-102 Restrictions On Issuance Of Licenses

No intoxicating liquor retail license may be issued under this article to any person having an indebtedness for intoxicating liquor outstanding more than 30 days. In each application for a retail license, the applicant shall state whether the applicant has any indebtedness for intoxicating liquor to any licensee which has been outstanding for more than 30 days.

(Code 1975, § 4-55; Code 1997, § 10-101)

Sec 4-103 Retail "Class A" Licenses

(a) A "Class A" license authorizes the retail sale of intoxicating liquor for

consumption off the premises where sold and in original packages and containers.

(b) Except as provided under Wis. Stats. § 125.69, "Class A" licenses may be issued to any person qualified under Wis. Stats. § 125.04(5), except a foreign corporation or a person acting as an agent for or in the employ of another.

(c) "Class A" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in Wis. Stats. § 125.04(12).

(d) No "Class A" liquor licenses shall be issued during any license year if such license shall increase the number of "Class A" liquor licenses in force beyond a total of 15.

(e) The annual fee for a "Class A" license shall be $500.00.

(Code 1975, § 4-41; Code 1997, § 10-102; Ord. No. 83-00-01, § 3, 2-5-2001; Ord. No. 19-01-02, § 2, 8-6-2001; Ord. No. 10-16-17, § 1, 7-5-2016)

Sec 4-104 Retail "Class B" Licenses

(a) A retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only and not in the original package or container on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed four liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity.

(b) Except as provided under Wis. Stats. § 125.69, a "Class B" license may be issued to any person qualified under Wis. Stats. § 125.04(5), except a foreign corporation or a person acting as an agent for or in the employ of another.

(c) "Class B" licenses shall particularly describe the premises for which issued and are not transferable, except as provided in Wis. Stats. § 125.04(12).

(d) Except as otherwise provided in this section, the annual fee for a "Class B" license shall be $500.00.

(e) A "Class B" license may be issued only to a holder of a retail Class "B" license to sell fermented malt beverages.

(f) The number of persons and places that may be granted a retail "Class B" liquor license under this section is limited as provided in Wis. Stats. § 125.51(4).

(g) The fee for an initial issuance of a reserve "Class B" license, as defined in Wis. Stats. § 125.51(4)(a)4, shall be $10,000.00, except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in Wisconsin for at least six years is the fee established under section 4-105 for such a club or lodge. The fee under this subsection is in

addition to any other fee required under this chapter. The annual fee for renewal of a reserved "Class B" license, as defined in Wis. Stats. § 125.51(4)(a)4, is the fee established in subsection (d) of this section.

(h) The annual fee for a "Class B" license issued under Wis. Stats. § 125.51(4)(v) shall be $5,000.00.

(i) Notwithstanding section 4-112, special "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six months before the date of application and to posts of veterans' organizations authorizing the sale of wine in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be $10.00, except that no fee may be charged to a person who at the same time applies for a special Class "B" license under section 4-72(h) for the same event. Not more than two licenses may be issued under this subsection to any club, county or local fair association, agricultural association, church, lodge, society or veterans' post in any 12-month period.

(1) Notwithstanding section 4-27, the procedure for licenses issued in accordance with this section for special "Class B" licenses shall be as follows: Upon application therefor, the city clerk shall submit such application to the common council. If the common council deems referral appropriate, the application shall be submitted to the license committee for further review. In all other cases, the common council may act to grant or deny issuance of such licenses. In situations where the application is filed and time does not permit review by the common council, the city clerk shall have the authority to grant or deny the issuance of such license.

(2) Except as otherwise provided in Wis. Stats. § 125.68(2), a person holding an operator's license shall be present and supervise the sale of wine at meetings, fairs, picnics or similar gatherings which have been issued licenses therefor pursuant to this section.

(Code 1975, § 4-42; Code 1997, § 10-103; Ord. No. 93-97-98, §§ 1, 2, 11-24-1997; Ord. No. 70-98-99, § 2, 8-18-1998; Ord. No. 71-00-01, § 2, 12-18-2000; Ord. No. 19-01-02, § 3, 8-6-2001; Ord. No. 26-09-10, § 1, 11-16-2009; Ord. No. 37-17-18, § 4, 2-19-2018; Ord. No. 4-20-21, § 2, 5-18-2020; Ord. No. 41-20-21, § 6, 4-7-2021)

Sec 4-105 Retail "Class C" Licenses

(a) In this section, the term "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.

(b) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(c) A "Class C" license may be issued to a person qualified under Wis. Stats. § 125.04(5) for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

(d) A "Class C" license shall particularly describe the premises for which it is issued.

(e) The annual fee for a "Class C" license shall be $100.00.

(Code 1997, § 10-104; Ord. No. 89-99-00, § 6, 2-7-2000)

Sec 4-106 Restrictions

All retail "Class A" and "Class B" liquor licenses shall be granted, subject to the following conditions and all other conditions specified in this section, and subject to all other applicable ordinances and regulations of the city:

(a) Every applicant procuring a license thereby consents to the entry of police or other duly authorized city representatives upon the licensed premises at all reasonable hours for the purpose of inspection and search, and consents to the removal from such premises of all things and articles situated therein which are in violation of city ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such violations.

(b) No retail "Class A" or "Class B" licensees shall sell or offer to sell intoxicating liquor to any person on credit, with the exception of credit extended by a hotel to a resident guest, a club to a bona fide member, or by grocers and druggists who maintain a credit system in connection with other purchases. No licensee shall sell intoxicating liquor to any person on a passbook or store order, or receive from any person any goods, wares, merchandise or other articles in exchange for intoxicating liquors.

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

(d) No dancing of any kind shall be permitted upon the licensed premises by patrons or entertainers, unless a dancehall license has been issued.

(Code 1975, § 4-44; Code 1997, § 10-105)

Sec 4-107 Connecting Premises

Except in the case of hotels, no person may hold both a "Class A" license and either a "Class B" license, a Class "B" license or a "Class C" license for the same premises or for connecting premises. Except for hotels, if either type of license is issued for the same or connecting premises already covered by the other type of license, the license last issued is void. If both licenses are issued simultaneously, both are void.

(Code 1975, § 4-46; Code 1997, § 10-106; Ord. No. 89-99-00, § 7, 2-7-2000)

Sec 4-108 Approval Requirements For Issuance/Transfer Of Retail Licenses

No retail "Class A," "Class B," or "Class C" license shall be issued to a new applicant, nor shall any existing retail "Class A," "Class B," or "Class C" license be transferred to another place or premises within the city, unless the premises to be licensed are approved for occupancy in writing by the building inspection department, fire department and the city's county health department.

(Code 1975, § 4-47; Code 1997, § 10-107; Ord. No. 108-99-00, § 1, 4-5-2000; Ord. No. 26-01-02, § 1, 8-20-2001; Ord. No. 5-02-03, § 1, 5-6-2002)

Sec 4-109 Licenses Issued For Less Than One Year

(a) A "Class A," "Class B" or "Class C" license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) The city hereby elects not to issue six-month licenses described in Wis. Stats. § 125.51(9).

(Code 1975, § 4-48; Code 1997, § 10-108; Ord. No. 89-99-00, § 8, 2-7-2000)

Sec 4-110 Sale Without License; Failure To Obtain Permit; Penalties

(a) No person may sell, or possess with intent to sell, intoxicating liquor unless that person holds the appropriate license or permit.

(b) The issuance of any current permit or special tax stamp of the federal government to any person, authorizing or permitting the person to sell intoxicating liquor, shall be prima facie evidence in any prosecution for violation of this section that the person was engaged in selling intoxicating liquor.

(c) Whoever violates this section shall, upon conviction, be subject to a forfeiture of not less than $250.00, nor more than $1,000.00, plus costs, and in default of payment thereof to imprisonment in the county jail until such forfeiture and costs have been paid, but not to exceed 90 days.

(Code 1975, § 4-49; Code 1997, § 10-109)

State law reference—Similar provisions, Wis. Stats. § 125.66(1), (2).

Sec 4-111 Operator's Licenses; "Class A," "Class B" Or "Class C" Premises

Except as provided under Wis. Stats. § 125.07(3)(a)10, no premises operated under a "Class A," "Class B" or "Class C" license may be open for business unless there is upon the premises either the licensee, the agent named in the license if the licensee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. For the purpose of this section, any member of the licensee's immediate family who has attained the age of 18 years shall be considered the holder of an operator's license. No person, including a member of the licensee's immediate family, other than the licensee or agent may serve or sell alcohol beverages in any place operated under a "Class A," "Class B" or "Class C" license unless in possession of an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee or agent or a person holding an operator's license, who is on the premises at the time of the service. Whoever violates this section shall, upon conviction, be subject to a forfeiture of not less than $250.00, nor more than $1,000.00, plus costs, and in default of payment thereof to imprisonment in the county jail until such forfeiture and costs have been paid, but not to exceed 90 days.

(Code 1975, § 4-50; Code 1997, § 10-110; Ord. No. 89-99-00, § 9, 2-7-2000; Ord. No. 101-05-06, § 7, 3-20-2006)

Sec 4-112 Restrictions On Location

No "Class A" or "Class B" license may be issued for premises the main entrance of which is less than 300 feet from the main entrance of any public or parochial school, hospital or church. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license. This section does not apply to premises covered by a license on June 30, 1947, or covered by a license prior to the occupation of real property within 300 feet thereof by any school, hospital or church building. The prohibition in this section does not apply to a restaurant located within 300 feet of a church or school. This provision applies only to restaurants in which the sale of alcohol beverages accounts for less than 50 percent of their gross receipts.

(Code 1975, § 4-51; Code 1997, § 10-111)

Sec 4-113 Closing Hours

Between 12:00 midnight and 6:00 a.m., no person may transport or carry out intoxicating liquor from "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(Code 1975, § 4-52; Code 1997, § 10-112; Ord. No. 89-99-00, § 10, 2-7-2000; Ord. No. 67-11-12, § 2, 2-20-2012)

Sec 4-114 Use By Another Prohibited

(a) No person may allow another to use the "Class A," "Class B," or "Class C" license issued to that person or permit to another to sell alcohol beverages.

(b) The license or permit of a person who violates subsection (a) of this section shall be revoked.

(Code 1997, § 10-113; Ord. No. 89-99-00, § 11, 2-7-2000)

Sec 4-115 Club Licenses For Clubs Restricting Its Membership To 35 Members Or Less

A retail "Class B" liquor license may be granted by the common council to any bona fide club (as defined in Wis. Stats. § 125.02(4)) incorporated or chartered in the state for at least six years, provided such club restricts membership to not more than 35 members, does not operate a public bar, restricts the use of the premises to members and guests, and owns and operates its own premises. The annual fee for a "Class B" club license shall be $50.00.

(Code 1975, § 4-43; Code 1997, § 10-114; Ord. No. 89-99-00, § 5, 2-7-2000)

ARTICLE 4-V NONINTOXICATING LIQUOR LICENSE

Sec 4-144 Required
Sec 4-145 Exception
Sec 4-146 Application
Sec 4-147 Fees
Sec 4-148 Qualifications
Sec 4-149 Removal Of Business
Sec 4-150 Expiration

State law reference—Authority, Wis. Stats. § 66.0433.

Sec 4-144 Required

No person shall manufacture, sell for wholesale or retail or sell for consumption on the premises, or keep for sale at wholesale or retail or for consumption on the premises where sold, any beverages containing less than one-half of one percent of alcohol by volume, without having first procured a license therefor.

(Code 1975, § 4-71; Code 1997, § 10-146)

Sec 4-145 Exception

A licensee who has obtained a Class "B" license to sell fermented malt beverages shall not be required to obtain a license to sell nonintoxicating beverages under this article.

(Code 1975, § 4-72; Code 1997, § 10-147)

Sec 4-146 Application

Application for a nonintoxicating beverage license shall be made in writing to the city clerk on forms to be provided by the city clerk, accompanied by the finance director/treasurer's receipt showing that the applicant has paid the license fee provided for in section 4-147, which application shall be properly signed and sworn to before a notary public or other official authorized to administer oaths. The application shall designate the specific premises for which the license is sought and shall be referred by the city clerk to the common council.

(Code 1975, § 4-73; Code 1997, § 10-148)

Sec 4-147 Fees

The license fee for a non-intoxicating beverage license shall be $20.00, except that where such beverages are sold not to be consumed on the premises, the license fee shall be $10.00. The full license fee shall be charged for the whole or a fraction of a year.

(Code 1975, § 4-74; Code 1997, § 10-149; Ord. No. 60-99-00, § 1, 11-15-1999; Ord. No. 83-00-01, § 4, 2-5-2001)

Sec 4-148 Qualifications

No license shall be granted under this article to any person who does not meet the qualifications for licensure specified in Wis. Stats. § 125.04(5).

(Code 1975, § 4-75; Code 1997, § 10-150)

Sec 4-149 Removal Of Business

In case of the removal within the license period of the place of business from the premises designated in the license to another location within the city, the licensee shall give notice of such change of location. The license shall be amended accordingly without payment of an additional fee. No such license, however, shall be transferable from one person to another.

(Code 1975, § 4-77; Code 1997, § 10-151)

Sec 4-150 Expiration

The license issued under the provisions of this article shall expire on June 30 following the date of issuance.

(Code 1997, § 10-152)

CHAPTER 6 AMUSEMENTS AND ENTERTAINMENT

ARTICLE 6-I AMUSEMENTS AND ENTERTAINMENT IN GENERAL
ARTICLE 6-II BILLIARDS, POOL AND BOWLING CENTERS
ARTICLE 6-III PUBLIC DANCEHALLS
ARTICLE 6-IV CIRCUSES, CARNIVALS, AND SIMILAR EVENTS
ARTICLE 6-V THEATERS
ARTICLE 6-VI NONALCOHOLIC DANCE CLUBS
ARTICLE 6-VII AMUSEMENT DEVICES

ARTICLE 6-I AMUSEMENTS AND ENTERTAINMENT IN GENERAL

Sec 6-1 Penalties For Violation Of Chapter

Sec 6-1 Penalties For Violation Of Chapter

A violation of any of the following sections shall subject the violator to a forfeiture of not less than $1.00, nor more than $25.00, and in default of payment, imprisonment in the county jail until the forfeitures and costs are paid, but not exceeding ten days: sections 6-21, 6-57, 6-58, 6-60, 6-79 and 6-85. A violation of any other section of this chapter shall subject the violator to the penalty set forth in section 1-15 unless a different penalty is specifically provided for sections or articles of this chapter.

(Code 1975, § 6-1; Code 1997, § 14-1; Ord. No. 101-05-06, § 8, 3-20-2006)

ARTICLE 6-II BILLIARDS, POOL AND BOWLING CENTERS

Sec 6-21 License Required
Sec 6-22 Application
Sec 6-23 Fees
Sec 6-24 Issuance
Sec 6-25 Term
Sec 6-26 Transfer

Sec 6-21 License Required

No person shall erect or keep or permit to be erected, placed or kept upon the person's premises within the city limits for gain, any billiard or pool table, bumper pool table, bowling center or pigeonhole table, used and kept by that person, without first obtaining a license therefor.

(Code 1975, § 6-16; Code 1997, § 14-51)

Sec 6-22 Application

No license shall be granted under this article except upon the written application of the person desiring the license, which application shall state the place where such billiard or

pool table, bumper pool table, bowling center, pigeonhole table, and the number of each, is to be erected, placed or kept.

(Code 1975, § 6-17; Code 1997, § 14-52)

Sec 6-23 Fees

Before any license shall be issued under the provisions of this article, the applicant therefor shall pay into the city treasury the sum of $15.00 for each billiard or pool table, bumper pool table, bowling center or pigeonhole table to be erected, placed or kept for use by such applicant in the same place or on the same premises.

(Code 1975, § 6-18; Code 1997, § 14-53; Ord. No. 19-01-02, § 5, 8-6-2001)

Sec 6-24 Issuance

Upon payment of the required license fees, the city clerk shall issue the license applied for. All licenses shall be signed by the city clerk and shall specify the place where such billiard or pool table, nine- or ten-pin alley, or pigeonhole table is to be erected, placed or kept.

(Code 1975, § 6-19; Code 1997, § 14-54)

Sec 6-25 Term

Each license issued under the provisions of this article shall be valid for a term of one year, beginning July 1 of each year.

(Code 1975, § 6-20; Code 1997, § 14-55)

Sec 6-26 Transfer

No license issued under the provisions of this article shall be assignable or used for the benefit of any person other than the one to whom the license is issued.

(Code 1975, § 6-21; Code 1997, § 14-56)

ARTICLE 6-III PUBLIC DANCEHALLS

DIVISION 6-III-1 PUBLIC DANCEHALLS GENERALLY
DIVISION 6-III-2 LICENSE

State law reference—Dancehalls generally, Wis. Stats. § 175.20.

DIVISION 6-III-1 PUBLIC DANCEHALLS GENERALLY

Sec 6-56 Definitions
Sec 6-57 Sanitation

Sec 6-58 Improper Conduct
Sec 6-59 Restrictions On Minors
Sec 6-60 Closing Hours

Sec 6-56 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public dancehall means any hall, room or place in which dancing is generally indulged in or permitted and to which persons may gain admittance by the purchase of a ticket or token, or in which a charge for dancing is made, or for which there is a rental charged for the use thereof.

(Code 1975, § 6-33; Code 1997, § 14-91)

Sec 6-57 Sanitation

All public dancehalls shall at all times be kept in a clean, healthful and sanitary condition. All stairways and out-passages and all rooms connecting with such dancehall shall be kept to public view and well lighted.

(Code 1975, § 6-34; Code 1997, § 14-92)

Sec 6-58 Improper Conduct

No person shall dance in any public dancehall in an indecent, immoral, boisterous, disorderly or vulgar manner. The person or organization holding a license under this article to operate the public dancehall shall have the power to use all necessary and reasonable force to suppress such conduct in a summary manner. Any police city officer shall have the authority to immediately stop any such conduct.

(Code 1975, § 6-35; Code 1997, § 14-93)

Sec 6-59 Restrictions On Minors

No minor shall take part in any public dance after the hours of 10:00 p.m., unless the minor is accompanied by a parent or some other adult person who is in good faith exercising supervision over such minor. Any such minor present in a public dancehall after 10:00 p.m. shall, on demand of the dancehall licensee, or on demand of any city police officer, point out and give the name of the parent or other person enumerated in this section. On failing to do so, the minor may be summarily ejected from the hall by the licensee or officer and shall also be subject to the penalty mentioned in section 6-1.

(Code 1975, § 6-36; Code 1997, § 14-94)

Sec 6-60 Closing Hours

No dancing in any public dancehall shall be permitted after 1:00 a.m., except on January 1 when dancing shall not be permitted after 3:00 a.m.

(Code 1975, § 6-37; Code 1997, § 14-95)

DIVISION 6-III-2 LICENSE

Sec 6-79 Required
Sec 6-80 Application
Sec 6-81 Fee
Sec 6-82 Expiration
Sec 6-83 Building Requirements
Sec 6-84 Content
Sec 6-85 Display
Sec 6-86 Revocation

Sec 6-79 Required

No public dance or ball shall be conducted within the city limits until and unless the owner, occupant, lessee or manager of any such hall shall procure a license from the city clerk, authorizing and permitting such hall to be used for public dances.

(Code 1975, § 6-46; Code 1997, § 14-121; Ord. No. 7-21-22, § 4, 6-7-2021)

Sec 6-80 Application

Application for a license required by the provisions of this division shall accurately describe the premises to be licensed and shall be filed with the city clerk.

(Code 1975, § 6-47; Code 1997, § 14-122)

Sec 6-81 Fee

Before any license is issued under the provisions of this division, the applicant therefor shall pay a license fee of $10.00 to the finance director/treasurer. If the application is denied, the finance director/treasurer shall refund the fee to the applicant.

(Code 1975, § 6-48; Code 1997, § 14-123)

Sec 6-82 Expiration

Each license issued under the provisions of this division shall expire on June 30 following its day of issuance.

(Code 1975, § 6-49; Code 1997, § 14-124)

Sec 6-83 Building Requirements

No license shall be issued under this division to operate any dancehall unless the premises comply with all building laws, ordinances and rules requiring the hall to be properly ventilated, supplied with proper toilet conveniences and a safe and proper place for holding dances.

(Code 1975, § 6-50; Code 1997, § 14-125)

Sec 6-84 Content

All licenses issued under the provisions of this division shall be issued in the name of the city, shall state the name of the person to whom issued, the date of issuance, the date of expiration, and shall describe the licensed premises. Such license shall be signed by the city clerk.

(Code 1975, § 6-51; Code 1997, § 14-126)

Sec 6-85 Display

Each license issued under the provisions of this division shall be displayed in a conspicuous place in the hall covered thereby.

(Code 1975, § 6-52; Code 1997, § 14-127)

Sec 6-86 Revocation

Any holder of a dancehall license who has violated any of the provisions of this article, or who shall permit any violations of these provisions when it is reasonably within the licensee's power to prevent such violations, shall be subject to revocation of the license. After such revocation, no license to operate the dancehall covered by such license shall again be issued for a period of six months following revocation.

(Code 1975, § 6-53; Code 1997, § 14-128)

ARTICLE 6-IV CIRCUSES, CARNIVALS, AND SIMILAR EVENTS

Sec 6-116 Bond And Liability Insurance For Amusement Rides
Sec 6-117 Carnivals With Gambling Events Prohibited
Sec 6-118 Parades
Sec 6-119 General License Required
Sec 6-120 Application
Sec 6-121 Fees
Sec 6-122 Remission Of Fees
Sec 6-123 Issuance

Sec 6-116 Bond And Liability Insurance For Amusement Rides

No person shall conduct, operate, manage or sponsor any Ferris wheel, merry-go-round or other amusement ride operated for hire, or for the purpose of promoting or advertising any trade or business, without first filing with the city clerk a bond or certificate of liability insurance in the amount of at least $250,000.00 indemnifying the public against damages sustained by reason of the operation of such ride. Such bond or certificate of insurance shall be subject to approval by the city attorney. This section shall apply to all persons, whether or not such persons are exempted from any other provisions of this Code.

(Code 1975, § 6-69; Code 1997, § 14-162)

Sec 6-117 Carnivals With Gambling Events Prohibited

(a) No license shall be issued to any carnival if it operates, conducts, sets up, keeps or manages or permits any person to operate, conduct, set up, keep or manage upon the grounds occupied by the carnival any table, wheel or other apparatus, or any cards, dice or other device, scheme or contrivance of any name or description, adapted, suitable, devised, designed or which can or shall be used for gambling purposes.

(b) If any such prohibited acts are performed, permitted or tolerated upon the premises occupied by the carnival, any license issued for it shall be revoked, and the party operating the carnival or any part thereof shall, if the operation thereof continues after such revocation, be subject to prosecution for operating the carnival as if no license had been granted.

(Code 1975, § 6-70; Code 1997, § 14-163)

Sec 6-118 Parades

No parade in connection with a circus, dog or pony show, carnival or menagerie shall be allowed on the streets of the city without a permit from the mayor. Where the exhibitions are located within the city, no fee shall be required for the parade permit. Where the exhibitions are not required to pay a license fee by reason of being located outside of the city limits, or for any other reason, the permit fee shall be as follows:

(a) For the first day: $100.00;

(b) For each day thereafter: $50.00.

(Code 1975, § 6-71; Code 1997, § 14-164)

Sec 6-119 General License Required

(a) No person shall exhibit, operate or conduct any caravan, carnival, circus, menagerie, sideshow, exhibition of wild or trained animals or any object of

curiosity, or entertainment such as Ferris wheels and merry-go-rounds, or any tent show whatsoever in the city without first having obtained a license therefor as provided in this division.

(b) Separate licenses shall not be issued to the several attractions constituting a carnival, but a general license shall be issued, covering all attractions and may be applied for by the manager of the carnival, or by the managers of the separate attractions for that purpose. If the carnival is not licensed, any persons operating any attractions composing the carnival may be prosecuted for a violation of this section.

(c) The city clerk shall furnish to each carnival license applicant a copy of he provisions of this section at the time the license is applied for.

(Code 1975, § 6-65; Code 1997, § 14-191)

Sec 6-120 Application

Any person desiring the license required by this article shall apply therefor to the city clerk, stating the purpose for which the license is desired and the location of the premises on which the enterprise is to be conducted.

(Code 1975, § 6-66; Code 1997, § 14-192)

Sec 6-121 Fees

(a) The amount of the fee for the license shall be as follows:

(1) For each circus, menagerie, or combined circus and menagerie exhibited for gain, per day: $175.00.

(2) For any carnival, per day: $75.00.

(3) Per week: $325.00.

(b) The license fees set forth in subsections (a)(1) and (2) of this section shall be doubled if the application for the license is submitted to the city clerk less than 15 days prior to the exhibition or performance.

(Code 1975, § 6-67; Code 1997, § 14-193; Ord. No. 19-01-02, § 6, 8-6-2001)

Sec 6-122 Remission Of Fees

No remission of license fees for activities coming under the provisions of this article, or for any part thereof, shall be granted because the remission is given under the auspices of any civic association, lodges or any other local organizations.

(Code 1975, § 6-68; Code 1997, § 14-194)

Sec 6-123 Issuance

Upon payment of the proper license fee by the applicant, the clerk shall issue the license, specifying the purpose of the license.

(Code 1975, § 6-72; Code 1997, § 14-195; Ord. No. 7-21-22, § 5, 6-7-2021)

ARTICLE 6-V THEATERS

Sec 6-145 License Required
Sec 6-146 Application
Sec 6-147 Fee
Sec 6-148 Premises Specified
Sec 6-149 Expiration

Sec 6-145 License Required

No person shall operate a theater or showhouse in the city without obtaining a license for such purpose.

(Code 1975, § 6-85; Code 1997, § 14-226)

Sec 6-146 Application

Application for a theater license shall be made in writing to the city clerk and shall be accompanied by the receipt of the city finance director/treasurer showing payment of the license fee provided in section 6-147. The license application shall be properly signed, and the license shall be issued by the city clerk.

(Code 1975, § 6-86; Code 1997, § 14-227; Ord. No. 7-21-22, § 6, 6-7-2021)

Sec 6-147 Fee

The fee for a theater license shall be $50.00, stage or screen, per year.

(Code 1975, § 6-87; Code 1997, § 14-228; Ord. No. 57-99-00, § 1, 11-15-1999)

Sec 6-148 Premises Specified

The license issued under the provisions of this article shall designate the specific premises for which granted.

(Code 1975, § 6-88; Code 1997, § 14-229)

Sec 6-149 Expiration

Each license issued under the provisions of this article shall expire on June 30 following its date of issuance.

(Code 1975, § 6-89; Code 1997, § 14-230)

ARTICLE 6-VI NONALCOHOLIC DANCE CLUBS
DIVISION 6-VI-1 NONALCOHOLIC DANCE CLUBS GENERALLY
DIVISION 6-VI-2 LICENSE

DIVISION 6-VI-1 NONALCOHOLIC DANCE CLUBS GENERALLY
Sec 6-167 Definitions
Sec 6-168 Penalty For Violation Of Article
Sec 6-169 Terms And Conditions For Operation

Sec 6-167 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nonalcoholic dance club means any premises operated by any person or organization, whether incorporated or not, who or which is the owner, lessee or occupant of a building whose purpose or object is providing dances, or a dance floor for persons in a nonalcoholic setting. Dances sponsored by an accredited school are not included.

Premises means the area described in the nonalcoholic dance club license.

(Code 1975, § 6-95; Code 1997, § 14-261)

Sec 6-168 Penalty For Violation Of Article

Any person who shall violate any provision of this article shall forfeit, upon conviction, not less than $50.00, nor more than $1,000.00, together with the cost of prosecution. The court may, upon conviction, suspend the license for a period not exceeding 60 days. Each day's violation of the provisions of this article shall constitute a separate offense. In addition, the city may seek any other remedy permitted by state law.

(Code 1975, § 6-100; Code 1997, § 14-262)

Sec 6-169 Terms And Conditions For Operation

(a) *Consent to inspection*. Issuance of a license under this article constitutes the license holder's consent to warrantless inspection of the premises at any reasonable hour by police officers.

(b) *Supervision*. The licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of adult persons 18 years of age or older.

(c) *Ages*. No license holder shall permit any person under 18 years of age to enter or

remain upon the premises during the curfew hours specified in section 38-367, unless such person is accompanied by a parent, guardian or other person of adult age having the custody of such person. Any person under 18 years of age present upon the premises during the curfew hours shall, on demand of the nonalcoholic dance club licensee, or on demand of any city police officer, point out and give the name of the parent or other person mentioned in this subsection. On failing to do so, the person under 18 years of age may be summarily ejected from the premises and shall also be subject to the penalty set forth for violation of the curfew hours.

(d) *Hours*. No premises for which a license is issued may be open for such purposes before 4:00 p.m. and shall close at 1:00 a.m. An announcement shall be made 15 minutes prior to the beginning of curfew hours specified in section 38-367 to provide for the exit of those persons under 18 years of age. All entertainment shall cease for the 15-minute period prior to curfew.

(e) *Maintenance; safety*. Each licensed premises under this article shall be maintained in a safe and sanitary manner and shall be a safe and proper place for the purpose for which used. No license shall be issued unless the premises complies with all applicable laws, codes and ordinances.

(f) *Alcohol beverages*. No person may possess or consume alcohol beverages on the licensed premises, nor may any person procure, sell, dispense or give away alcohol beverages to any person on the licensed premises during the period of licensed activity.

(g) *Compliance with other license requirements*. Persons required to obtain a nonalcoholic dance club license are exempt from article III of this chapter relating to public dancehalls. The license holder shall obey all other applicable city ordinances and state laws and shall be required to obtain any other license required by law or ordinance.

(Code 1975, § 6-99; Code 1997, § 14-263)

DIVISION 6-VI-2 LICENSE

Sec 6-192 Required
Sec 6-193 Application; Investigation; Issuance
Sec 6-194 Fee
Sec 6-195 Suspension Or Revocation

Sec 6-192 Required

No person shall engage in the business of operating a nonalcoholic dance club without being licensed as required by this article.

(Code 1975, § 6-96; Code 1997, § 14-286)

Sec 6-193 Application; Investigation; Issuance

(a) Application for a license shall be made to the city clerk on the forms provided by such office.

(b) The city chief of police shall cause to be made an investigation of all persons named in an application for a license and report the findings to the council or proper standing committee thereof.

(c) Opportunity shall be given by the city clerk to any person to be heard for or against granting of any license under this article.

(d) The clerk shall not issue the license if the applicant, any partner or the principal officer, or any stockholder holding more than 20 percent of the corporation is:

(1) A corporation.

(2) Has been convicted of a felony or crime involving moral turpitude.

(3) Is under 18 years of age.

(4) Prior to approving the issuance of a nonalcoholic dance club license, the city clerk shall find that:

a. The establishment, maintenance or operation of the nonalcoholic dance club will not be detrimental to or endanger the public health, safety, comfort or general welfare; and

b. Adequate measures have or will be taken to maintain good order surrounding the location.

(Code 1975, § 6-97; Code 1997, § 14-287; Ord. No. 7-21-22, § 7, 6-7-2021)

Sec 6-194 Fee

The license shall be for a period of one year or part of a year and shall expire June 30 following its issuance. License fees shall be prorated for applications made for periods of less than one year. The fee for a license shall be $100.00 per year.

(Code 1975, § 6-98; Code 1997, § 14-288)

Sec 6-195 Suspension Or Revocation

The common council may suspend or revoke any license issued pursuant to this article at any time for any reasonable cause, which shall be in the best interests and good order of the city, provided that the licensee shall be accorded due process of law.

(Code 1975, § 6-101; Code 1997, § 14-289)

ARTICLE 6-VII AMUSEMENT DEVICES

Sec 6-214 License Required
Sec 6-215 Definition
Sec 6-216 Issuance Of License
Sec 6-217 Fee
Sec 6-218 Temporary Amusement Arcade And Amusement Device Permit
Sec 6-219 Exemptions
Sec 6-220 Term And Late Filing Fee
Sec 6-221 Non-Renewal, Revocation Or Suspension
Sec 6-222 Transfer

Sec 6-214 License Required

No person or organization shall place or keep an amusement device in the city without first having obtained a license therefor upon application showing ownership thereof and where the same shall be located. Such license shall not be assignable. A license must be obtained for each premises upon which an amusement device is kept.

(Code 1997, § 14-301; Ord. No. 75-02-03, § 1, 3-3-2003)

Sec 6-215 Definition

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement device means any machine, game, or similar device, whether or not operated by coins, slugs, tokens, or similar items which permits a person or operator to use the device as a game or contest of skill or amusement, whether or not the device registers a score, which may cause a person or operator of the same to secure some amusement, enjoyment, or entertainment, and which is not a gambling machine pursuant to section 38-79. The term "amusement device" includes, but shall not be limited to, because of enumeration, electronic or mechanical game machines, pinball machines, and shuffleboard games, but shall not include billiard or pool tables, bumper pool tables, bowling centers or pigeonhole tables that are subject to licensing under article II of this chapter.

(Code 1997, § 14-302; Ord. No. 75-02-03, § 1, 3-3-2003)

Sec 6-216 Issuance Of License

A license under this article shall be issued by the city clerk upon payment of the fee for such license, subject to the requirements of section 2-839. The annual license shall have a term commencing July 1 through June 30 of each year.

(Code 1997, § 14-303; Ord. No. 75-02-03, § 1, 3-3-2003)

Sec 6-217 Fee

The fee for such license shall be $100.00.

(Code 1997, § 14-304; Ord. No. 75-02-03, § 1, 3-3-2003; Ord. No. 86-02-03, § 1, 4-14-2003)

Sec 6-218 Temporary Amusement Arcade And Amusement Device Permit

(a) The clerk's office shall be authorized to issue a temporary permit for the operation of amusement machines, devices, or mechanical games in connection with fairs, festivals, carnivals or other similar events. A fee of $5.00 per machine per calendar day or fraction thereof shall be paid prior to the issuance of such temporary permit. Such temporary permit shall be limited to the period of time and place specified thereon and shall be subject to suspension if the operation of the regulated machine or machines is deemed by a city police officer to unduly interfere with or be disruptive of good peace and order in the community. It shall be the responsibility of the person or organization sponsoring the particular fair, festival, carnival or other similar event to make application for and obtain such temporary amusement device permit in conjunction with the operation of such amusement machines.

(b) No person or organization shall be required to pay more than $100.00 in a given license year (July 1 through June 30) for temporary permits under this section for fairs, festivals, carnivals, or other similar events held in the same location.

(Code 1997, § 14-305; Ord. No. 75-02-03, § 1, 3-3-2003; Ord. No. 86-02-03, § 2, 4-14-2003)

Sec 6-219 Exemptions

This article shall not apply to operators of amusement devices in private homes, municipal buildings, schools or churches.

(Code 1997, § 14-306; Ord. No. 75-02-03, § 1, 3-3-2003)

Sec 6-220 Term And Late Filing Fee

Licenses issued under this article shall expire on June 30 of each year. Any application for renewal of a license under this article after the termination date shall be subject to a late filing fee of ten percent of the fee, but not less than $5.00 per late license application.

(Code 1997, § 14-307; Ord. No. 75-02-03, § 1, 3-3-2003)

Sec 6-221 Non-Renewal, Revocation Or Suspension

(a) Any person, firm or corporation receiving a license under this article accepts such license upon the condition that the granting of the license is a privilege and vests no property interest in the license.

(b) Such licensee agrees to abide by any conditions relating to the operation of the licensed premises as may be imposed by the board of zoning appeals or common council as deemed by such body to be in the best public interest. Such conditions may include, but are not limited to, hours of operation, supervision, lighting requirements, noise level or other restrictions that are deemed by such body to be reasonable due to the location or other factors unique to the licensee's operation.

(c) Such licensee agrees to surrender any license or licenses to the city if, following a hearing held before the common council or its licensing committee, it is determined to be in the best public interest to revoke, deny renewal or temporarily suspend the same. The basis for revocation, non-renewal or suspension shall include but not be limited to, violations of city ordinance or other law by the licensee, manager or employee of the same, or for concerns about whether the place where the amusement devices are located has become a source of rowdiness or vandalism in the neighborhood, a source of frequent complaints to the police, or in other ways disruptive of good peace and order in the community.

(Code 1997, § 14-308; Ord. No. 75-02-03, § 1, 3-3-2003)

Sec 6-222 Transfer

No license issued under the provisions of this article shall be assignable or used for the benefit of any person or organization other than the one to whom the license is issued.

(Code 1997, § 14-309; Ord. No. 75-02-03, § 1, 3-3-2003)

CHAPTER 8 ANIMALS

ARTICLE 8-I ANIMALS IN GENERAL
ARTICLE 8-II DOGS AND CATS

State law references—Animal health generally, Wis. Stats. § 95.001 et seq.; animals restrained, Wis. Stats. § 172.01 et seq.; dogs, Wis. Stats. § 174.001 et seq.

ARTICLE 8-I ANIMALS IN GENERAL

Sec 8-1 Adoption Of State Law Provisions; Abatement Orders
Sec 8-2 Abatement Orders
Sec 8-3 Definitions
Sec 8-4 Penalties For Violation Of Chapter
Sec 8-5 Animals Running At Large
Sec 8-6 Authority To Destroy Certain At-Large Animals
Sec 8-7 Shooting Birds
Sec 8-8 Sale, Giving Away Or Coloring Of Live Animals As Prizes Or Premiums
Sec 8-9 Keeping Of Swine And Cattle; Exception
Sec 8-10 Animal Feces
Sec 8-11 Sanitary Standards For The Keeping Of Pets
Sec 8-12 Rabies Vaccination Required
Sec 8-13 Collar And Tags Must Be Worn
Sec 8-14 Feeding Of Deer
Sec 8-15 Keeping Of Fowl
Sec 8-16 Pets Prohibited In Parks And On Public Grounds Except In Designated Areas; Regulations
Sec 8-17 Feeding Of Seagulls
Sec 8-18 Animal Fancier Permit

Sec 8-1 Adoption Of State Law Provisions; Abatement Orders

The provisions of Wis. Stats. ch. 951 regarding crimes against animals, excluding penalties for violation, are adopted by reference in this section as if fully set forth.

(Code 1975, §§ 7-6—7-8; Code 1997, § 18-1(a); Ord. No. 26-06-07, § 1, 9-5-2006; Ord. No. 37-17-18, § 5, 2-19-2018)

Sec 8-2 Abatement Orders

(a) The licensing, hearings, and public safety committee of the common council is hereby designated and authorized, pursuant to Wis. Stats. § 173.03(2), to affirm, modify, or withdraw abatement orders issued under Wis. Stats. § 173.11, by any humane officer or law enforcement officer.

(b) Any person named in an abatement order may appeal such order to the licensing, hearings, and public safety committee within ten days of service of the order. The notice of appeal shall be served upon the city clerk and must state the grounds for the appeal with specificity. The licensing, hearings, and public safety committee shall schedule a hearing to be held within ten days of the receipt of the notice of appeal, unless the appellant agrees to a later date. The licensing, hearings, and public safety committee shall make reasonable efforts to notify the appellant, the officer issuing the abatement order, and any other interested party of the hearing and the opportunity to present evidence and testimony at the hearing. The hearing shall be informal in nature. Within ten days after the hearing, the licensing, hearings, and public safety committee shall determine whether to affirm, modify and affirm, or withdraw the abatement order and shall issue their decision in writing and serve it upon the appellant and other interested parties.

(c) Any person adversely affected by a decision under subsection (b) of this section may seek judicial review by commencing an action in circuit court within 30 days after the date of the decision.

(Code 1975, §§ 7-6—7-8; Code 1997, § 18-1(b); Ord. No. 26-06-07, § 1, 9-5-2006; Ord. No. 37-17-18, § 5, 2-19-2018)

Sec 8-3 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means both the male and female sex of either wild or domesticated species.

Cat means any feline animal, male or female, sexed or neutered.

Dog means any canine animal, male or female, sexed or neutered.

Kennel means any establishment where dogs are kept for the purpose of breeding, sale or sporting purposes.

Owner means any person keeping, harboring, or having charge or control of, or permitting any dog or cat to habitually be or remain on, or be lodged or fed within, such person's house, yard or premises. The term "owner" shall not apply to veterinarians or kennel operators who temporarily maintain on their premises dogs or cats owned by others.

Pet shop means any business establishment where domesticated mammals, birds or reptiles are kept for sale; provided, however, that the term "pet shop" shall not include the term "kennel."

Police dog means any dog owned by a municipal entity and used by the city police department or the county sheriff's department for police functions while involved in police work.

Vaccination against rabies means the inoculation of a dog or cat with a rabies vaccine licensed by the federal department of agriculture. Such vaccination must be performed by a veterinarian, duly licensed to practice veterinary medicine in the state.

(Code 1975, § 7-1; Code 1997, § 18-2)

Sec 8-4 Penalties For Violation Of Chapter

A violation of any of the following provisions of this chapter, and any person interfering with the enforcement of the provisions of this chapter, shall subject the violator to the forfeitures as set forth in this section, together with the costs of prosecution, and in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of the terms stated:

(a) A forfeiture of not less than $25.00, nor more than $100.00, and in default of payment thereof, imprisonment for not exceeding 20 days, for a violation of any section of this chapter, unless a different penalty is imposed by this section.

(b) A forfeiture of not less than $250.00, nor more than $500.00, and in default thereof, imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days, for a violation of section 8-3.

(c) A forfeiture of not less than $50.00, nor more than $100.00, together with the costs of prosecution, and in default of payment thereof, imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days, for a violation of sections 8-7 and 8-12.

(d) A forfeiture of not less than $100.00, nor more than $250.00 for a violation of section 8-5, except as follows:

    (1) Where a defendant has one prior conviction within a five-year period for a violation of section 8-5 the forfeiture shall be no less than $250.00 nor more than $500.00.

    (2) Where a defendant has two or more prior convictions within a five-year period for a violation of section 8-5 the forfeiture shall be no less than $500.00 nor more than $2,500.00.

(e) A forfeiture of not less than $250.00, nor more than $1,000.00 for a violation of section 8-74.

(f) A forfeiture of not less than $100.00, nor more than $500.00 for a violation of section 8-75, 8-76, 8-81, or 8-82.

(Code 1997, § 18-3; Ord. No. 124-95-96, § 1, 6-3-1996; Ord. No. 101-05-06, § 10, 3-20-2006; Ord. No. 46-10-11, § 2, 12-20-2010; Ord. No. 10-21-22, § 1, 7-6-2021)

Sec 8-5 Animals Running At Large

Animals shall not be allowed to run at large within the city limits.

(Code 1975, § 7-3; Code 1997, § 18-4)

State law reference—Similar provisions, Wis. Stats. § 172.01.

Sec 8-6 Authority To Destroy Certain At-Large Animals

The police city officers are hereby authorized to kill all animals that may be running at large and cannot be captured safely and in the most expedient manner, pursuant to the provisions of Wis. Stats. § 174.01 et seq. It shall be unlawful for any owner of any dog or cat to permit such animal to run at large at any time.

(Code 1975, § 7-4; Code 1997, § 18-5)

Sec 8-7 Shooting Birds

No person, except police officers in the line of duty, shall injure or destroy any bird in the city.

(Code 1975, § 7-5; Code 1997, § 18-6)

Sec 8-8 Sale, Giving Away Or Coloring Of Live Animals As Prizes Or Premiums

No person shall sell or give away any live animal as a prize, premium, reward or inducement in connection with purchases and sales of any other or similar commodities made and conducted within the city, or artificially to color any such animal or fowl for the purposes of display or sale.

(Code 1975, § 7-9; Code 1997, § 18-7)

Sec 8-9 Keeping Of Swine And Cattle; Exception

(a) No person shall keep or feed any swine or cattle on any premises within the city.

(b) Notwithstanding subsection (a) of this section, it shall be lawful to keep as a pet, a miniature potbellied pig; provided, however, that no more than two such pigs may be kept on any premises within the city.

(c) Miniature potbellied pigs may be kept according to the following requirements:

(1) The owner of a miniature potbellied pig that is kept in the city, which pig is more than five months of age as of January 1 of any year, or five months

of age within the license year, shall annually, or on/or before the date the pig becomes five months of age, pay the miniature potbellied pig license tax and obtain a license.

(2) The minimum miniature potbellied pig license tax is $3.25 for a neutered male pig or spayed female pig, upon presentation of evidence that the pig is neutered or spayed, and $8.25 for an unneutered male or unspayed female pig, or one-half of these amounts if the pig becomes five months of age after July 1 of the license year.

(3) The license year commences on January 1 and ends on the following December 31.

(4) The collecting official shall assess and collect a late fee of $5.00 from every owner of a miniature potbellied pig five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable miniature potbellied pig, or if the owner failed to obtain a license on/or before the miniature potbellied pig reached licensable age. All late fees received or collected shall be paid into the city treasury as city revenue.

(Code 1975, §§ 7-10, 7-30(3); Code 1997, § 18-8)

Sec 8-10 Animal Feces

Any person owning or having control of any animal shall clean up the feces of such animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed upon any private or public property.

(Code 1975, § 7-11; Code 1997, § 18-9)

Sec 8-11 Sanitary Standards For The Keeping Of Pets

Pets kept within a private premises or dwelling shall be so maintained as not to cause a rubbish problem, a potential rodent problem or an offensive odor problem.

(Code 1975, § 7-12; Code 1997, § 18-10)

Sec 8-12 Rabies Vaccination Required

It shall be unlawful for the owner of any domesticated animal, other than a dog or cat, to keep or maintain such domesticated animal within the city unless it shall have been vaccinated by a licensed veterinarian with an antirabies vaccine within one year preceding the date on which such domesticated animal is kept or maintained.

(Code 1975, § 7-13; Code 1997, § 18-11)

Sec 8-13 Collar And Tags Must Be Worn

It shall be unlawful for any person to maintain or keep a domesticated animal, other than a dog or cat, on any premises within the city unless the domesticated animal wears a collar or harness securely attached to its body to which shall be securely attached a tag issued for the domesticated animal by a licensed veterinarian, licensed to practice veterinary medicine in the state, showing that the domesticated animal has been, within the current calendar year, vaccinated against rabies.

(Code 1975, § 7-14; Code 1997, § 18-12)

Sec 8-14 Feeding Of Deer

(a) *Feeding of deer prohibited*. It shall be unlawful for any person to place any feed such as salt, minerals, grain, fruit, vegetable material, sunflower seeds, deer suckers, or any other type of feed, on any public or private property for the purpose of enticing whitetail deer into any specific location in the city except as otherwise provided herein.

(b) *Rebuttable presumptions*. There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer.

(1) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half gallon at the height of less than six feet off the ground.

(2) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers.

(c) *Exemptions*. This section shall not apply to:

(1) Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, or gardens and other vegetable materials maintained as a mulch or compost pile;

(2) Unmodified commercially purchased bird feeders or their equivalent;

(3) Deer management practices approved, authorized, and sponsored on a temporary basis by the common council.

(Code 1997, § 18-13; Ord. No. 16-17-18, § 2, 10-2-2017)

Sec 8-15 Keeping Of Fowl

(a) No person shall keep any ducks, geese, pigeons, chickens, birds, or other fowl within the city in any unsanitary condition or within such proximity of dwelling houses or in any manner so as to be a nuisance.

(b) The building inspection department shall, upon complaint or on its own initiative, inspect premises upon which fowl are kept and ascertain and determine whether the conditions are unsanitary or if, for any reason, a nuisance is caused thereby. If the department determines that conditions are unsanitary, or if, for any reason, a nuisance exists, it shall order the owner or occupant of the premises to abate the nuisance and it shall thereupon be unlawful to keep such fowl on the premises.

(Code 1997, § 18-14; Ord. No. 13-99-00, § 1, 8-2-1999)

Sec 8-16 Pets Prohibited In Parks And On Public Grounds Except In Designated Areas; Regulations

(a) Pets are prohibited in all city parks, beaches or other public grounds, except in areas designated by the common council and posted by the superintendent of parks as either off-leash or on-leash areas, or in areas designated by the common council for the training or showing of pets.

(b) *Designated off-leash areas*. Unleashed pets shall be allowed at the following locations, provided that they are at all times under immediate control, such as by voice command of the owner or other person physically capable of restraining the pet:

(1) Lakeview Park Beach area delineated by the superintendent of parks with snow fencing;

(2) City-owned property east of Lakeshore Road (County LS) north of the Pigeon River, within the Pigeon River Environmental Corridor.

(c) *On-leash areas*. Pets shall be allowed at the following locations, provided they are restrained by a substantial leash or chain not exceeding eight feet in length, or a retractable leash not exceeding 15 feet in length in the hands of a person directly controlling the movement of the animal:

(1) Lakeview Park;

(2) North Point Park, north of the northernmost jetty;

(3) North Point Overlook;

(4) The city's urban recreational trail which extends through and connects portions of Taylor Park, Kiwanis Park, Workers Water Street Park, Rotary Riverview Park, Deland Park lakefront, North Point Park, North Point Overlook, and Vollrath Park;

(5) City-owned Green Wing Drive retention ponds;

(6) The city-owned green space area adjacent to Fisherman's Creek on the south side of Camelot Boulevard between 1211 and 1411 Camelot Boulevard;

(7) Area eight of Kiwanis Park when a Biergarten authorized by the Common Council is in operations (except during a festival in which all of Kiwanis Park has been rented, even if the Biergarten is in operations during that time).

(d) Any person owning or having charge, custody, care or control of a pet who shall permit the pet to be present in any of the prohibited areas or in any of the designated areas in violation of the provisions of this section shall be subject to penalty as provided in section 8-4.

(e) Any person owning or having charge, custody, care or control of a pet in a designated off-leash or on-leash area who fails to clean up the pet's feces shall be subject to a forfeiture of $125.00, together with the costs of prosecution, and in default of payment thereof, imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(f) The superintendent of parks shall post areas designated as off-leash and on-leash areas where pets are allowed, shall post the forfeiture amount for violations for subsection (e) of this section, and shall supply waste receptacles and waste bags for the public's use in complying with the requirements of subsection (e) of this section.

(g) This section shall not apply to police dogs.

(Code 1997, § 18-15; Ord. No. 78-01-02, § 2, 2-4-2002; Ord. No. 35-03-04, § 1, 10-20-2003; Ord. No. 100-05-06, § 1, 5-15-2006; Ord. No. 77-06-07, § 1, 2-19-2007; Ord. No. 49-18-19, § 1, 3-18-2019)

Sec 8-17 Feeding Of Seagulls

No person shall encourage the congregating of seagulls by feeding or any other means in any commercial zoning district.

(Code 1997, § 18-16; Ord. No. 15-05-06, § 1, 7-18-2005)

Sec 8-18 Animal Fancier Permit

(a) In this section, the term "domestic animal" includes all animals encompassed under the definitions provided in Wis. Stats. §§ 95.001(ad) and 169.01(7).

(b) No person may keep, harbor, shelter or possess more than three domestic animals including fowl over the age of five months unless the person holds a valid animal fancier permit. There shall be no more than one animal fancier permit issued per dwelling unit.

(c) The keeping of more than three domestic animals including fowl over the age of five months without an animal fanciers permit is declared to be a nuisance as defined in section 36-1.

(d) This permit shall be included at no cost with pet licenses issued pursuant to sections 8-9(c) and 8-42. If a person has no pet license because the person owns only animals not requiring licenses, an animal fancier permit shall be issued upon the payment of $3.00 on an annual basis. The permit year commences on January 1 and ends on the following December 31. The collecting official shall assess and collect a late fee of $5.00 from every animal fancier applicant if the applicant fails to obtain a permit prior to April 1 of each year, or within 30 days of falling under the requirements of this section. All late fees received or collected shall be paid into the city treasury as city revenue.

(e) Whenever the director of planning and development or designee requests an inspection of the interior and exterior premises of a person holding an animal fancier permit or of an applicant for an animal fancier permit, the animal fancier or applicant shall schedule such an inspection and allow the inspection to be completed no later than ten days after the date of the request. A request for a department inspection under this subsection may be made by any of the following means:

(1) A written request left at the residence or place of occupation of the applicant or permit holder.

(2) A written request delivered to a competent adult occupant of the applicant's or permit holder's residence.

(3) A written request addressed to the applicant or permit holder at the applicant's residence and mailed by first class, prepaid mail.

(f) A person who fails to comply with an inspection request as required by this subsection shall have their permit revoked and shall be ineligible for an animal fanciers permit for a period of one year. A person who on two or more occasions within a period of five years fails to comply with an inspection request as required by this subsection shall be permanently ineligible for an animal fanciers permit.

(g) No person who has a criminal conviction for a violation under Wis. Stats. ch. 951 or who has multiple non-criminal convictions for violations under Wis. Stats. ch. 951 or this chapter shall be issued an animal fancier's permit unless the common council or the committee thereof designated for such purposes, upon the request of the person wishing to hold the permit, determines that the issuance of such a permit is in the best interest of the community, that the person wishing to hold the permit is unlikely to re-offend, and the animals will be properly taken care of. Conditions may be attached to the issuance of a permit in such a situation at the complete discretion of the common council or committee.

(h) A person holding an animal fancier permit who does not conform to the following

requirements shall have their permit revoked and shall be ineligible for an animal fanciers permit for a period of one year. A person who is found not to conform to the requirements below on two or more occasions within a period of five years shall be permanently ineligible for an animal fanciers permit.

(1) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

(2) The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

(3) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein and shall be constructed of nonporous and noncorrosive materials.

(4) Dogs shall be kept in separate enclosures from cats. Dogs and cats over the age of five months shall be housed in separate enclosures with no more than three dogs or three cats contained within the same enclosure.

(5) Food supplies shall be stored in rodent-proof containers and food and water containers shall be kept clean.

(6) Litter or bedding material shall be changed as often as necessary to prevent an odor nuisance.

(7) Feces shall be removed from yards, pens and enclosures at least daily and stored in tightly covered, secure containers until final disposal.

(8) Yards, pens, premises and animals shall be kept free of pest infestations.

(9) No odor nuisance shall be permitted. Any animal holding area containing animals shall be provided with fresh air by means of windows, doors, vents, exhaust fans or air conditioning so as to minimize drafts, odors and moisture condensation.

(10) All animals shall have protection from the elements, whether indoors or outdoors.

(i) The requirement to hold an animal fancier's permit applies to persons holding kennel licenses pursuant to section 8-48 and persons operating pet shops, as they are defined in article I of this chapter, except that any person paying the kennel license fee provided in section 8-48 may obtain the animal fancier's permit at no charge.

(Code 1997, § 18-57; Ord. No. 10-03-04, § 1, 7-7-2003; Ord. No. 16-03-04, § 1, 7-21-2003)

ARTICLE 8-II DOGS AND CATS
DIVISION 8-II-1 DOGS AND CATS GENERALLY
DIVISION 8-II-2 DANGEROUS AND VICIOUS DOGS

DIVISION 8-II-1 DOGS AND CATS GENERALLY

Sec 8-40 Restraint
Sec 8-41 Restricted On Private Property
Sec 8-42 License Required; Fees; Proration; Delinquent Charge
Sec 8-43 Harboring Without A License
Sec 8-44 Rabies Vaccination
Sec 8-45 Display Of License And Rabies Tag
Sec 8-46 Impoundment
Sec 8-47 Destruction Of Dogs Who Have Caused Serious Injury
Sec 8-48 Dog Kennel Licenses
Sec 8-49 Continuing Violations; Expenses

Sec 8-40 Restraint

Except as otherwise provided in this chapter, any person owning or having charge, custody, care or control of any dog or cat shall keep such animal exclusively upon the person's own premises either by personal and direct supervision such as voice command by such person physically present, or upon an appropriate chain or tie no longer than 15 feet in length, or in an enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. The dog or cat may be off the premises if it is restrained by a substantial leash or chain not exceeding six feet in length, in the hands of such person and directly controlling the movement of the animal, or if it is being trained or shown in an area or at an event approved for such purposes by the superintendent of parks. This section shall not apply to police dogs.

(Code 1975, § 7-27; Code 1997, § 18-46; Ord. No. 133-96-97, § 1, 6-16-1997; Ord. No. 46-10-11, § 3, 12-20-2010)

Sec 8-41 Restricted On Private Property

Dogs or cats shall be prohibited on all private property except where the presence of the animals is with the express consent of the owner of the premises or party in control of such premises. Owners who permit their dog or cat to be present in any of such areas shall be subject to penalty. This section shall not apply to police dogs.

(Code 1975, § 7-29; Code 1997, § 18-48)

Sec 8-42 License Required; Fees; Proration; Delinquent Charge

(a) *Dogs*. The owner of a dog that is kept in the city, which dog is more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license. The minimum dog license tax is $5.25 for a neutered male or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and $12.25 for an unneutered male dog or

unspayed female dog, or one-half of these amounts if the dog became five months of age after July 1 of the license year. The license year commences on January 1 and ends on the following December 31. The collecting official shall assess and collect a late fee of $5.00, from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the city treasury as city revenue.

(b) *Cats*. The owner of a cat that is kept in the city, which cat is more than 13 months of age on January 1 of any year, or 13 months of age within the license year, shall annually, or on or before the date the cat becomes 13 months of age, pay the cat license tax and obtain a license. The minimum cat license tax is $5.25 for a neutered male cat or spayed female cat, upon of evidence that the cat is neutered or spayed, and $12.25 for an unneutered male cat or unspayed female cat, or one-half of these amounts if the cat became 13 months of age after July 1 of the license year. The license year commences on January 1 and ends on the following December 31. The collecting official shall assess and collect a late fee of $5.00 from every owner of a cat 13 months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable cat or if the owner failed to obtain a license on or before the cat reached licensable age. All late fees received or collected shall be paid into the city treasury as city revenue.

(Code 1975, § 7-30(1), (2); Code 1997, § 18-51; Ord. No. 44-04-05, § 1, 11-15-2004)

Sec 8-43 Harboring Without A License

It shall be unlawful for any person to harbor or permit to remain about the person's premises any dog or cat for which no license exists, and for which one is required. The fact that a dog or cat is without a license attached to a collar shall be presumptive evidence that a dog or cat is unlicensed.

(Code 1975, §§ 7-29.1, 7-29.2; Code 1997, §§ 18-49, 18-50)

Sec 8-44 Rabies Vaccination

(a) *Required prior to issuance of license; proof of vaccination*. Prior to issuing a current dog or cat license, the applicant shall show proof that the dog or cat for which a license is to be issued has a current rabies vaccination in accordance with subsection (b) of this section. The veterinarian shall issue a tag to the owner of the animal. The proof of vaccination shall be on a form showing:

(1) The owner's name and address;

(2) A description of the dog or cat (breed, sex, markings, age, name);

(3) Date of vaccination;

(4) Rabies vaccination tag number; and

(5) Required revaccination date.

(b) *Vaccination*. The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a licensed veterinarian as follows:

(1) *Dogs*. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this city after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the city unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from the state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

(2) *Cats*. The owner of a cat shall have the cat vaccinated against rabies by a veterinarian within 30 days after the cat reaches one year of age and revaccinated within one year after the initial vaccination. If the owner obtains the cat or brings the cat into the city after the cat has reached one year of age, the owner shall have the cat vaccinated against rabies within 30 days after the cat is obtained or brought into the city unless the cat has been vaccinated as evidenced by a current certificate of rabies vaccination from the state or another state. The owner of a cat shall have the cat revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

(c) *Owner responsible for costs*. The cost of rabies vaccinations shall be borne by the owner of the dog or cat.

(Code 1975, § 7-31; Code 1997, § 18-52)

Sec 8-45 Display Of License And Rabies Tag

All cats and dogs are required to wear their license and rabies tag on a collar whenever they are not kept in closed confinement such as a dwelling or cage.

(Code 1975, § 7-32; Code 1997, § 18-53)

Sec 8-46 Impoundment

(a) *Pound authorized*. The common council of the city shall authorize a pound, or it may enter into an agreement with a licensed veterinarian or a certified humane society for the established and operation of a pound.

(b) *Dog running at large or untagged subject to impoundment*. An officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(c) *Attempt to notify owner*. The pound, Humane Society, organization or officer who is notified or to whom a dog is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort. The officer or pound who is notified or to whom a dog is delivered shall check the lost and found column of the local daily newspapers having general circulation in the community to determine if a dog is advertised which answers the description of the dog.

(d) *Posting notice*. Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment.

(e) *Procedure for reclaiming; disposition of unclaimed animals*. Any animal may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees. For those impounded because of lack of a license tag, its owner must furnish proof of a current valid license. At the expiration of impoundment a dog or cat may be claimed by anyone by payment of established pound fees. If the dog or cat is unclaimed at the end of seven days, the pound may dispose of the dog or cat in accordance with Wis. Stats. § 173.23(1m).

(f) *Fees*. Fees for impoundment by the city in a pound authorized by this section shall be established by the common council.

(Code 1975, §§ 7-34, 7-35; Code 1997, §§ 18-55, 18-56; Ord. No. 8-05-06, § 1, 6-20-2005)

Sec 8-47 Destruction Of Dogs Who Have Caused Serious Injury

Any dog that has caused serious injury to a person or domestic animal on two separate occasions, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under Wis. Stats. § 174.02(3). The animal's owner shall be responsible for costs of destruction.

(Code 1997, § 18-47(m); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-48 Dog Kennel Licenses

(a) Any person who keeps or operates a kennel in compliance with applicable zoning requirements may, instead of the license tax for each dog required by

section 8-42, apply to the collecting official for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of $55.00 for a kennel of 12 or fewer dogs and an additional $5.00 for each dog in excess of 12. Upon payment of the required kennel license tax, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, and upon presentation of evidence that the kennel is in compliance with applicable zoning requirements, the collecting official shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

(b) Kennel license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a dog during competition or training, a dog securely confined indoors, a dog while hunting, or a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on a leash or temporarily out for the purposes of hunting, breeding, trial, training or competition.

(c) Unless clearly inapplicable, all the provisions of this article relating to the individual dog license tax, licenses and tags shall apply to the kennel license and tags.

(Code 1975, § 7-33; Code 1997, § 18-54; Ord. No. 65-05-06, § 1, 12-5-2005)

Sec 8-49 Continuing Violations; Expenses

Every day that a violation of this article continues shall constitute a separate offense. Additionally, any person who violates this article shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this article.

(Code 1997, § 18-47(n); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

DIVISION 8-II-2 DANGEROUS AND VICIOUS DOGS

Sec 8-72 Definitions
Sec 8-73 Exceptions To Dangerous Dog Designation
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Sec 8-72 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous dog, except as otherwise provided in this division, includes any of the following:

(a) Any dog, except one assisting a peace officer in law enforcement duties, that has done any of the following:

(1) Caused injury to a person or domestic animal that is less severe than a serious injury;

(2) Chased or attacked any human being or domestic animal without provocation;

(3) Demonstrated an approach or apparent attitude of attack toward any human being or domestic animal in a menacing fashion, without provocation;

(4) Demonstrated a trait or characteristic or a generally known reputation for dangerousness;

(5) Demonstrated a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of humans or other domestic pets or animals without provocation;

(6) Demonstrated any other behavior which constitutes a threat of bodily harm to a person when such person is conducting themselves peacefully and lawfully;

(7) Run at large three or more times in any 12-month period;

(b) Any dog declared to be dangerous pursuant to subsection (a) of this definition;

(c) Any dog declared to be dangerous in another municipality, county, or state;

(d) Any dog previously found to be dangerous in a trial on the charge of violating subsection (a)(6) of this definition.

Vicious dog includes any of the following:

(a) Any dog, except one assisting a peace officer in law enforcement duties, that has done any of the following:

(1) Caused a serious injury to or killed a person or domestic animal;

(2) Caused an injury by biting a person in the face or neck;

(3) Attacked a person in such a manner as to require defensive action to prevent bodily injury or property damage when such person is conducting themselves peacefully and lawfully on property other than that of the owner of the attacking dog;

(4) Attacked a person in such a manner as to result in property damage or in an injury to the person when such person is conducting themselves peacefully and lawfully on property other than that of the owner of the attacking dog;

(5) Attacked without provocation another animal or fowl on property other than that of the owner of the attacking dog;

(b) Any dog owned, harbored, or trained primarily or in part for the purpose of fighting;

(c) Any dog declared to be vicious pursuant to subsection (a) of this definition;

(d) Any dog previously found to be vicious in a trial on the charge of violating subsection (b) of this definition;

(e) Any dog declared to be vicious in another municipality, county, or state.

(Code 1997, § 18-47(a); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-73 Exceptions To Dangerous Dog Designation

(a) No dog shall be deemed dangerous based solely upon attacking or menacing any person or domestic animal in order to defend its owner, caretaker, or another person or animal, its young or its food, from a trespasser or an attack by a person or animal, or defend itself against any person, animal or trespasser that has provoked, tormented or abused it.

(1) No dog shall be deemed dangerous solely based upon its breed.

(2) A dog previously deemed dangerous pursuant to this division shall no

longer be deemed dangerous if:

a. The dog has not exhibited any of the behaviors specified in section 8-72(a)1 through 6 of the definition of the term "dangerous dog" for a period of 36 consecutive months; provided, however, that the same dog may again be declared dangerous if it again exhibits any of the specified behaviors; or

b. The dog and its owner have completed the Canine Good Citizen Program sponsored by the American Kennel Club and provided evidence of the same in writing to the police department, and the dog has not exhibited any of the behaviors specified in section 8-72(a)1 through 6 of the definition of the term "dangerous dog" for a period of six consecutive months; provided, however, that the same dog may again be declared dangerous if it again exhibits any of the specified behaviors.

(b) No dog may be declared dangerous for acts committed by the dog while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(Code 1997, § 18-47(a), (k); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-74 Vicious Dogs Prohibited

No person may harbor, keep, maintain, or permit to remain about the person's premises any vicious dog within the city. No person may bring into the city any dog that has previously been declared vicious in another municipality, county, or state.

(Code 1997, § 18-47(b), (c); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-75 Notice To Police Of Change In Ownership Or Custody Of Dangerous Or Vicious Dog Required

No person may sell, give away, or transfer ownership or custodianship of a dangerous or vicious dog without first advising the police department in writing, including the name and address of the person to whom the dangerous or vicious dog is given.

(Code 1997, § 18-47(d); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-76 Notice To Police Of Escape, Death Or Attack By Dangerous Or Vicious Dog Required

The owner or custodian of a dangerous or vicious dog shall immediately notify the police department if the dog escapes, is unconfined, has attacked another animal or human being or has died.

(Code 1997, § 18-47(e); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-77 Impoundment And Removal From City; Costs

Any dangerous or vicious dog may be ordered impounded or removed from the city for violations of this chapter. The animal's owner shall be responsible for costs of impoundment or removal.

(Code 1997, § 18-47(l); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-78 Factors Considered In Making Dangerous Or Vicious Dog Determinations

In making determinations and designations of vicious or dangerous dogs, the city authorized authority shall consider evidence of provocation of the animal by a person or animal bitten or injured by the dog as a potentially mitigating factor. If the provocation is purposeful or substantial, the authorized authority may accept any alleged bite or injury as self-defense by the animal and not classify the animal as dangerous or vicious.

(Code 1997, § 18-47(k); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-79 Presumption Of Unprovoked Attack

The attack, chase, or injury of a person or domestic animal by an animal shall, in the absence of contrary evidence, be presumed to be due to an unprovoked attack. However, a dog shall not be deemed to be dangerous if it bites, attacks or menaces any person or animal:

(a) To defend its owner, caretaker or another person from an unjustified attack by a person or animal;

(b) To protect its young or another animal;

(c) To defend itself against any person or animal that has tormented, assaulted or abused it;

(d) To defend its owner's or caretaker's property against trespassers;

(e) That is actively committing or attempting to commit a crime;

(f) That is violating or attempting to violate an ordinance that protects persons or

property.

(Code 1997, § 18-47(j); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-80 Procedure For Declaration Of Vicious Or Dangerous Dog

(a) *Police officer declarations*. If a police officer determines that a dog is dangerous or vicious, as defined in this section, the officer may declare the dog to be a dangerous or vicious dog. The officer shall immediately inform the owner or custodian in writing, by personal service or certified mail, of such determination, and the reasons therefor. The determination shall be dated and shall advise such person of the right to have such determination reviewed, the time within such review may be obtained, and the officer or person to whom a request for review shall be addressed.

(b) *Request for review hearing*. If an owner or custodian contests the designation of the dog as dangerous or vicious, the owner may request a hearing in writing, mailed or delivered in person to the chief of police within 30 days of issuance of the notice. The request for review hearing shall state the grounds upon which the person aggrieved contends that the decision should be modified or reversed. The owner or custodian may file with the request for hearing written evidence and argument in support of the person's position with respect to the initial determination.

(c) *Restrictions applicable pending hearing*. Pending the decision of the committee upon hearing, the owner must comply with the provisions of the section relating to dangerous dogs. The officer may impose additional restrictions on a dog declared vicious pending hearing.

(d) *Time and notice of hearing*. The hearing shall be held within 15 days of receipt of the request for hearing before the licensing, hearings, and public safety committee of the common council. The chief of police shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing.

(e) *Conduct of hearing*. Hearing under this section shall be subject to the following:

(1) At hearing, the determination of the police officer shall be termed an initial determination.

(2) At the hearing, the appellant and the city may be represented by an attorney and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the chair of the hearing committee. Any interested party may present evidence as to whether the dog is dangerous or vicious. The committee may issue subpoenas.

(3) An appellant's attorney of record may issue a subpoena to compel the attendance of a witness or the production of evidence. A subpoena issued by an attorney must be in substantially the same form as provided in Wis. Stats. § 805.07(4) and must be served in the manner provided in Wis. Stats. § 805.07(5). The attorney shall, at the time of issuance, send a copy of the subpoena to the decision maker.

(4) The proceedings shall be taken by a stenographer or recorded. The chair of the committee or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits.

(5) After the hearing, the owner shall be notified in writing of the determination. The law and licensing committee may impose additional restrictions on a dog declared vicious pending arrangements for its removal from the city or euthanasia.

(6) The committee may affirm, reverse, or modify the initial determination and shall, within 20 days of completion of the hearing and the filing of briefs, if any, mail or deliver to the owner or custodian a copy of the committee's decision on review, which shall state the reasons for such decision. Such decision shall be a final determination. The decision shall advise the owner or custodian of the right to appeal the decision, the time within which appeal shall be taken and the office or person with whom notice of appeal shall be filed.

(f) *Judicial review*. Any party aggrieved by the determination at hearing conducted pursuant to this section may seek judicial review pursuant to Wis. Stats. § 68.13.

(Code 1997, § 18-47(i); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-81 Requirements For Keeping Dangerous Dog

(a) *Compliance required; custodian defined*. No person may own, be the custodian of, harbor, keep, maintain, or permit to remain about the person's premises any dangerous dog, except in strict compliance with the regulations below. The custodian of a dog includes any person permanently or temporarily entrusted with the custody or care of the dog or any person who in any way exercises any care for or control of the dog, including providing shelter or food.

(b) *Confinement and supervision generally*. All dangerous dogs shall at all times be confined in an enclosure that meets the requirements of this division. The only exceptions to this requirement are when it is necessary for the owner or keeper to obtain veterinary care for the dog, when it is necessary to transport the animal in a vehicle, when in compliance with the leash and muzzle requirements of this division or when its owner has secured express written approval from the police chief. Such exceptions shall only apply if the dangerous dog is under the direct

control and supervision of the owner or custodian of the dog who is at least 18 years of age and competent and capable to control and manage the dog.

(c) *Confinement in vehicles prohibited*. In no circumstances shall a dangerous dog be transported in the open bed of a truck or in a vehicle from which it can escape. Housing a dangerous dog in a vehicle for the purposes other than transport shall be a violation of these provisions requiring adequate confinement.

(d) *Warning signs required*. The owner or custodian of a dangerous dog shall display in a prominent place on the owner or custodian's premises a warning sign in letters no less than two inches high, stating that there is a dangerous dog on the premises and a symbol to warn children of the presence of a dangerous animal. The sign shall be clearly visible and capable of being read from any public property, street or highway adjacent to the premises. A similar sign shall also be posted on any outdoor pen or kennel or enclosure and on the fence of a yard where the dangerous dog is kept.

(e) *Identification device required*. The owner or custodian of a dangerous dog shall provide for the implantation of a device which can later be detected to aid in the proper identification of the animal.

(f) *Registration with police department required*. The owner or custodian of a dangerous dog shall initially register the dog with the police department no more than ten days after the dog become subject to the terms of this section. Additionally, the owner or custodian of a dangerous dog shall, prior to April 1, annually register the dog with the police department. At the time of registering the dangerous dog, the owner or custodian shall provide the following:

(1) A current color photograph of the animal;

(2) Proof of current license and rabies certificate as required by this chapter;

(3) Proof of liability insurance as provided in subsection (g) of this section;

(4) Written proof from a licensed veterinarian that the animal has been spayed or neutered; and

(5) Payment of a $75.00 registration fee.

(g) *Liability insurance required*. The owner or custodian of a dangerous dog shall purchase and maintain liability insurance in the amount of $300,000.00 insuring the owner for any personal injuries or physical damage inflicted by the dangerous dog. In addition, the policy of insurance shall require a minimum of ten days' notice to the city prior to any cancellation or termination of such policy. In lieu of the liability insurance requirement, the owner of a dangerous dog may present evidence of a surety bond in the sum of at least $300,000.00, payable to any person injured or whose property has been damaged by a dangerous dog. The proof of insurance or surety bond must be presented to the police chief each year at the time the dog's license is renewed, and the police chief shall keep a

record of the name, address, and contact information of the owner or custodian of each dog affected by this requirement.

(Code 1997, § 18-47(f); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

Sec 8-82 Dangerous Dog Restraint And Confinement Standards And Specifications

(a) *Generally; exemptions*. A dangerous dog shall be securely confined indoors or, if outdoors, in a secure, fenced yard or securely enclosed and locked pen, kennel or similar enclosure on the premises of the owner or custodian. No owner or custodian of a dangerous dog shall fail to securely confine the dog in compliance with the regulations below. A dangerous dog may be exempted from the requirements upon express written approval of the police chief.

(b) *Indoor confinement*. No dangerous dog shall be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit the building of its own volition. No dangerous dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(c) *Outdoor confinement*. No dangerous dog shall be kept outdoors unless it is on the property of the owner or custodian and confined in one of the following manners:

(1) *Fenced yard*. Any fenced yard shall be secure and fully enclosed, with only one entrance. The fence must be at least six feet tall, built in a stockade style, completely opaque, and embedded into the ground to a depth of no less than 18 inches. The entrance must be locked with a key or combination lock when any dog is inside the yard and the enclosure must be secured against the unauthorized entry by a minor on their own accord. No part of a property line fence shall be part of such an enclosure unless the entire property line fence forms the enclosure and conforms in its entirety to the requirements of this section.

(2) *Pen or kennel*. Any outdoor pen, kennel or similar enclosure must be childproof from the outside and dog proof from the inside. It must be located at least ten feet away from any lot line. A strong metal double fence with adequate space between the fences (at least two feet) must be provided so that a child cannot reach into the dog enclosure. The pen, kennel or structure shall have secure sides and top attached to the sides. A structure used to confine a dangerous dog shall be locked with a key or combination lock. The structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures shall comply with the

city zoning and building regulations.

(d) *Compliance*. Compliance with this section does not relieve the owner or custodian of a dangerous dog from the obligation to comply with any provision of this Code, including, without limitation, city zoning regulations, with regard to requirements for the placement or construction of fences or dog kennels.

(e) *Leash and muzzle requirements*. In addition to the other requirements of this section, the owner or custodian of a dangerous dog may permit the dog to go outdoors outside of its outdoor enclosure only if the dog is securely leashed on a leash no more than four feet in length, attached to a prong training collar and held by a person who is at least 18 years of age and competent and capable to physically control and manage the dog. The leash shall not be attached to inanimate objects such as trees, posts and buildings. A dangerous dog outdoors on a leash outside the dog's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals. A dangerous animal shall not be required to be muzzled when shown in a sanctioned American Kennel Club show.

(f) *Police chief may waive requirements*. Upon written application by the owner or custodian of a dangerous dog, the police chief may, in the police chief's discretion, waive any requirement specified in this section that is deemed to be inappropriate for a particular dangerous animal. Such waiver shall be in writing.

(Code 1997, § 18-47(g)—(h); Ord. No. 46-10-11, § 1, 12-20-2010; Ord. No. 37-17-18, § 6, 2-19-2018)

CHAPTER 10 AVIATION

ARTICLE 10-I AVIATION IN GENERAL
ARTICLE 10-II OPERATION STANDARDS AND SPECIFICATIONS

State law reference—Local regulation of airports, etc., Wis. Stats. § 114.105.

ARTICLE 10-I AVIATION IN GENERAL

Sec 10-1 Definitions
Sec 10-2 Penalties

Sec 10-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acrobatic flying means any intentional maneuver not necessary to air navigation.

Aircraft means any contrivance known or invented, used or designed for navigation or for flight in the air, except a parachute or other contrivance designed for such navigation and used primarily as safety equipment.

(Code 1975, § 8-1; Code 1997, § 22-1)

Sec 10-2 Penalties

Every person found guilty of a violation of this chapter shall, for each offense, be punished by a forfeiture of not less than $1.00 and not more than $100.00, together with the costs of preservation and, in default of payment thereof, imprisonment for not exceeding 30 days.

(Code 1975, § 8-2; Code 1997, § 22-2)

ARTICLE 10-II OPERATION STANDARDS AND SPECIFICATIONS

Sec 10-23 Conformity To Federal Rules
Sec 10-24 Compliance By Airports
Sec 10-25 Pilot's License
Sec 10-26 Aircraft License
Sec 10-27 Low Flying Aircraft
Sec 10-28 Acrobatic Flying
Sec 10-29 Dropping Objects From Aircraft

Sec 10-23 Conformity To Federal Rules

No person shall operate any aircraft over or within the city in violation of any rule or regulation which has been or may be established by the Federal Aviation Administration.

(Code 1975, § 8-3; Code 1997, § 22-3)

Sec 10-24 Compliance By Airports

No airport or landing field shall be established, maintained or operated for commercial purposes within the city except such airports or landing fields which meet the minimum requirements of the airport rating regulations and amendments thereto promulgated by the proper state and federal regulatory agencies.

(Code 1975, § 8-4; Code 1997, § 22-4)

Sec 10-25 Pilot's License

No person shall operate any aircraft within or over the city limits unless such person has been first duly licensed or under instruction by a duly licensed instructor pilot.

(Code 1975, § 8-5; Code 1997, § 22-5)

Sec 10-26 Aircraft License

No person shall operate any aircraft within or over the city limits unless such aircraft has been duly licensed by the Federal Aviation Administration.

(Code 1975, § 8-6; Code 1997, § 22-6)

Sec 10-27 Low Flying Aircraft

Exclusive of taking off from or landing on an established landing field or airport, no person shall operate any aircraft within the city except at the height sufficient to permit a reasonably safe emergency landing, which, in no case, shall be less than 1,000 feet. Deviation from this section may be permitted when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable causes. The chief of police may grant written permission to operate aircraft at lower altitudes, upon a written application therefor, for necessary industrial purposes and at specifically designated or limited times, when permitted to do so by the Federal Aviation Administration. The same permission will be required to land, maneuver or take off with a helicopter or balloon for reasons other than industrial purposes.

(Code 1975, § 8-7; Code 1997, § 22-7)

Sec 10-28 Acrobatic Flying

No person shall operate any aircraft in acrobatic flying maneuvers over any portion of the city.

(Code 1975, § 8-8; Code 1997, § 22-8)

Sec 10-29 Dropping Objects From Aircraft

(a) Except as permitted in subsection (b) of this section, no person in any aircraft shall cause or permit to be thrown out, discharged or dropped from the aircraft within the city any object or thing except when absolutely essential to the safety of the occupants of the aircraft, and all equipment, baggage and articles of personal property carried in an aircraft shall be adequately fastened in place before leaving the ground.

(b) Upon approval in advance by the common council of a request from a nonprofit organization as part of a community fundraising event sponsored by that organization, golf balls may be dropped from a helicopter from a height not to exceed 200 feet into a limited and defined area of a public park approved in advance by the director of public works/engineering.

(c) The approval shall be subject to such conditions as the council may require, including, but not limited to, proof of insurance and waiver of liability.

(Code 1975, § 8-9; Code 1997, § 22-9; Ord. No. 20-05-06, § 1, 7-5-2005)

CHAPTER 12 BUILDINGS AND CONSTRUCTION

ARTICLE 12-I BUILDINGS AND CONSTRUCTION IN GENERAL
ARTICLE 12-II BUILDING CODES
ARTICLE 12-III ELECTRICAL
ARTICLE 12-IV FENCES
ARTICLE 12-V HEATING AND VENTILATION
ARTICLE 12-VI DRAINAGE
ARTICLE 12-VII PROPERTY MAINTENANCE STANDARDS
ARTICLE 12-VIII PLUMBING CODE
ARTICLE 12-IX SWIMMING POOLS, WHIRLPOOLS AND SPAS

State law references—Planning, housing and transportation, Wis. Stats. § 66.1001 et seq.; housing codes to conform to state law, Wis. Stats. § 66.1019; enforcement of building codes, Wis. Stats. § 62.17.

ARTICLE 12-I BUILDINGS AND CONSTRUCTION IN GENERAL

Sec 12-1 Penalties For Violation Of Chapter
Sec 12-2 Liability Of City
Sec 12-3 Liability Of Inspector
Sec 12-4 Board Of License Examiners

Sec 12-1 Penalties For Violation Of Chapter

Any violation of the provisions of this chapter for which a specific penalty is not provided shall subject the violator to a forfeiture of not less than $150.00 nor more than $750.00, together with the costs of prosecution, and in default of payment thereof to imprisonment in the county jail until such forfeitures are paid, but not to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense.

(Code 1975, § 20-2; Code 1997, § 26-1; Ord. No. 92-97-98, § 1, 2-2-1998; Ord. No. 42-10-11, § 1, 11-15-2010; Ord. No. 9-11-12, § 1, 2-20-2012)

Sec 12-2 Liability Of City

This chapter shall not be construed to relieve or lessen the responsibility or liability of any person supplying, selling, renting, leasing, owning, using, operating, controlling, installing, altering, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining any heating, ventilation, electrical, plumbing, building or construction equipment, supplies, materials or services for damages to persons or property caused by any defect; nor shall the city assume any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or any inspection authorized by this chapter, or by reason of the approval or disapproval of any equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature,

formation of schedules authorized in this chapter; nor shall the city be held liable for any damages resulting from the enforcement of this chapter.

(Code 1975, § 20-64; Code 1997, § 26-2; Ord. No. 92-97-98, § 2, 2-2-1998)

Sec 12-3 Liability Of Inspector

Any action taken by an inspector or inspector's agent or by any member of a city board to enforce the regulations of this chapter shall be considered as done in the name of and on behalf of the city, and the inspector or member of the board in so acting for the city shall not be adjudged liable for any damage that may accrue to persons or property as the result of any such action taken in the discharge of their duties. Any legal action brought against the inspector or members of the board, in such capacity, shall be defended by the city attorney until final termination of the proceedings.

(Code 1975, § 20-65; Code 1997, § 26-3; Ord. No. 92-97-98, § 3, 2-2-1998)

Sec 12-4 Board Of License Examiners

(a) There is hereby established a board of license examiners in and for the city, hereinafter referred to as the board.

(b) The board shall consist of five voting members who shall be city residents. The members shall be appointed by the mayor. One shall be an alderperson, who shall be the chairperson of the board. The four remaining members shall be chosen from among the following groups of people, in any combination as the mayor sees fit:

    (1) Electrical contractors actively established in the electrical contracting business in the city;

    (2) Licensed journeyman electricians;

    (3) Licensed master electricians;

    (4) Regular plant electricians;

    (5) Licensed heating contractors;

    (6) Persons actively engaged in the general contracting business.

(c) The mayor shall appoint, subject to common council confirmation, two alternate members of the board who shall be actively engaged in the contracting business, in addition to the five members provided for in subsection (b) of this section. The alternate members shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent.

(d) The members of the board shall be appointed by the mayor for two-year terms,

subject to confirmation by the council. Two of the members shall be appointed on the third Tuesday in April of the even-numbered years, and two members shall be appointed on the third Tuesday in April of the odd-numbered years. The councilmember shall be elected by the council at its first regular meeting of each year.

(e) Vacancies on the board shall be filled for the unexpired term in the same manner as for regular appointments. Members shall hold office until their successors are appointed and qualified.

(f) All members of the board shall have qualified in accordance with the requirements governing their classifications before confirmation by the council.

(g) Each member of the board shall, before entering upon the discharge of the duties of the office, take and file the official oath.

(h) *Meetings*.

(1) The board shall meet at least bimonthly.

(2) Special meetings and hearings may be called by the director of planning and development or the director's designee or by the chair of the board. The board may consider and decide at any regular or special meeting or hearing, any matter within its jurisdiction.

(3) Three voting members of the board shall constitute a quorum for the transaction of business.

(4) At its first meeting each year after council confirmation of mayoral appointments to the board and election of an alderpersonic member, as provided in subsection (d) of this section, the board shall elect officers to serve for a term of one year. The officers shall consist of a chairperson and a vice-chairperson; the director of planning and development or the director's designee shall act as the secretary.

(i) The secretary of the board shall keep a record of all the proceedings of the board, together with the necessary registers showing all applications for the examination and license and showing thereon for each the date of application, name, qualifications, place of business, place of residence and whether the application was granted or refused. The books and registers of the board shall be prima facie evidence of all matters recorded therein. The secretary shall prepare a roster of all licensed contractors and shall file a copy of the same with the city clerk and the inspection office. It shall be the duty of the secretary of the board to promptly notify each of the officers of a revocation or reissuance of a license.

(j) The board shall have the power to make such bylaws, rules and regulations governing the conduct of its meetings and hearings as it may deem necessary, provided the same do not conflict with the laws of the city and the state.

(Code 1997, § 26-5; Ord. No. 39-16-17, § 16, 4-5-2017; Ord. No. 19-17-18, § 1, 11-6-2017; Ord. No. 10-20-21, § 1, 7-20-2020)

ARTICLE 12-II BUILDING CODES
DIVISION 12-II-1 BUILDING CODES GENERALLY
DIVISION 12-II-2 BUILDING INSPECTION DEPARTMENT
DIVISION 12-II-3 CONTRACTORS

DIVISION 12-II-1 BUILDING CODES GENERALLY
Sec 12-27 Building Codes Adopted
Sec 12-28 Property Maintenance Code Adopted
Sec 12-29 Administration And Enforcement
Sec 12-30 Notice Of Pending Violation To Prospective Purchasers
Sec 12-31 Abatement Of Nuisances
Sec 12-32 Plan Examination And Permit Fees
Sec 12-33 Mobile Homes; Utility Connection Restricted
Sec 12-34 Land Reconstruction
Sec 12-35 Coal Tar Sealant Products
Sec 12-36 Occupancy Permit
Sec 12-37 Building Plan Storage
Sec 12-38 Expiration Of Permits
Sec 12-39 Local Operators
Sec 12-40 Vacant Building Registration

Sec 12-27 Building Codes Adopted

(a) *Uniform dwelling code*. The city adopts by reference, as though fully set forth in this chapter, the state uniform dwelling code and all amendments thereto applicable to all new and existing one- and two-family dwelling including alterations and additions thereto. The adopted code is comprised of the following state administrative rules:

(1) Wis. Admin. Code ch. SPS 316, Electrical.

(2) Wis. Admin. Code ch. SPS 320, Administration and Enforcement.

(3) Wis. Admin. Code ch. SPS 321, Construction Standards.

(4) Wis. Admin. Code ch. SPS 322, Energy Conservation.

(5) Wis. Admin. Code ch. SPS 323, Heating, Ventilating and Air Conditioning.

(6) Wis. Admin. Code ch. SPS 324, Electrical Standards.

(7) Wis. Admin. Code ch. SPS 325, Plumbing.

(b) *Commercial building code*. The city adopts by reference, as though fully set forth

in this chapter, the state commercial building code and all amendments thereto applicable to those classes of building to which such code applies. The adopted code is comprised of the following state administrative rules:

(1) Wis. Admin. Code ch. SPS 360, Erosion Control, Sediment Control and Stormwater Management.

(2) Wis. Admin. Code ch. SPS 361, Administration and Enforcement.

(3) Wis. Admin. Code ch. SPS 362, Buildings and Structures.

(4) Wis. Admin. Code ch. SPS 363, Energy Conservation.

(5) Wis. Admin. Code ch. SPS 364, Heating, Ventilating and Air Conditioning.

(6) Wis. Admin. Code ch. SPS 365, Fuel Gas Appliances.

(7) Wis. Admin. Code ch. SPS 366, Existing Buildings.

(8) Wis. Admin. Code ch. SPS 381, Definitions and Standards.

(9) Wis. Admin. Code ch. SPS 382, Design, Construction, Installation, Supervisions, Maintenance and Inspection of Plumbing.

(10) Wis. Admin. Code ch. SPS 383, Private Onsite Wastewater Treatment Systems.

(11) Wis. Admin. Code ch. SPS 384, Plumbing Products.

(12) Wis. Admin. Code ch. SPS 385, Soil and Site Evaluations.

(13) Wis. Admin. Code ch. SPS 386, Boat and On-Shore Sewage Facilities.

(14) Wis. Admin. Code ch. SPS 387, Private Onsite Wastewater Treatment System Replacement or Rehabilitation Financial Assistance Program.

(c) *State uniform building code*. The Wisconsin Uniform Building Code prepared by the Building Inspectors' Association of Southeastern Wisconsin, as amended from time to time, is hereby adopted by reference as the city's building code with the exception sections 30.20(3) of chapter 3; section 30.06(2) and (3) of chapter 2; and section 30.40 of chapter 5.

(d) *International building code*. The International Building Code, chapters 1—35, as amended from time to time, are adopted by reference, a copy of which is on file in the city's building inspection department.

(Code 1997, §§ 9-1, 26-36, 26-37; Ord. No. 99-97-98, § 2, 2-2-1998; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011; Ord. No. 64-11-12, §§ 1—3, 2-6-2012; Ord. No. 38-17-18, §§ 1, 2, 2-19-2018; Ord. No. 10-20-21, §§ 2--4, 7-20-2020)

Sec 12-28 Property Maintenance Code Adopted

(a) The International Property Maintenance Code published by the International Code Council, together with all appendices and amendments thereto, is adopted by reference, except as follows:

(1) The following sections and subsections are specifically excluded:

a. Subsection 102.3;

b. Section 103;

c. Section 111;

d. Section 303;

e. Subsection 304.3.

(2) The following sections and subsections are modified as set forth below:

a. Section 301.2 is modified to provide as follows: "No person shall use, occupy, own, or permit use of any structure or premises that does not comply with the requirements of this chapter."

b. Subsection 304.7 is modified to provide as follows: "All roofs shall be structurally sound, tight and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building. Existing gutters and downspouts shall be maintained in good repair, and direct water away from all foundations. All dwellings nearer than three feet to property line shall have gutters and downspouts installed on the entire affected side."

c. In addition to the requirements of subsection 304.13, windowpanes and doors which require glazing shall not be boarded up except as a result of weather conditions or replacement and then only on a temporary basis, not to exceed three weeks. Commercial buildings shall comply with the requirements of section 12-453(e).

d. Subsection 304.14 is modified to provide that screens shall be required between May 1 and October 15.

e. Subsection 304.18.1 is modified to provide as follows: "Doors providing access to a dwelling unit, rooming unit, or let shall be equipped with a lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort. Such locks shall be installed according to the manufacturer's specifications and maintained in good working order."

f. Subsection 307.1 is modified to provide as follows: "Every exterior and interior flight of stairs having more than three risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp other walking surface more than 24 inches above the floor or grade below shall have guards. Handrails shall not be less than 30 inches high or more than 38 inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 36 inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. Exception: Existing handrail and guardrails in good repair may remain per the code in effect at the time of installation."

g. Subsection 404.5 is modified to provide as follows: "The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the lift, health, safety or welfare of the occupants. Every room occupied for sleeping purposes shall contain at least 70 square feet of floor space and shall contain at least 50 square feet of floor space for each occupant over 12 years of age and 25 square feet of floor space for each occupant 12 years of age or under."

h. The final sentence of subsection 505.1 is modified to provide as follows: "All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with provisions of the Wis. Admin. Code."

i. Subsection 602.3 is modified to provide that it is effective between September 1 and May 31 and so as to replace the reference to Appendix D of the International Plumbing Code with Wis. Admin. Code § SPS 322.07(2).

j. Subsection 602.4 is modified to provide that it is effective between September 1 and May 31.

k. Subsection 603.2 is modified to eliminate the exception.

l. Subsection 604.2 is modified to replace the reference to NFPA70 with Wis. Admin. Code ch. SPS 316.

(b) A copy of the adopted code is on file in the city building inspection department.

(Code 1997, § 26-37; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011; Ord. No. 64-11-12, §§ 1—3, 2-6-2012; Ord. No. 38-17-18, § 2, 2-19-2018; Ord. No. 10-20-21, §§ 3, 4, 7-20-2020)

Sec 12-29 Administration And Enforcement

The director of planning and development or the director's designee, as certified by the department of industry, labor and human relations, is hereby authorized and directed to administer and enforce all of the provisions of this chapter, including all codes referenced herein.

(Code 1997, § 26-37; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011; Ord. No. 64-11-12, §§ 1—3, 2-6-2012; Ord. No. 38-17-18, § 2, 2-19-2018; Ord. No. 10-20-21, §§ 3, 4, 7-20-2020)

Sec 12-30 Notice Of Pending Violation To Prospective Purchasers

The owner of a building on which a notice has been issued concerning a building violation under this chapter, shall inform any prospective purchaser of the notice of building violation, where the condition giving rise to the notice of violation has not been fully corrected. A violation of this subsection shall subject the owner/seller to a penalty as provided for in section 1-15 and entitle the purchaser who has not received the required notice to make any repairs necessary to bring the property up to the requirements of the building code and to recover the reasonable cost of those repairs from the seller.

(Code 1975, § 9-1; Code 1997, § 26-36; Ord. No. 99-97-98, § 2, 2-2-1998; Ord. No. 38-17-18, § 1, 2-19-2018; Ord. No. 10-20-21, § 2, 7-20-2020)

Sec 12-31 Abatement Of Nuisances

Nuisance abatement shall be as follows:

(a) If real property situated in the city is in violation of those provisions of the municipal building code that affect health or safety, the director of planning and development or, in the director's absence, a designee, may commence an action to abate such public nuisances.

(b) If the director of planning and development or the director's designee deems it necessary to order the abatement or removal of a health or safety nuisance found on any premises or property, the director shall serve notice within a reasonable time of not less than 24 hours. If the owner or occupant shall fail to comply with the notice, the owner shall be subject to the penalty provided in section 48-1.

(c) Any person to whom such order is directed shall comply therewith immediately, but upon petition to the board of zoning appeals shall be afforded a hearing in the manner prescribed in section 12-594. After such hearing, depending upon the findings of the board of zoning appeals as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the board of zoning appeals shall continue such order in effect, or modify it, or revoke it.

(d) Upon the failure of the owner or occupant to abate any nuisance within the time allowed in the notice to abate and remove such nuisance, or if the owner is a nonresident of the city or cannot be found, the director of planning and development or the director's designee shall thereupon cause abatement and removal of such nuisance.

(e) The cost of abatement or removal of a nuisance by the director of planning and development or the director's designee shall be collected from the owner or occupant, or person causing, permitting or maintaining the nuisance, or such cost may be charged against the premises and, upon certificate of the director of planning and development or the director's designee, assessed against the real estate and collected as are other special taxes.

(f) Nothing in this chapter shall be construed or interpreted to in any way impair or limit the authority of the city to define and declare nuisances or of the building inspector or the public health director to cause the removal or abatement of nuisances by summary proceedings or other appropriate proceedings.

(Code 1997, § 26-37; Ord. No. 17-09-10, § 1, 9-21-2009; Ord. No. 58-10-11, § 1, 4-6-2011; Ord. No. 17-11-12, § 1, 7-5-2011; Ord. No. 64-11-12, §§ 1—3, 2-6-2012; Ord. No. 38-17-18, § 2, 2-19-2018; Ord. No. 10-20-21, §§ 3, 4, 7-20-2020)

Sec 12-32 Plan Examination And Permit Fees

(a) The following are plan examination and permit fees assessed by the city:

(1) Minimum fee: $50.00.

(2) Exceptions, all fences and stairways: $40.00.

(3) Residential—One- and two-family, first 2,000 square feet of habitable area: $400.00.

(4) Residential—Apartments, three family and over, row housing, multiple, per square foot: $0.30.

(5) Residences—Additions, per square foot or fraction thereof: $0.30.

(6) Local business, institutional, office buildings or additions thereto, per square foot or fraction thereof: $0.30.

(7) Manufacturing or industrial, or additions thereto per square foot or faction thereof (office areas to be included under E): $0.20.

(8) Detached garages and accessory buildings, per square foot: $0.30.

(9) Aboveground flammable liquid tank dyking system: Only issued with fire department approval/approval per tank: $200.00.

(10) Removing tanks, installing tanks, per tank: $200.00.

(11) Pools: in ground, aboveground, spas, per $1,000.00 valuation ($50.00 minimum): $10.00.

(12) All other buildings, structures, alterations, residing, re-roofing, repairs where square footage cannot be calculated, per $1,000.00 valuation ($50.00 minimum): $10.00.

(13) Wrecking or razing, per building, plus 0.02 square feet with maximum of $500.00: $100.00.

(14) Residential garages, per building: $50.00.

(15) Moving buildings over public ways, per building, plus 0.03 square feet with maximum of $500.00: $100.00.

(16) Plan examination.

a. One- and two-family residence: $75.00.

b. Apartment, three-family residence, row housing, multiple-family buildings, plus $15.00 per unit: $200.00.

c. Commercial/industrial alterations and additions: State charge, plus $10.00.

d. Erosion control permit and stormwater management administration fee for one- and two-family residential uses: $100.00.

e. Heating plans, lighting and energy calculations to heating plans: State charge, plus $10.00.

(17) Wisconsin Uniform Building Permit Seal: State charge, plus $10.00.

(18) Reinspection: $75.00, means of egress illumination reinspection: $250.00.

(19) Special inspections/reports, per inspection/report: $100.00.

(20) Occupancy permits:

a. Residential, per unit: $50.00; and

b. Office, commercial and industrial: $250.00.

(21) Contractors/owners working without a permit. Permit to start construction of footing and foundation:

a. UDC Buildings: $250.00.

b. Early start—All other buildings: $1,000.00.

(b) For work started without a permit, except in emergency cases, the fees shall be calculated as follows (per calendar year):

(1) First incident: Double the regular fee, plus $100.00.

(2) Second incident: Double the regular fee, plus $250.00.

(3) Third and subsequent incidents: Double the regular fee, plus $500.00.

(c) For other violations, fees shall be calculated as follows:

(1) If owner hires unlicensed contractor: Double fee, plus $200.00.

(2) Failure to call for a final inspection: $50.00.

(d) The fees set forth in this section are subject to the following:

(1) No permit required for minor alterations under $400.00 of materials or $800.00 total materials and labor unless such work requires structural alterations. All fences, stairways and porches/rescue platforms located above the first floor require a permit.

(2) Gross square footage calculations are based on exterior dimensions, including garage and each finished floor level. Unfinished basements or portions thereof are not included.

(3) In determining costs, all construction should be included with the exception of heating, air conditioning, electrical or plumbing work.

(4) All fee categories shall be rounded up to the next full dollar amount.

(5) No building permits shall be issued until municipal sewers and water services have been provided adjacent to the building site or when a contract has been let and installation of services are in progress. No occupancy shall be allowed until services to building have been completed.

(e) Forfeiture for occupancy without valid occupancy card. If a person or business occupies a building without a signed occupancy card, a forfeiture of $25.00 to $500.00 per violation per day that violations exist, shall be charged with a minimum of $100.00.

(Code 1997, § 26-38; Ord. No. 56-96-97, § 1, 11-4-1996; Ord. No. 99-97-98, § 1, 2-2-1998; Ord. No. 2-99-00, § 1, 5-3-1999; Ord. No. 55-00-01, § 1, 10-2-2000; Ord. No. 41-01-02, § 4, 10-15-2001; Ord. No. 77-01-02, § 1, 2-18-2002; Ord. No. 76-02-03, §§ 2—4, 4-2-2003; Ord. No. 59-04-05, § 1, 2-21-2005; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 41-09-10, § 1, 1-18-2010; Ord. No. 63-11-12, § 1, 2-6-2012; Ord. No. 25-13-14, § 1, 10-21-2013; Ord. No. 3-15-16, § 1, 6-15-2015; Ord. No. 33-18-19, § 1, 1-7-2019)

Sec 12-33 Mobile Homes; Utility Connection Restricted

No permit, license or order shall be issued by the director of planning and development or the director's designee, or any other city officer, board or commission to allow the connection of sewer, water, gas, light, power, telephone or any other utility service to any mobile home or movable structure placed upon any lot and intended to be used for residential, commercial or industrial purposes. Such prohibition shall apply, irrespective of the zoning classification of the premises whereon such mobile home or other structure is placed.

(Code 1975, § 9-4; Code 1997, § 26-39; Ord. No. 10-20-21, § 5, 7-20-2020)

Sec 12-34 Land Reconstruction

(a) *Permit required*. No person shall hereafter demolish any building in the city without first securing a permit therefor from the division of building inspection.

(b) *Requirements*.

(1) Within 14 consecutive days of commencing the demolition of a building, all parts of the demolished structure shall be removed from the site and disposed of properly. The director of planning and development or the director's designee, in the director's discretion, may extend the time for removal and disposal to a date certain upon application by the permit holder and a showing by the permit holder that the 14-day period is unreasonable under the circumstances.

(2) Concrete, stone, brick, and masonry may be buried on site if properly broken up and covered with at least two feet of clean, properly compacted, earth fill. Concrete basement floors shall be fractured to allow water to pass through. Four inches of black dirt shall be placed on top of disturbed areas, and the area shall be leveled, raked, packed smooth and seeded or sodded with grass or otherwise surfaced as approved by the city planner or the planner's designee, and brought back to a dust-free environment. The site shall be brought to the previous grade, or to sidewalk grade if previously below grade.

(3) The requirements of subsection (b) of this section shall not be applied when, within 30 days after the structure is demolished, a building permit is issued, and construction begins for another principal building on the site.

(4) The director of planning and development or the director's designee may authorize one 30-day extension upon written appeal by the property owner or the owner's agent, stipulating that new construction is pending and will commence within that time period.

(5) These requirements apply to the holder of a permit to demolish a structure and to any property owner who is moving a building from one location to another.

(c) *Ground cover*. Within 30 days of the relocation or construction of a principal building on a site in the city, after final inspection by the building inspection department, the disturbed part of the site shall be seeded or sodded with grass or otherwise suitably surfaced, as approved by the director of planning and development or the director's designee, and the entire premises shall be maintained.

(Code 1975, § 9-5; Code 1997, § 26-40; Ord. No. 80-08-09, § 1, 3-16-2009; Ord. No. 10-20-21, §§ 6, 7, 7-20-2020)

Sec 12-35 Coal Tar Sealant Products

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Coal tar means a byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).

Coal tar sealant product means a pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, refined tar, or any variation assigned the chemical abstracts service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2, or related substances.

High PAH sealant product means any pavement sealant product that contains greater than 0.1 percent polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service (CAS) numbers 64742-90-1, 69013-21-4, or related substances.

Pavement sealant product, also known as sealcoat, is any substance that is typically applied as a coating on paved surfaces to protect the surfaces from water, oils, or damage from ultraviolet light. The term "pavement sealant product" may include, but is not limited to, sealant products that are coal tar based or asphalt based.

Polycyclic aromatic hydrocarbons, also known as PAHs, are a group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

(b) *Regulation of application and sale of coal tar and other high PAH sealant products*.

(1) Except for those exemptions provided for in subsection (c) of this section, no person shall apply any coal tar sealant product or high PAH sealant product within the city.

(2) No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the city.

(3) Any person who sells pavement sealant products shall prominently display, on the shelf, pallet, rack, display fixture or space where such pavement sealant products are sold, a legible written notice that contains the following language:

"The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots, and all other paved surfaces in the city is prohibited by section 12-35 of this Code. Polycyclic aromatic hydrocarbons (PAHs) are a group of organic chemicals that are known to cause cancer and are toxic to aquatic life. Coal tar and other high PAH sealant products are a major source of PAHs that can migrate into homes, buildings, and soils, or be carried by stormwater and other run off into the water resources of the city."

(4) No person shall allow a coal tar sealant product or other high PAH sealant product to be applied upon property that is under that person's ownership or control.

(5) No person shall contract with a commercial applicator, residential or commercial developer, or any other person for the application of a coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the city.

(6) No commercial applicator, residential or commercial developer, or other similar person or entity shall apply, or allow, cause or direct any employee, independent contractor, volunteer or other person to apply, a coal tar sealant product or high PAH sealant product to any driveway, parking lot or other surface within the city.

(c) *Exemptions.* The director of public works may exempt a person from the restrictions or prohibitions under subsection (b) of this section if the director makes either of the following determinations:

(1) The person is conducting bona fide research concerning the effects of a coal tar sealant product or high PAH sealant product on the environment; and the use of the coal tar product or high PAH sealant product is required for the research; and the director determines that such research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, nor unduly endanger human health.

(2) The person does not intend to apply the sealant product within the city's boundaries.

(d) *Penalties*. In addition to other action or relief to which the city may be entitled to prevent or remove a violation, penalties assessed for convictions of violating this article shall be as follows:

(1) Any person who violates subsection (b) of this section by applying a coal tar sealant product or high PAH sealant product upon property that is the person's residence shall be subject to a forfeiture of $250.00 for a first violation, and $500.00 for a second and subsequent violations.

(2) Any commercial applicator, residential or commercial developer, industrial or commercial property owner or lessee, or any other person, other than a person identified under subsection (d)(1) of this section, who violates subsection (b) of this section shall be subject to a forfeiture of $1,000.00 for a first violation, and $2,000.00 for a second and subsequent violations.

(3) Each violation, and each day that a violation occurs or continues, constitutes a separate offense and shall be punishable as such.

(4) In addition to the forfeitures provided for herein, persons violating this article shall be required to pay court costs, fees, surcharges, and assessments, and may be required to pay the costs of prosecution; and in the event of event of nonpayment of any of the foregoing amounts, may be imprisoned in the county jail until the sums are paid, except that the amount owed shall be reduced at the rate of $25.00 for each day of imprisonment and the maximum period of imprisonment shall be 90 days.

(Code 1997, § 66-15; Ord. No. 40-18-19, § 1, 2-4-2019)

Sec 12-36 Occupancy Permit

(a) It shall be unlawful to use or permit the use of any commercial building or premises, or part thereof hereafter erected, altered or converted wholly or partly in its use from previous occupancy or where the premises or any portion thereof have become vacant for more than one year, until an occupancy permit has been obtained from the building inspection department.

(b) Occupancy permits are not required if the building:

(1) Use remains the same (example: office to office would not require a permit, whereas office to store would); or

(2) Is a legal home occupation.

(c) Application for an occupancy permit shall be made on a form provided by the building inspection department and shall set forth the applicant's name, address,

position or capacity for the intended building use, and an inspection fee shall be paid as per section 12-32.

(d) No permit shall be issued to any person for any business operation which would violate the zoning, fire, health or other ordinances of the city or which would violate any state law.

(e) After an application has been received and an occupancy inspection completed by the building inspection department, an occupancy letter will be sent to the applicant listing all violations. An occupancy permit will be issued when all violations have been corrected.

(f) Such occupancy permits shall be nontransferable and shall be kept posted in a conspicuous place in the building, structure or premises; and shall be valid only for the building, structure or premises named therein.

(g) A conditional occupancy permit can be requested by the prospective occupant if no life-safety violations exist as determined by the building inspection department.

(h) The cost of the conditional occupancy permit shall be as set forth in section 12-32.

(i) If the conditional occupancy permit is issued the applicant agrees to have all violations corrected within 45 days. A reinspection will be scheduled after 45 days to check for compliance. If any violations still exist, the violator shall be subject to a forfeiture, as set forth in subsection (a) of this section, for each day of violation until all violations are corrected.

(j) The building inspection department may revoke any permit of approval issued if any violation of this article is found upon inspection or in the case there has been any false statement in the application or plans on which the permit or approval was based.

(Code 1975, § 9-7; Code 1997, § 26-42; Ord. No. 101-05-06, §§ 11, 12, 3-20-2006; Ord. No. 42-10-11, § 2, 11-15-2010)

Sec 12-37 Building Plan Storage

When a building plan is required in order to obtain a commercial building permit, a copy of that plan shall be maintained on the premises for which the plan was drawn and approved.

(a) The plan shall be maintained in a metal or plastic capped tube.

(b) The capped tube shall be permanently mounted within five feet (left or right) of the main electrical panel inside the building.

(c) When special mounting conditions exist, the authority having jurisdiction shall

approve final placement.

(d) It shall be the responsibility of the building inspector to issue necessary orders to ensure initial compliance with subsections (a) through (c) of this section.

(e) It shall be the responsibility of the fire prevention inspector to issue subsequent orders to ensure continued compliance with subsections (a) through (c) of this section.

(Code 1997, § 26-43; Ord. No. 4-96-97, § 1, 5-20-1996)

Sec 12-38 Expiration Of Permits

(a) *Existing buildings and any alterations or additions thereto, accessory buildings and accessory structures*.

(1) A building permit issued for existing buildings, accessory buildings and accessory structures expires six months from the date the permit is issued.

(2) The building permit shall be void in the following circumstances:

a. The permittee fails to commence operations within 30 days from the date the permit is issued.

b. The building or work authorized by such permit is suspended at any time after work is commenced for a period of more than 60 days.

(3) The building inspector may extend the period after which a permit becomes void if the delay or suspension of work was due to conditions beyond the control of the applicant.

(4) No person shall issue additional permits for the same work unless the building inspector agrees to a timetable of completion. Failure to follow the timeline renders the permit null and void upon notice to the permittee.

(5) Before a permittee commences or recommences work after the permit has lapsed, the permittee shall obtain a new permit at the regular fee.

(b) *New dwellings*.

(1) A building permit issued for new dwellings shall expire 24 months after issuance.

(2) No person shall issue additional permits for the same work unless the building inspector agrees to a timetable of completion. Failure to follow the timeline renders the permit null and void upon notice to the permittee.

(c) *New commercial buildings*.

(1) A building permit issued for new commercial buildings expires six months from the date the permit is issued.

(2) The building permit shall be void in the following circumstances:

a. The permittee fails to commence operations within 30 days from the date the permit is issued.

b. The building or work authorized by such permit is suspended at any time after work is commenced for a period of more than 60 days.

(3) The building inspector may extend the period after which a permit becomes void if the delay or suspension of work was due to conditions beyond the control of the applicant.

(4) No person shall issue additional permits for the same work unless the building inspector agrees to a timetable of completion. Failure to follow the timeline renders the permit null and void upon notice to the permittee.

(5) Before a permittee commences or recommences work after the permit has lapsed, the permittee shall obtain a new permit at the regular fee.

(Code 1997, § 26-44; Ord. No. 15-06-07, § 1, 8-7-2006)

Sec 12-39 Local Operators

(a) All owners of vacant land and vacant residential/commercial buildings within the city and who reside outside of the county and outside of an adjoining county, or who, in the case of entities, have a principal place of business outside of the county and outside of a county adjoining an adjoining county, or in the case of a condominium association, have a condominium-resident agent with a domicile outside of the county and outside of an adjoining county, shall have a local operator with a physical address and domicile within the county, with authority to accept notice of violations or enforcement of this chapter and shall provide written notice of the local operator to the building inspection department.

(b) The following are exempt from having to file the notice required under this section:

(1) Owners of owner-occupied one- and two-family buildings where the ownership is recorded with the county register of deeds.

(2) Owners of owner-occupied residential-condominium units where the ownership is recorded with the county register of deeds.

(3) Owners of convents, monasteries, parish rectories, parsonages and

similar facilities where the ownership is recorded with the county register of deeds.

(4) Owners of hospitals and residential facilities licensed by the city or the state where the ownership is recorded with the county register of deeds.

(5) Government-owned property where the ownership is recorded with the county register of deeds.

(6) Owners of newly-constructed residential and commercial buildings where the ownership is recorded with the county register of deeds until actual occupancy of any such building or any unit in any such building commences.

(7) Owners of vacant land, residential buildings, and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring property from such owner shall file a notice pursuant to this section unless otherwise exempt under this subsection.

(8) Condominium associations responsible for two-unit residential buildings.

(c) The building inspection department shall provide local operator notification forms.

(d) All owners required by this section to have a local operator shall file a local operator notification form providing the legal name, physical address within the county, date of birth, and telephone number of the local operator.

(e) If any information listed on a previously filed local operator notification form changes, the required filer shall, within 15 days of the change in information, file a new form with the building inspection department. Any application filed later than that 15-day period shall result in a late filing fee of $100.00.

(f) Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any form required under this section shall forfeit not less than $100.00 nor more than $500.00, together with the cost of the action, and in default of payment thereof may be imprisoned in an appropriate county facility as allowed by law. Each day of violation is a separate offense.

(Code 1997, § 26-45; Ord. No. 51-11-12, § 1, 11-21-2011; Ord. No. 8-12-13, § 1, 6-4-2012)

Sec 12-40 Vacant Building Registration

(a) *Purpose*. Registering of vacant residential buildings or any other vacant building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses is essential for the proper enforcement of the city's

building, fire and zoning code and to safeguard persons, property and the general welfare.

(b) *Definitions*. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner means the person in whom is vested all or part of the legal title to the property or all or part of the beneficial ownership and right to present use and enjoyment of the premises.

Secured means a building that has a permanent door or window in each appropriate building opening that is secured to prevent unauthorized entry and has all its door and window components intact and unbroken.

Unsecured means any building that does not meet the definition of secured.

Vacant means a building which lacks habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business or construction operation or residential occupancy is at a level of at least 95 percent vacant. An owner-occupied, single-family home or owner-occupied, two-family dwelling residential property shall not be deemed vacant if it has been used as a residence by the owner for a period of at least three months within the previous 12 months and the owner intends to resume residing at the property.

Violation means that a lawful order has been issued by the city or a department thereof and the conditions forming the basis for the order have not been fully abated.

(c) *Registration required*.

(1) The owner of any building that has become vacant shall within 90 days after the building becomes vacant or within 90 days after assuming ownership, whichever is later, file a registration statement for each such building with the department on forms provided by the building inspection department.

(2) In addition to other information, the registration statement shall include the name, street address and telephone number of a person 18 years of age or older, designated by the owner as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of the owner in connection with the enforcement of this section. This person shall reside within the county.

(3) The owner shall be required to renew the registration for successive 12-

month periods as long as the building remains vacant.

(d) *Exemptions*. The following are exempt from the provisions of this section:

(1) Property owned by governmental bodies and the housing authority.

(2) Property that is undergoing an active renovation or rehabilitation and all required permits have been obtained.

(3) Residential condominium and rental units in buildings whose vacancy rate does not exceed 95 percent.

(4) Properties that are part of an estate that is in probate and are not subject to bankruptcy provided the personal representative or executor resides in the county or an immediately adjoining county.

(5) Property that has no outstanding code violations, does not contribute to blight, is ready for occupancy, and is either actively being offered for sale, lease or rent, or is actively being maintained and monitored by the owner.

(e) *Owner responsibilities*. The owner of any building that has become vacant shall:

(1) Enclose and secure the building as provided in subsection (f) of this section.

(2) Maintain the building in a secure and closed condition until the building is no longer vacant or is legally razed.

(3) Acquire or otherwise maintain liability insurance in an amount not less than $300,000.00 for buildings designed primarily for residential use and not less than $1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Evidence of this insurance shall be available at the request of a building inspector.

(f) *Minimum requirements for vacant buildings*. In addition to the requirements of this chapter, vacant buildings shall comply with the following requirements:

(1) *Lot maintenance*. Lot maintenance standards include the lot the building stands on and the surrounding public way and shall meet the following:

a. All grass and weeds on the premises, including abutting sidewalks, gutters, and alleys, shall be kept below 12 inches in height, and all dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.

b. Any public sidewalk adjoining the lot shall be shoveled clear of snow so as to comply with section 48-248.

c. Junk, rubbish and waste, including, but not limited to, any mail or flyers that have been delivered to the building, shall not be permitted to accumulate on any portion of the exterior lot of the building.

d. The lot shall be maintained so that water does not accumulate or stand on the ground.

e. All fences and gates shall be maintained in sound condition and in good repair.

(2) *Exterior maintenance*. Exterior windows and doors shall be maintained in sound condition and good repair and prevent rain from entering the building. All points of possible ingress and egress shall be secured to prevent unauthorized entry.

(3) *Interior maintenance*.

a. It is prohibited to accumulate or permit the accumulation of junk, trash, debris, boxes, lumber, scrap metal or any other materials that may produce any health, fire or safety hazard, or provide harborage for insects, rodents or other vermin.

b. Every foundation, roof, floor, wall, stair, ceiling or other structural support shall be safe and capable of supporting the loads associated with normal usage and shall be kept in sound condition and repair.

c. Any plumbing fixtures shall be maintained with no leaking pipes, and all pipes for water shall either be completely drained or heated to resist being frozen.

d. Every owner shall be responsible for the extermination of insects, rodents and other vermin in or about the premises.

(4) *Building security*. All building openings shall be closed and secured, using methods and materials so as to comply with the requirements of section 12-27(a)(2) and (b)(3).

(g) *Penalties*. Any owner failing to comply with any provisions of this section shall be subject to the penalties provided in section 12-1.

(h) *Charge for public safety services*. Any property owner or entity functioning as a trustee of an owner that fails to comply with any provision of this section shall be charged for any public safety services rendered to the property by the police department or fire department while noncompliant with this section. The city shall charge the cost thereof to the owner and, upon notice to the owner, such cost shall be assessed against the real estate as a special charge. Appeal of any

determination of the chief of police or fire chief imposing costs against the owner may be submitted for a hearing to the licensing, hearings, and public safety committee of the common council. chapter 68 of the Wisconsin Statutes (Wis. Stats. ch. 68) shall not apply to such an appeal.

(Code 1997, § 26-46; Ord. No. 4-11-12, § 1, 11-21-2011; Ord. No. 9-12-13, § 1, 6-4-2012; Ord. No. 37-17-18, § 7, 2-19-2018)

DIVISION 12-II-2 BUILDING INSPECTION DEPARTMENT

Sec 12-69 Establishment
Sec 12-70 Records And Reports
Sec 12-71 Duties Of Inspectors
Sec 12-72 Access To Premises

Sec 12-69 Establishment

A building inspection department is established in the building inspection department which shall incorporate the functions of building, electrical, plumbing, heating and housing inspections.

(Code 1975, § 2-181; Code 1997, § 26-66)

Sec 12-70 Records And Reports

(a) All employees in the building inspection department shall keep and file a complete inspection report on prescribed forms.

(b) The department shall keep a record of all inspections, a record of all fees collected, showing the date of receipt, and remit all sums received to the finance director/treasurer on a weekly basis or more often when requested to do so by the finance director/treasurer. The manager of planning and inspection services or the manager's designee shall make a consolidated monthly report and annual report to the common council and a weekly report on all building activities to the local press.

(Code 1975, § 2-182; Code 1997, § 26-67)

Sec 12-71 Duties Of Inspectors

The inspectors provided for by the provisions of this division shall have such powers and duties as are provided by the appropriate provisions of this chapter.

(Code 1975, § 2-185; Code 1997, § 26-69)

Sec 12-72 Access To Premises

(a) The building inspector, upon written notice stating the reason therefor, shall, within 24 hours after service of such notice, have free and unobstructed access between the hours of 7:00 a.m. and 6:00 p.m., to any part of a private home or premises where work has been performed, or is being performed, pursuant to a permit issued under section 12-36.

(b) The inspector shall have free access at all times, without such notification, to any building under construction or any public building for the purpose of determining compliance with the provisions of this article and the applicable state and federal regulations.

(Code 1997, § 26-70; Ord. No. 76-02-03, § 5, 4-2-2003)

DIVISION 12-II-3 CONTRACTORS

Subdivision 12-II-3-I Contractors In General
Subdivision 12-II-3-II License/Registration

Subdivision 12-II-3-I Contractors In General

Sec 12-103 Definitions
Sec 12-104 Exemptions
Sec 12-105 Certain Acts Unlawful

Sec 12-103 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Contractor means every person engaged in the business of accepting orders or contracts on cost, plus fixed fee, stated sum, percentage, or any combination thereof, or other compensation than wages, and engaged in work on or in any building or structure requiring the use of stone, brick, mortar, cement, wood, structural steel or iron, sheet metal, piping, tin, lead or any other building material, or doing any paving or curbing on sidewalks, streets, public or private property, using asphalt, brick, stone, cement, wood or any combination thereof, or doing any excavating for foundations or any other purpose; or engaged in the business of building, remodeling, repairing, razing or moving, whether it be by day labor, contract, cost, plus, fixed fee, stated sum, percentage, or any combination thereof, or other compensation other than wages, shall be deemed to be a construction contractor within the meaning of this article. Construction contractors shall be classified as one of the following:

(a) General contractor.

(b) Carpenter contractor.

(c) Registered contractor.

(d) Business contractor.

(Code 1997, § 26-91; Ord. No. 44-97-98, § 1, 7-21-1997)

Sec 12-104 Exemptions

The provisions of this division shall not apply to the following:

(a) Authorized representatives of the United States of America, the state, the county or the city.

(b) Owners of property engaged in building structures or making repairs thereon for their own use.

(c) State certified dwelling contractors, i.e., contractors constructing or performing work on one- and two-family dwellings in which they have no legal or equitable interest, who possess a current certificate of financial responsibility from the state department of safety and professional services under Wis. Stats. § 101.654.

(Code 1997, § 26-92; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 40-14-15, § 1, 2-2-2015)

Sec 12-105 Certain Acts Unlawful

Any person presenting or attempting to file or use the license or registration of another, or who shall give false or forged evidence of any kind to the board of examiners or to any member thereof, to obtain or maintain a license, or registration, or who shall falsely impersonate another, or who shall use an expired or revoked license or registration or shall violate any of the provisions of this division shall be subject to the penalties provided in section 12-1.

(Code 1997, § 26-93; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 42-10-11, § 3, 11-15-2010)

Subdivision 12-II-3-II License/Registration

Sec 12-124 Required; Exemption
Sec 12-125 Classification
Sec 12-126 Applications
Sec 12-127 Qualifications
Sec 12-128 Re-Examination
Sec 12-129 Issuance
Sec 12-130 License/Registration Fee
Sec 12-131 Privileges
Sec 12-132 Insurance Requirements
Sec 12-133 Temporary Licenses
Sec 12-134 Expiration

Sec 12-135 Renewal
Sec 12-136 Grounds For Revocation/Suspension

Sec 12-124 Required; Exemption

(a) Every person engaging in or desiring to engage in the business of construction contracting in the city shall procure and maintain, at all times while so engaged, a license or registration as herein provided.

(b) The Sheboygan Area School District is granted an exemption from the license provisions of subsection (a) of this section for the construction of not more than one single house and two residential garages per calendar year, with the following conditions:

(1) Construction of the garages or house shall be done by the Sheboygan North or Sheboygan South School Vocational Class students.

(2) All construction shall be done under the direct supervision of a certified instructor employed by the Sheboygan Area School District.

(3) The Sheboygan Area School District shall satisfy the insurance requirements set forth in section 12-132.

(4) All other provisions of the building code shall apply.

(Code 1997, § 26-146; Ord. No. 44-97-98, § 1, 7-21-1997)

Sec 12-125 Classification

Contractors are classified and the licenses/registration fees for such contractors are established as set forth below. Licensed or registered contractors may perform only the particular type of work or services specified by the particular classification:

(a) *General contractor*.

(1) Fee: $300.00.

(2) General contractors may perform residential and commercial building and remodeling, including the following:

a. Rough framing;

b. Insulating;

c. Drywall;

d. Roofing;

e. Siding;

f. Building component insulation;

g. Steel erecting;

h. Building of fences, porches, and decks; and

i. In-ground pool installation.

(3) The permitted activities include both structural and nonstructural work.

(4) The following activities are not included among the work that may be performed by general contractors:

a. Heating, ventilating, and air conditioning;

b. Plumbing; and

c. Electrical.

(b) *Carpenter contractor*.

(1) Fee: $150.00.

(2) Carpenter contractors may perform residential building and remodeling, including the following:

a. Rough framing;

b. Insulating;

c. Drywall;

d. Roofing;

e. Siding;

f. Building component insulation;

g. Steel erecting; and

h. Building of fences, porches, and decks.

The permitted activities include both structural and nonstructural work.

(3) Carpenter contractors may engage in building and remodeling of commercial buildings covered under the International Building Code and Wis. Admin. Code chs. SPS 50--70, including the following:

a. Interior nonstructural remodeling;

b. Remodeling, removal, and building of non-load-bearing walls, nonstructural windows, and nonstructural doors;

c. Siding;

d. Roofing; and

e. Construction/repair of fences.

(4) The following activities are not included among the work that may be performed by carpenter contractors:

a. Heating, ventilating, and air conditioning;

b. Plumbing; and

c. Electrical.

(c) *Carpenter accessory contractor*.

(1) Fee: $150.00.

(2) Carpenter accessory contractors may engage in building and remodeling of residential accessory buildings, including detached garages, decks, pergolas, sheds, and gazebos, as defined in sections 30.20 and 30.21 of the Uniform Building Code, including the following:

a. Rough framing;

b. Insulating;

c. Drywall;

d. Roofing;

e. Siding;

f. Building component insulation;

g. Steel erecting; and

h. Building of fences.

The permitted activities include both structural and nonstructural work.

(3) The following activities are not included among the work that may be performed by carpenter accessory contractors:

a. Building and remodeling of commercial or primary residential buildings;

b. Heating, ventilating, and air conditioning;

c. Plumbing; and

d. Electrical.

(d) *Registered contractor*.

(1) Fee: $100.00 for each classification.

(2) Registered contractors within each classification below may perform only work within its classification:

a. Drywall installation;

b. Insulation;

c. Masonry/concrete;

d. Moving/razing;

e. Roofing;

f. Siding.

g. Nonstructural building component installation, including, but not limited to:

1. Windows, doors.

2. Cabinets, countertops.

3. Fencing.

4. Steel erecting.

(Code 1997, § 26-147; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 76-02-03, § 6, 4-2-2003; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 76-07-08, § 1, 1-17-2008; Ord. No. 40-14-15, § 2, 2-2-2015; Ord. No. 9-20-21, § 1, 8-3-2020)

Sec 12-126 Applications

An applicant for a contractor's license or registration shall make application by filling in the printed forms which may be obtained from the building inspection division and paying a $25.00 application fee per license or registration.

(Code 1997, § 26-148; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 33-18-19, § 2, 1-7-2019; Ord. No. 10-20-21, § 9, 8-3-2020)

Sec 12-127 Qualifications

(a) The following qualifications must be met for each class of contractor:

(1) *General contractor*. General contractors shall possess four years of apprenticeship, plus four years as a journeyman in the commercial trade, or eight years' experience within the most recent ten-year period working for a general contractor in the construction industry, or four years' education in the architectural or engineering field and one year of on-the-

job training, and passage of the appropriate examination administered by the building inspection division.

(2) *Carpenter contractor*. Carpenter contractors shall possess four years of apprenticeship, plus two years working as a journeyman in the residential trade, or six years' experience within the most recent ten-year period working for a general contractor or carpenter contractor in the construction industry.

(3) *Registered contractor*. Registered contractors shall possess two years' experience within the most recent ten-year period in the respective trade.

(4) *Registered business owner contractor*. The registered business owner contractor shall be owner of the construction-related business.

(b) The following qualifications must also be met for licensed contractors:

(1) Any person taking a required examination on behalf of, and procuring a license for, a firm, co-partnership, corporation, association or other organization or any combination thereof shall be an active member or officer thereof; and

(2) The person cannot qualify to take a required examination on their own behalf or for another firm, co-partnership, corporation, association or other organization or combination thereof, while any license previously procured by the person remains unexpired or uncancelled; provided, however, that if the person passing the examination shall, at any time, sever their connection with the contractor to whom the license was issued upon examination, it shall be the person's duty, and the contractor to whom the license was issued to give written notice immediately to the board of examiners and, at the same time, surrender the license for cancellation.

(Code 1997, § 26-149; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 46-04-05, § 1, 12-20-2004; Ord. No. 57-10-11, § 2, 4-6-2011; Ord. No. 59-13-14, § 1, 4-2-2014)

Sec 12-128 Re-Examination

Any person failing to pass a required examination may be re-examined after 60 days by filing the proper application with a $25.00 examination fee.

(Code 1997, § 26-150; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 3, 4-6-2011; Ord. No. 33-18-19, § 2, 1-7-2019)

Sec 12-129 Issuance

(a) If the applicant receives a score of 75 percent or greater on a required

examination, the board shall report the application to the council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.

(b) Where no examination is required, the board shall report a qualifying application to the council who may then authorize the building inspection division to issue a license to the applicant upon payment of the license fee.

(Code 1997, § 26-151; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 4, 4-6-2011)

Sec 12-130 License/Registration Fee

Before any license or registration shall be issued or renewed under the provisions of this division, the applicant shall pay a license or registration fee as follows:

(a) General contractor license: $300.00.

(b) Carpenter contractor license: $150.00.

(c) Registered contractor: $100.00.

(d) Business owner contractor: $100.00.

(Code 1997, § 26-152; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-05-06, § 1, 11-21-2005)

Sec 12-131 Privileges

The issuance of a license registration shall entitle the person, firm, co-partnership, corporation, association or other organization or any combination thereof, of which applicant is an active member or officer, to all rights and privileges of a contractor in the classification for which the license/registration is issued.

(Code 1997, § 26-153; Ord. No. 44-97-98, § 1, 7-21-1997)

Sec 12-132 Insurance Requirements

(a) Every contractor granted a license or registration shall maintain at all times a policy of general liability insurance issued by an insurer, authorized to do business in the state, insuring the contractor in the amount of at least $500,000.00 per occurrence because of bodily injury to or death of others or because of damage to the property of others.

(b) If the applicant is required under Wis. Stats. § 102.28(2)(a), to have in force a policy of workers' compensation insurance, or if the applicant is self-insured in accordance with Wis. Stats. § 102.28(2)(b), the applicant shall file with the building inspection division a statement certifying that the applicant has in force a

policy of workers' compensation insurance issued by an insurer authorized to do business in the state or is self-insured in accordance with Wis. Stats. § 102.28(2)(b).

(c) If the applicant is required to make state unemployment insurance contributions under Wis. Stats. ch. 108 or is required to pay federal unemployment compensation taxes under 26 USC §§ 3301--3311, the applicant shall file with the building inspection division a statement certifying that the applicant is making those contributions or paying those taxes as required.

(d) The applicant shall provide evidence of compliance with liability insurance requirements as specified in subsection (a) of this section to the building inspection division.

(e) Licenses or registrations rendered void for lack of insurance may be reinstated without a new application upon filing the necessary documents within a period of not exceeding 45 days from the date the license or registration became void.

(Code 1997, § 26-154; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 53-00-01, § 1, 9-18-2000; Ord. No. 57-10-11, § 5, 4-6-2011; Ord. No. 10-20-21, § 10, 7-20-2020)

Sec 12-133 Temporary Licenses

(a) Any contractor, before commencing any type of construction contracting work shall first apply for a license to engage in such contracting work. Such application shall be made to the city planner or designee, who may issue a temporary license to such contractor for a specific contracting job, upon the applicant's furnishing proof of compliance with the insurance/bonding requirements of section 12-132, the required qualifications of section 12-127 and upon payment of the required permit fee as follows:

(1) Temporary carpenter: $250.00.

(2) Temporary general: $525.00.

(3) Temporary registration: $200.00.

(4) Temporary heating contractor: $125.00.

(b) In the event the application for a temporary license is denied, the applicant may appeal to the board of examiners within five days after the denial, such appeal to be in writing and shall set forth the ruling appealed from and be filed with the secretary of the board of examiners. Such notice of appeal shall state clearly and briefly the grounds of the appeal. Where a situation requires an immediate decision, that of the city planner or the planner's designee shall be final and conclusive.

(c) No more than two such temporary licenses shall be issued to any one contractor/business within a calendar year.

(Code 1997, § 26-155; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 76-02-03, § 7, 4-2-2003; Ord. No. 57-05-06, § 1, 11-21-2005)

Sec 12-134 Expiration

Licenses or registrations under the provisions of this division shall expire on the December 31 next following their issuance.

(Code 1997, § 26-156; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 10-20-21, § 11, 7-20-2020)

Sec 12-135 Renewal

A contractor's license or registration may be renewed for the next succeeding calendar year by filing a renewal application with the building inspection division and the payment of the renewal fee on or before the last business day of each year. Unless a license or registration is renewed prior to its expiration, the applicant shall be required to file a new application. Re-examination shall be required of all applicants for a license or renewal who have not held an equivalent license or registration in the city for two years or more. An appeal for a waiver from this re-examination requirement may be made to the board of license examiners.

(Code 1997, § 26-157; Ord. No. 44-97-98, § 1, 7-21-1997; Ord. No. 57-10-11, § 6, 4-6-2011; Ord. No. 10-20-21, § 12, 7-20-2020)

Sec 12-136 Grounds For Revocation/Suspension

(a) The board may recommend revocation/suspension to the council of licenses or registration of any contractor who shall be guilty of any one or more of the following acts or omissions:

(1) Fraud or deceit in obtaining license or registration.

(2) Negligence, incompetency or misconduct in the practice of contracting within the meaning of this article.

(3) Abandonment of any contract without legal excuse.

(4) Diversion of property or funds received under express agreement for prosecution or completion of a specific contract, or for a specified purpose in the prosecution or completion of any contract and their application or use for any other contract, obligation or purpose with intent to defraud or deceive creditors or the owner.

(5) Fraudulent departure from or disregard of plans or specifications in any material respect, without the consent of the owner or the owner's duly authorized representative, or the doing of any willful, fraudulent act by the

licensee as a contractor in consequence of which another is substantially injured.

(6) Willful and deliberate disregard and violation of the city building code.

(7) Failure to fulfill contractual obligations through inability to pay all creditors for materials furnished, or work or services performed under the contract.

(8) Fraud or deceit in obtaining a building permit in which the contractor lends their name and license to another and fails to assume the obligations and responsibilities of a contractor thereunder.

(b) A revocation under this section shall be for a period not to exceed two years.

(Code 1997, § 26-158; Ord. No. 44-97-98, § 1, 7-21-1997)

ARTICLE 12-III ELECTRICAL

DIVISION 12-III-1 ELECTRICAL GENERALLY
DIVISION 12-III-2 ADMINISTRATION

State law reference—Powers regarding inspection of electrical construction and certification of master electricians generally, Wis. Stats. § 101.86.

DIVISION 12-III-1 ELECTRICAL GENERALLY

Sec 12-156 Penalties For Violation Of Article
Sec 12-157 Code Adopted
Sec 12-158 Liability Of Other Crafts
Sec 12-159 Required
Sec 12-160 Definitions

Sec 12-156 Penalties For Violation Of Article

Any violation of, or noncompliance with, any of the provisions of this article shall subject the violator to a forfeiture of not less than $150.00 nor more than $750.00, together with the costs of prosecution; and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense.

(Code 1997, § 26-196; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-157 Code Adopted

(a) Wis. Admin. Code chs. SPS 305 and 316, as well as Wis. Stats. §§ 101.80—101.88, are adopted by reference and made a part of this article; any future amendments, revisions or modifications of such laws or codes incorporated in this section are intended to be made part of this article in order to secure uniform

statewide regulation and enforcement of law relating to electricity.

(b) Repairs or installations existing on the effective date of the ordinance from which this article is derived may be required to be brought into compliance with this article (current state electrical code) by the city, and within the time period determined by the city.

(Code 1997, § 26-197; Ord. No. 58-13-14, § 1, 4-2-2014; Ord. No. 10-15-16, § 1, 7-20-2015)

Sec 12-158 Liability Of Other Crafts

Persons associated with crafts other than electrical and functioning in their native pursuits shall in no way alter the approved character of an electrical installation by the replacement of materials or equipment in too close proximity, by concealment, by making inaccessible or in any way affecting the approved electrical installation so as to render it in violation of this chapter. Exception to the provision of this section shall be permitted where special written approval is obtained from the electrical inspector and the person owning or occupying the affected premises. Violation of this section shall also subject the offender to liability for construction costs incurred in remedying the electrical installation.

(Code 1997, § 26-198; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-159 Required

No person shall alter, install, repair, remove, renew, replace, disturb, connect, disconnect, or maintain any electrical equipment or accept any compensation therefor in the city, except in the usual operations of the public utility company, unless such a person has a license as required pursuant to Wis. Stats. § 101.862.

(Code 1997, § 26-199; Ord. No. 58-13-14, § 1, 4-2-2014; Ord. No. 10-15-16, § 2, 7-20-2015; Ord. No. 39-19-20, § 1, 1-20-2020)

Sec 12-160 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electrical work means the installation, supervision or inspection of electrical wiring and equipment for the production, modification, regulation, control, distribution, utilization or safeguarding of electrical energy for mechanical, chemical, heating, lighting or similar purposes.

Estimated cost means the electrical contractor bid price, plus actual costs of any materials that are required for the electrical installation that is not provided for by the

electrical contractor. Time and material jobs shall be based on estimated total cost. Upon completion of bid projects or time and material jobs, an additional permit shall be taken out to cover any extras that were in excess of the original permit.

Owner occupied means where the owner of a residential property has resided therein for no less than the previous three consecutive months.

(Code 1997, § 26-200; Ord. No. 58-13-14, § 1, 4-2-2014)

DIVISION 12-III-2 ADMINISTRATION

Subdivision 12-III-2-I Administration In General
Subdivision 12-III-2-II Permits

Subdivision 12-III-2-I Administration In General

Sec 12-189 Right Of Access
Sec 12-190 Enforcement Of Article
Sec 12-191 Inspectors Not To Engage In Business
Sec 12-192 Disconnections
Sec 12-193 Arbitration
Sec 12-194 Records
Sec 12-195 Re-Inspection Or No-Show Fees
Sec 12-196 Temporary Installations
Sec 12-197 Emergency Work
Sec 12-198 Electrical Inspection For Work Requiring A Permit Under Section 12-223
Sec 12-199 Responsibility For Installation

Sec 12-189 Right Of Access

The electrical inspector or the inspector's assistants shall have the right during reasonable hours to enter any public or private buildings or premises in the discharge of their official duties or for the purpose of making any inspections or tests of electrical wires or appliances. They shall be given prompt access to any premises upon notification to the owner, occupant or other person in charge.

(Code 1997, § 26-221; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-190 Enforcement Of Article

The electrical inspector shall enforce the provisions of this article.

(Code 1997, § 26-222; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-191 Inspectors Not To Engage In Business

The electrical inspector shall have no financial interest in any concern engaged in the installation of electrical wiring in the city at any time while holding the office of electrical

inspector. Any violation of the provisions of this section shall be sufficient cause for the inspector's dismissal.

(Code 1997, § 26-223; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-192 Disconnections

The electrical inspector shall have the authority to cause the disconnection of any wiring or equipment where such wiring or equipment, in the inspector's judgment, is dangerous to life or property or may interfere with the work of the fire department. No person shall reconnect any equipment thus disconnected without written permission from the electrical inspector.

(Code 1997, § 26-224; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-193 Arbitration

Whenever the electrical inspector condemns all or part of an electrical installation in any building, the owner, within five days after receiving notice from the electrical inspector, may file a petition in writing with the chairperson of the electrical examining board for review of the actions of the inspector. Upon receipt of such petition, the board shall at once proceed to determine whether the electrical construction complies with the requirements of this article; and shall, within three days, make a decision in accordance with its findings.

(Code 1997, § 26-225; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-194 Records

The electrical inspector shall keep and maintain complete records of all permits issued, inspections made, and other official work performed under the provisions of this article so as to afford full and prompt information concerning electrical installations.

(Code 1997, § 26-226; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-195 Re-Inspection Or No-Show Fees

(a) Notwithstanding the fees elsewhere in this article, the fees for re-inspections and for inspections where the owner or contractor or other appropriate designee fails to appear for the inspection shall be as follows:

    (1) Re-inspection fee: $75.00.

    (2) No-show fee: $75.00.

(b) There shall be a maximum of one fee per inspection.

(Code 1997, § 26-227; Ord. No. 58-13-14, § 1, 4-2-2014; Ord. No. 26-18-19, § 1, 12-3-2018)

Sec 12-196 Temporary Installations

The electrical inspector may grant special permission, for a limited period of time, for the installation or use of temporary electrical wiring or equipment which does not conform with the regulations of this article. The person installing such wiring or equipment shall be directly and legally responsible and accountable for the safe condition of the installation at all times and its complete removal at the end of the fixed temporary period as set by the inspector, or any time sooner when ordered by the inspector. Carnivals, circuses, theatrical acts, and exhibitions and all places of temporary outdoor assembly are included in the provisions of this section, and all electric wiring and equipment associated therewith shall be installed, maintained and operated in a safe and workmanlike manner.

(Code 1997, § 26-228; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-197 Emergency Work

In emergency work, the person doing or causing work to be done shall immediately, following commencement of the work, report the work to the electrical inspector on forms furnished by the inspector. Such work shall be performed in accordance with the provisions of this article.

(Code 1997, § 26-229; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-198 Electrical Inspection For Work Requiring A Permit Under Section 12-223

Upon completion of the wiring of any building or before any wiring is hidden from view, the person performing the work shall notify the electrical inspector, who shall inspect the installation within 48 hours of the time such notice is received. If it is found that such installation is fully in compliance with this article and does not constitute a hazard to life or property, the inspector shall approve the work and authorize concealment of the wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with the provisions of this article, the inspector shall issue orders to the person making such installation to remove all hazards and make the necessary changes or additions within ten days of such notice. Concealment of electrical work before inspection or failure to comply with the orders of the inspector shall constitute a violation punishable in accordance with the provisions of this article. A contractor or employee or owner doing their own work as permitted by section 26-261 shall be present for the final and all required inspections.

(Code 1997, § 26-230; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-199 Responsibility For Installation

Any person who shall install electric wires or appliances shall be responsible for such installation until approved by the electrical inspector. Any person who shall make any additions, corrections, alterations or connections to the installation, after approval, shall be responsible for the correct functioning of the installation.

(Code 1997, § 26-231; Ord. No. 58-13-14, § 1, 4-2-2014)

Subdivision 12-III-2-II Permits

Sec 12-222 Unlawful Use
Sec 12-223 Required
Sec 12-224 Annual Plant Permits
Sec 12-225 Exemptions
Sec 12-226 Plans And Specifications
Sec 12-227 Issuance Restricted
Sec 12-228 Fees
Sec 12-229 Failure To Obtain Permit Or Falsification Of Information On Permit Application
Sec 12-230 Payment Of Fees
Sec 12-231 Arrearages

Sec 12-222 Unlawful Use

It shall be unlawful for any person licensed under the provisions of this article to obtain a permit for work to be done by any person not connected with such licensee or in the employ of such licensee; or to allow the licensee's name to be used by any other person for the purpose of doing any work coming under the provisions of this article.

(Code 1997, § 26-256; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-223 Required

(a) No electrical equipment shall be installed, altered, renewed, replaced, or connected unless a permit therefor has been obtained, except as provided in sections 12-224 and 12-225. The electrical inspector shall issue permits for the execution of electrical installations for light, heat or power upon the filing of proper applications, which shall be made on forms furnished by the inspector and shall describe the nature of the work, as well as such other information as may be required for inspection. It shall be the responsibility of the property owner, as well as the electrician, to determine that a proper permit has been issued.

(b) When any electrical work for which a permit has been issued is not started within 12 months from the date of the issuance of the permit, or if, after starting, there is a cessation of such work of more than 12 months, the permit shall lapse and be void, and no electrical work shall begin or resume until a new permit is obtained

and fees paid.

(c) Before any electrical permit for an interactive energy installation may be issued pursuant to this article, the person applying for the permit shall provide written approval for such installation from the respective electrical utility company. An interactive energy installation is defined as an electrical system that operates in parallel with and may deliver power to an electrical production and distribution network.

(Code 1997, § 26-257; Ord. No. 58-13-14, § 1, 4-2-2014; Ord. No. 39-19-20, § 2, 1-20-2020; Ord. No. 42-20-21, § 2, 4-7-2021)

Sec 12-224 Annual Plant Permits

(a) In lieu of an individual permit for each installation or alteration, an annual permit may be issued to any person regularly employing one or more electricians for the installation, alteration and maintenance of electrical equipment in or on buildings or premises owned or occupied by the permit applicant. Application for an annual permit shall be made in writing to the electrical inspector and shall contain a description of the premises on which work is to be done under the permit. The annual permit shall be applicable only to work done by the plant electricians.

(b) The person issued an annual permit shall keep a record of all electrical equipment installed under the permit, and the electrical inspector shall have access to such records. Each annual permit shall expire on June 30 next after the date of issuance, unless sooner revoked.

(c) Notwithstanding the provisions of this section, no inspection shall be required of any installation, repair, or maintenance of electrical wiring within an existing industrial facility or an existing manufacturing facility unless the plan for the installation, repair, or maintenance is required to be examined under Wis. Stats. § 101.12(2) by the department or by a municipality that has its examinations accepted by the department under Wis. Stats. § 101.12(3)(a), (am), or (b).

(Code 1997, § 26-258; Ord. No. 58-13-14, § 1, 4-2-2014; Ord. No. 42-20-21, § 3, 4-7-2021)

Sec 12-225 Exemptions

(a) No permit shall be required by the provisions of this article for:

(1) The usual operations of the local electric utility company.

(2) The manufacturing, assembling, repairing, installation or testing of electrical equipment, for which no license is required under section 12-159.

(3) Minor repair work such as repairing cords, switches, replacing fuses or

changing lamp sockets.

(4) Repairs made necessary for the proper maintenance of an existing installation.

(5) Low voltage installations in one- and two-family dwellings.

(6) Reconnection of existing power supplies to replacement heating plants, water heaters, and other appliances.

(7) The repair, removal, disturbance, or disconnection of any existing electrical equipment or the renewal or replacement of any existing branch lighting circuit switches, sockets, or receptacles.

(b) All work performed under the exceptions provided in subsections (a)(2) through (7) of this section shall be performed in full compliance with this article.

(Code 1997, § 26-259; Ord. No. 58-13-14, § 1, 4-2-2014; Ord. No. 39-19-20, § 3, 1-20-2020; Ord. No. 42-20-21, §§ 4, 5, 4-7-2021)

Sec 12-226 Plans And Specifications

At the time of the issuance of a permit required by the provisions of this article, the electrical inspector may require the manufacturer, owner, installer or user of electrical equipment to submit plans (drawings), data, specifications, schedules, literature, information, materials, samples or tests as may be necessary to determine the fitness of equipment for safe installations and use.

(Code 1997, § 26-260; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-227 Issuance Restricted

Permits required by the provisions of this article shall be issued only to a licensed electrical contractor or to a property owner to personally install an electrical system in an owner-occupied residential property comprised of not more than one dwelling unit. All new electrical services, service upgrades or service repairs shall be performed by a licensed electrical contractor.

(Code 1997, § 26-261; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-228 Fees

The fees for permits and inspections required by the provisions of this article shall be as follows:

(a) *Standard fee*.

(1) For an estimated job cost of up to $1,000.00: $50.00.

(2) For each additional $1,000.00 or fraction thereof up to $1,000,000.00 estimated job cost: $20.00.

(3) For each additional $1,000.00 or fraction thereof above $1,000,000.00 estimated job cost: $10.00.

(b) *Exceptions*.

(1) New one- and two-family residences, per unit: $200.00.

(2) Renewable energy installations:

a. For one- and two-family residences, per unit: $300.00.

b. For all other installations:

1. For an estimated job cost of up to $1,000.00: $50.00.

2. For each additional $1,000.00 or fraction thereof: $10.00.

c. Additional fee for inspections requested outside of normally scheduled hours: $100.00.

(3) Inspection of low voltage (under 50 volts) installations not requiring additional permits and re-inspections of low voltage installations, per drop: $1.00.

(Code 1997, § 26-262; Ord. No. 58-13-14, § 1, 4-2-2014; Ord. No. 25-14-15, § 1, 8-4-2014; Ord. No. 26-18-19, § 2, 12-3-2018; Ord. No. 39-19-20, § 4, 1-20-2020)

Sec 12-229 Failure To Obtain Permit Or Falsification Of Information On Permit Application

For work started without a permit, except as provided in section 12-197, the fees shall be calculated as follows, per calendar year:

(a) First incident: Double regular fee, plus $100.00.

(b) Second and subsequent incidence: Double regular fee, plus $250.00.

(c) Third and subsequent incidence: Double regular fee, plus $500.00.

(d) Falsification of information on a permit application: $250.00.

(Code 1997, § 26-263; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-230 Payment Of Fees

All permit fees shall be paid to the building inspection department and credited to the

general fund, and no permit shall be issued or held valid unless approved by the electrical inspector and fee paid to the building inspection department in the amount required for such permit.

(Code 1997, § 26-264; Ord. No. 58-13-14, § 1, 4-2-2014)

Sec 12-231 Arrearages

No further permits shall be issued to, nor inspections made for any licensee until all arrears in fees have been paid or all lawful orders of the electrical inspector have been complied with.

(Code 1997, § 26-265; Ord. No. 58-13-14, § 1, 4-2-2014)

ARTICLE 12-IV FENCES

Sec 12-256 Compliance
Sec 12-257 Permits Required
Sec 12-258 Permit Fees
Sec 12-259 Maintenance
Sec 12-260 Abatement Of Nuisance Fences
Sec 12-261 Retaining Walls

Sec 12-256 Compliance

All fences, screens, enclosures or structures in the nature of a fence erected within the city shall comply with the provisions of this article.

(Code 1997, § 26-391; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-257 Permits Required

No fence, screen, enclosure or structure in the nature of a fence shall be erected in the city unless the owner or the owner's agent first obtains a permit therefor from the building inspector.

(Code 1997, § 26-392; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-258 Permit Fees

A fee of $40.00 shall be charged for each permit issued under the provisions of this article.

(Code 1997, § 26-393; Ord. No. 37-08-09, § 1, 7-21-2008; Ord. No. 15-19-20, § 1, 8-5-2019)

Sec 12-259 Maintenance

All fences shall be kept in good repair.

(Code 1997, § 26-394; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-260 Abatement Of Nuisance Fences

No fence, screen, enclosure or structure in the nature of a fence shall be erected in the city in such position or place as to be dangerous or detrimental to the health of persons living in any house or premises. Any fence so erected, shall be removed within three days upon the order of the manager of planning and inspection services or the manager's designee, issued in writing and served upon the owner, agent or occupant of the premises. Any fence not removed in accordance with such notice shall be removed at public expense, and the cost of such removal shall be assessed against the property on which the fence was located.

(Code 1997, § 26-395; Ord. No. 37-08-09, § 1, 7-21-2008)

Sec 12-261 Retaining Walls

Any retaining wall three feet in height or greater shall be safeguarded by a fence. The fence shall be constructed and maintained in accordance with the provisions of this article, except for sections 12-260 and 12-261. Such fence, when required by this section and in conjunction with a one- or two-family dwelling, shall be a minimum of 36 inches in height and be provided with intermittent rails or an ornamental pattern such that an object four inches in diameter cannot pass through. Such fence, when required by this section and in conjunction with any structure other than a one- or two-family dwelling, shall be a minimum of 42 inches in height and shall be provided with intermittent rails or an ornamental pattern such that an object four inches in diameter cannot pass through.

(Code 1997, § 26-396; Ord. No. 37-08-09, § 1, 7-21-2008)

ARTICLE 12-V HEATING AND VENTILATION

DIVISION 12-V-1 HEATING AND VENTILATION GENERALLY
DIVISION 12-V-2 CONTRACTORS
DIVISION 12-V-3 PERMITS AND INSPECTIONS
DIVISION 12-V-4 HIGH-EFFICIENCY AND PULSATING COMBUSTION FURNACES

DIVISION 12-V-1 HEATING AND VENTILATION GENERALLY

Sec 12-286 Regulations Adopted
Sec 12-287 Right Of Entry
Sec 12-288 Isolation Of Hazard
Sec 12-289 Stop Work Orders
Sec 12-290 Boiler And Furnace Rooms
Sec 12-291 Owners Of Dwellings Performing Work Governed By Article
Sec 12-292 Liability Of Other Crafts

Sec 12-286 Regulations Adopted

The following standards and regulations are hereby adopted by the city with the same force and effect as though set forth fully in this section, and all heating and ventilation work performed within the city shall conform hereto: Wis. Admin. Code chs. SPS 323 and 364, and section 30.36 of the state uniform building code prepared by the Building Inspector's Association of Southeastern Wisconsin.

(Code 1975, § 20-75; Code 1997, § 26-436; Ord. No. 127-97-98, § 1, 4-20-1998; Ord. No. 64-11-12, § 8, 2-6-2012)

Sec 12-287 Right Of Entry

The heating inspector shall have the right to enter upon any premises or into any building or enclosure where the inspector has reasonable cause to believe work is being done, or has been performed, in violation of this article.

(Code 1975, § 20-59; Code 1997, § 26-438)

Sec 12-288 Isolation Of Hazard

All fuel-fired boilers, fuel-fired water heaters, and fuel-fired hot air furnaces shall be installed in properly designed and constructed isolation of hazard rooms in compliance (at time of construction) with Wis. Admin. Code chs. SPS 350--364. All sealed combustion equipment is exempt from this requirement.

(Code 1975, § 20-62; Code 1997, § 26-439; Ord. No. 127-97-98, § 3, 4-20-1998)

Sec 12-289 Stop Work Orders

The heating inspector shall halt any work being carried on in violation of the provisions of this article, post stop work signs therefor and shall order any such work removed or corrected to conform herewith; provided, however, that no stop work order so posted shall affect work not governed by this article, except where the progress of any such work would interfere with inspection of work governed by this chapter.

(Code 1975, § 20-61; Code 1997, § 26-441)

Sec 12-290 Boiler And Furnace Rooms

When replacement or major alterations are made to a heating plant, the boiler or furnace room shall be made to comply to local and state codes.

(Code 1975, § 20-76; Code 1997, § 26-442)

Sec 12-291 Owners Of Dwellings Performing Work Governed By Article

The owner of a dwelling housing not more than two families may, with the assistance of any member of the family and household, personally carry on in such house any work governed by this article without such license; provided, however, that the owner shall obtain a permit for such work and shall call for inspection as provided in division 4 of this article.

(Code 1975, § 20-15; Code 1997, § 26-443)

Sec 12-292 Liability Of Other Crafts

Persons associated with crafts other than heating and functioning in their native pursuits shall in no way alter the approved character of a heating installation, by the replacement of materials or equipment in too close proximity, by concealment, by making inaccessible or in any way affecting the approved heating installation so as to render it in violation of this chapter. Exceptions to the provisions of this section shall be permitted where special written approval is obtained from the heating inspector and the person owning or occupying the affected premises. Violation of this section shall also subject the offender to liability for construction costs incurred in remedying the heating installation.

(Code 1975, § 20-66; Code 1997, § 26-444; Ord. No. 92-97-98, § 4, 2-2-1998)

DIVISION 12-V-2 CONTRACTORS

Subdivision 12-V-2-I Contractors In General (Reserved)
Subdivision 12-V-2-II License

Subdivision 12-V-2-I Contractors In General (Reserved)

Subdivision 12-V-2-II License

Sec 12-338 HVAC Qualifier Certification Requirement
Sec 12-339 Required
Sec 12-340 Classifications
Sec 12-341 Qualifications Of Applicant
Sec 12-342 Application
Sec 12-343 Insurance Requirements
Sec 12-344 Fees
Sec 12-345 Term; Renewals
Sec 12-346 Revocation
Sec 12-347 Temporary Licenses

Sec 12-338 HVAC Qualifier Certification Requirement

The term "HVAC contractor" means any person skilled in the installation, planning, designing and supervision of heating, ventilating and air conditioning work as their principal occupation. An HVAC contractor must possess an HVAC qualifier certification from the state or have continuously held a city heating contractor's license since on or

before the effective date of the ordinance from which this section is derived.

(Code 1997, § 26-515; Ord. No. 89-98-99, § 1, 11-2-1998)

Sec 12-339 Required

(a) No person shall act, engage in, advertise or otherwise represent themself as a heating or ventilating contractor unless an authorized representative of the person shall first obtain a contractor's license as provided in this division. A person employing a licensed contractor shall be responsible, as well as the licensed contractor, for all violations under this article.

(b) No person shall install, erect, alter, repair, service, reset or replace any heating or ventilating system, parts or appurtenances thereto, without first having obtained a contractor's license unless such person has a regularly and steadily employed licensed contractor who shall be the authorized representative of the person in all matters pertaining to this article.

(c) If the authorized representative holder of a heating or ventilating contractor's license terminates employment or partnership with such person, a new authorized holder of a contractor's license must be obtained within 60 days.

(d) Persons possessing an HVAC qualifier certification from the state are exempt from the licensing requirements of this division.

(Code 1975, § 20-14; Code 1997, § 26-516; Ord. No. 89-98-99, § 2, 11-2-1998)

Sec 12-340 Classifications

(a) There shall be three classifications of heating contractors:

(1) Ventilation, warm air and air conditioning heating contractor;

(2) Steam, hot water and air conditioning heating contractor; and

(3) Fuel burner installation and service work heating contractor.

(b) When an applicant applies for a heating contractor's license, the applicant shall state the classification in which the license is requested. Any applicant can apply for either subsection (a)(1) or (2) of this section classifications, and the license issued shall state the classes for which it is issued; provided, however, that a license for fuel burner installation and service work, subsection (a)(3) of this section, shall restrict the holder thereof to the installation of fuel burners and service work only in existing heating and air conditioning installations. License holders under subsections (a)(1) and (2) of this section shall not be required to hold a fuel burner installation and service work license.

(Code 1975, § 20-16; Code 1997, § 26-517; Ord. No. 89-98-99, § 3, 11-2-1998)

Sec 12-341 Qualifications Of Applicant

No contractor's license shall be issued unless the applicant shall produce evidence that the applicant has had not less than three years' experience in the work classification of the license for which the applicant is making an application, or has satisfactorily completed 1,000 hours course of study in heating and ventilating given by a recognized school, plus one year of practical experience in heating or ventilating, or as determined by the board of heating examiners, or shall be a graduate mechanical engineer and have one year of practical experience; and that a place of business is or will be maintained by the applicant or by the person employing the applicant, equipped with tools and other equipment required to contract for and perform any operation of work permitted by such license in a substantial and workmanlike manner. If a heating or ventilating contractor shall maintain more than one establishment or shop for the transaction of business, then the contractor shall employ a licensed holder in each such establishment.

(Code 1975, § 20-17; Code 1997, § 26-518)

Sec 12-342 Application

An application for a license required by this division shall be made to the manager of planning and inspection services or the manager's designee on forms furnished by the manager and shall contain the classification of the license applied for and the record of the applicant's training and experience in the installation and repairing of heating or ventilating equipment. Applications must be accompanied by $20.00 for the examination fee.

(Code 1975, § 20-18; Code 1997, § 26-519; Ord. No. 127-97-98, § 5, 4-20-1998)

Sec 12-343 Insurance Requirements

Every contractor granted a license shall maintain at all times, in a stock or mutual casualty company authorized to do business in the state, worker's compensation insurance and public liability insurance, with coverage of not less than $100,000.00 for each person and not less than $300,000.00 for any one accident, and property damage liability insurance coverage of not less than $50,000.00, when such contractor is required to carry worker's compensation insurance under Wis. Stats. § 102.01 et seq.

(Code 1975, § 20-21; Code 1997, § 26-520; Ord. No. 89-98-99, § 5, 11-2-1998)

Sec 12-344 Fees

Before any license shall be issued under the provisions of this division, the applicant therefor shall pay an occupational license fee of $50.00 per year. The fee shall be the same for one or all classifications.

(Code 1975, § 20-22; Code 1997, § 26-521; Ord. No. 127-97-98, § 6, 4-20-1998; Ord.

No. 89-98-99, § 5, 11-2-1998)

Sec 12-345 Term; Renewals

All licenses issued under the provisions of this article shall expire on the December 31 next after the date of issuance, unless sooner revoked. Licenses may be renewed with the building inspection department on or before December 1 for the annual license fee of $100.00 and upon the filing of an application on forms furnished by the department, which annual renewal shall require the proper approval of the board of electrical and heating examiners. If a license is permitted to expire and not renewed within 30 days after the date of expiration, the former licensee shall have the same status as a person not previously licensed.

(Code 1975, § 20-23; Code 1997, § 26-522; Ord. No. 127-97-98, § 7, 4-20-1998; Ord. No. 89-98-99, § 5, 11-2-1998; Ord. No. 41-01-02, § 1, 10-15-2001; Ord. No. 41-09-10, § 1, 1-18-2010; Ord. No. 93-11-12, § 3, 4-16-2012)

Sec 12-346 Revocation

Any license granted under the provisions of this article may be revoked by the common council upon the recommendation of the heating inspector or the board of electrical and heating examiners for violation of any law or ordinance relating to heating work or for installation of heating apparatus in such manner as to cause hazard to life or property. When a license has been revoked, the former licensee shall have the same status as a person not previously licensed.

(Code 1975, § 20-24; Code 1997, § 26-523; Ord. No. 89-98-99, § 5, 11-2-1998; Ord. No. 93-11-12, § 3, 4-16-2012)

Sec 12-347 Temporary Licenses

(a) Any contractor, commencing any type of heating, ventilating or air conditioning work within the city shall first apply for a contractor's license to engage in such contracting work. Such application shall be made to the heating inspector, who may issue a temporary license to such contractor for a specific contracting job, upon the applicant's furnishing proof of compliance with the insurance requirements of section 12-343, meeting experience qualifications of section 12-341, and upon payment of a temporary license fee of $50.00.

(b) If the application for a temporary license is denied, the applicant may appeal to the board of examiners within five days after the denial, such appeal to be in writing and shall set forth the ruling appealed from and be filed with the secretary of the board of examiners. Such notice of appeal shall state clearly and briefly the grounds of the appeal. Where a situation requires an immediate decision that of the manager of planning and inspection services or the manager's designee shall be final and conclusive.

(c) Nothing in this section shall prohibit a contractor whose principal place of business is located outside of the city from obtaining a contractor's license pursuant to this division.

(d) No more than two such temporary licenses may be obtained by any one contractor in a 12-month period.

(Code 1975, § 20-25; Code 1997, § 26-524; Ord. No. 89-98-99, § 5, 11-2-1998; Ord. No. 10-20-21, § 13, 7-20-2020)

DIVISION 12-V-3 PERMITS AND INSPECTIONS

Sec 12-368 Permit Or Registration--Required
Sec 12-369 Permit Or Registration--Application
Sec 12-370 Emergencies
Sec 12-371 Fees
Sec 12-372 Failure To Obtain Permit Or Registration
Sec 12-373 Prohibited Acts
Sec 12-374 Plans And Specifications
Sec 12-375 Inspection Of Work Requiring A Permit
Sec 12-376 Inspection Of New Work

Sec 12-368 Permit Or Registration--Required

(a) *Generally*. Except as provided in subsection (b) of this section, the building inspection department shall issue permits for all heating, ventilating and air conditioning installations and conversions of heating units from the use of one type of fuel to another or the replacement of heating units using the same type of fuel.

(b) *Registration*. Replacement of heating equipment or air conditioning installations in one- or two-family residences shall require registration.

(Code 1975, § 20-51; Code 1997, § 26-551; Ord. No. 127-97-98, § 8, 4-20-1998)

Sec 12-369 Permit Or Registration--Application

No person shall construct or install any heating equipment or appurtenances subject to the provisions of the heating and ventilating code in or for any building or alter any existing heating equipment or appurtenances subject to the provisions of this article, without the holder of a license first making written application and securing a permit therefor. The application shall set forth the nature of the work to be performed.

(Code 1975, § 20-52; Code 1997, § 26-552)

Sec 12-370 Emergencies

In emergency work, the person doing or causing work to be done shall notify the heating inspector not later than the next working day after beginning work, which work shall be in accordance with the provisions of the heating and ventilating code.

(Code 1975, § 20-53; Code 1997, § 26-553)

Sec 12-371 Fees

The fees for permits, registrations and inspections required by the provisions of this article shall be as follows:

(a) For an estimated job cost of up to $1,000.00: $75.00.

(b) For each additional $1,000.00 or fraction thereof up to $1,000,000.00 estimated job cost: $20.00.

(c) For each additional $1,000.00 or fraction thereof above $1,000,000.00 estimated job cost: $10.00.

(d) Commercial plan review: State charge, plus $10.00.

(e) One- and two-family residence flat fee, each unit: $200.00.

(f) Heating registrations: $40.00.

(Code 1975, § 20-54; Code 1997, § 26-554; Ord. No. 127-97-98, § 9, 4-20-1998; Ord. No. 41-01-02, § 7, 10-15-2001; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 41-09-10, § 1, 1-18-2010; Ord. No. 25-14-15, § 2, 8-4-2014; Ord. No. 2-15-16, § 2, 6-15-2015)

Sec 12-372 Failure To Obtain Permit Or Registration

For work started without a permit or registration, except in emergency cases, the fees shall be calculated as follows, per calendar year:

(a) First incident: Double the regular fee, plus $100.00;

(b) Second incidences: Double the regular fee, plus $250.00; and

(c) Third and subsequent incidences: Double the regular fee, plus $500.00.

(Code 1975, § 20-55; Code 1997, § 26-555; Ord. No. 127-97-98, § 10, 4-20-1998; Ord. No. 41-01-02, § 10, 10-15-2001)

Sec 12-373 Prohibited Acts

It shall be unlawful for any person licensed under the provisions of this article to secure a permit for work which will be performed by any person not connected with or in the employ of such licensee, or to allow their name to be used by any other person performing such work or obtaining such permit. The heating inspector shall refuse to

issue any further permits to any licensee violating the provisions of this section.

(Code 1975, § 20-56; Code 1997, § 26-556)

Sec 12-374 Plans And Specifications

The heating inspector, for the purposes of examination, may require the submission of plans and specifications for the installation of any work governed by the provisions of this article.

(Code 1975, § 20-57; Code 1997, § 26-557)

Sec 12-375 Inspection Of Work Requiring A Permit

Upon completion of heating and ventilation work requiring a permit under the provisions of this article, contractors licensed in accordance with division three of this article shall be responsible for notifying the heating inspector and requesting a final inspection of such work. The contractor or contractor's employee shall be present for inspection. Should the contractor or contractor's employee be absent from the premises at the time the heating inspector comes to make the final inspection, at which time an appointment was scheduled, then the licensed contractor shall pay a $10.00 fee each time the heating inspector must return for an inspection.

(Code 1975, § 20-58; Code 1997, § 26-558; Ord. No. 127-97-98, § 11, 4-20-1998)

Sec 12-376 Inspection Of New Work

In any building or addition, immediately upon completion of those portions of the installation which are thereafter to be concealed or covered, the heating contractor shall notify the heating inspector, giving the location of the work, that portions of the installation at the designated location are ready for inspection. No person shall lath, plaster or place some other covering over such work before it has been inspected. The inspector shall make the inspection within two working days after receipt of such notice, except Sundays and holidays. All other inspections shall be made upon completion of the work.

(Code 1975, § 20-60; Code 1997, § 26-559)

DIVISION 12-V-4 HIGH-EFFICIENCY AND PULSATING COMBUSTION FURNACES

Sec 12-396 Installation
Sec 12-397 Intake And Exhaust Systems

Sec 12-396 Installation

(a) Except as provided in this section, high-efficiency or pulsating combustion furnaces shall be installed, operated and maintained in accordance with the

manufacturer's guidelines along with the National Fuel Gas Code, NFPA 54 and the National Electrical Code, NFPA 70. Such codes and standards are hereby adopted and by reference made part of this article. Any future amendments, revisions or modifications to such codes and standards incorporated in this section are intended to be made part of this article.

(b) The high-efficiency or pulsating combustion furnace shall be set on a level floor, centrally located, if practical with respect to the air distribution system, and shall provide minimum clearances as specified in the manufacturer's guidelines.

(Code 1975, § 20-125; Code 1997, § 26-581; Ord. No. 127-97-98, § 12, 4-20-1998)

Sec 12-397 Intake And Exhaust Systems

(a) The venting system of a high-efficiency furnace or a pulsating combustion furnace shall terminate at least three feet above any forced air inlet located within ten feet thereof.

(b) The bottom of the vent terminal and the air intake shall be located at least 18 inches above grade. The vent terminal shall also be a minimum of 24 inches horizontally from any gas meter or electrical meter.

(c) All pulsating combustion furnaces shall be installed with dual mufflers, produced for use on a pulsating furnace. Such mufflers shall be installed on the intake and exhaust vents of the system.

(Code 1975, § 20-130; Code 1997, § 26-582; Ord. No. 92-97-98, § 6, 2-2-1998; Ord. No. 127-97-98, § 13, 4-20-1998)

ARTICLE 12-VI DRAINAGE

Sec 12-423 Intent Of Article
Sec 12-424 Grading; Natural Drainage
Sec 12-425 Terraces
Sec 12-426 Slopes
Sec 12-427 Drainage Plan; Approval By City Engineer; Nonliability Of City

Sec 12-423 Intent Of Article

This article is intended to promote the public health, safety and welfare by requiring proper grading to ensure adequate drainage of land within the city.

(Code 1975, § 9-182; Code 1997, § 26-616)

Sec 12-424 Grading; Natural Drainage

(a) Grading of land shall be accomplished in such a manner that final grades will not interfere with the approved drainage plan described in a registered subdivision.

(b) In lieu of an approved subdivision drainage plan, the natural drainage of an area may not be modified in any way so as to create or increase any drainage or ponding problems elsewhere in the drainage basin.

(Code 1975, § 9-183; Code 1997, § 26-617)

Sec 12-425 Terraces

Open terraces constructed in required zoning yards may not exceed four feet in height unless necessitated by exceptional topography and approved by the city plan commission. Multiple terraces may not have an overall average slope greater than one foot vertical to four feet horizontal.

(Code 1975, § 9-184; Code 1997, § 26-618)

Sec 12-426 Slopes

No slope or portion of any slope shall be increased to a ratio greater than four horizontal to one vertical, within a distance of 20 feet from the property line, except with approval of the city engineer. In no case shall any slope exceed the normal angle of repose of the material involved. All slopes shall be protected against erosion.

(Code 1975, § 9-185; Code 1997, § 26-619; Ord. No. 49-97-98, § 1, 3-2-1998)

Sec 12-427 Drainage Plan; Approval By City Engineer; Nonliability Of City

(a) When a permit for new construction of a building exceeding 150 square feet, or for an addition of over 150 square feet to an existing building, or for construction within a required yard setback requires a certified site survey on any lot or parcel of land in the city, the permit applicant shall submit to the building inspector a site drainage plan and approved stormwater management/erosion control application. The direction of drainage shall be indicated on the required site survey by specifying the elevations at all lot corners, building corners, at locations of changes in grade and at the center of open areas. If fill or excavation of the lot will occur, the proposed elevations and grades shall be indicated on the plan. General drainage shall be shown with directional arrows. Existing and proposed drainage swales shall be indicated showing direction of flow. The proposed top of block elevation for the proposed new construction, as well as the lowest point of all windows/doors and the proposed ground elevation adjacent to the openings shall be shown. The grade of any driveway from the slab to the sidewalk shall be shown on the plan as well as proposed elevations at the sidewalk/right-of-way.

(b) Such drainage plan shall be subject to the approval of the city engineer or designee. The engineer shall review the plan to make sure that it is in compliance with this article, consistent with the city stormwater management

plan, and that surface drainage from the proposed construction will be discharged in such a manner as not to damage adjacent properties. In areas with existing drainage problems, it must be demonstrated that such problems will not be increased. An approved copy of the drainage plan shall be submitted with the building permit application.

(c) Except as otherwise provided in this subsection, before the occupancy permit is issued or final inspection is made for such construction, the applicant shall submit to the building inspector a certified site survey showing the final elevations and site drainage in accordance with the approved drainage plan along with a written statement by a registered land surveyor or registered professional engineer that the lot or parcel of property is in compliance with the approved drainage plan. Where the required grading cannot be completed prior to November 1 of the year of construction, the occupancy permit may be issued with the condition that the required grading be completed by the following June 1. Failure to comply with this condition will subject the applicant to a forfeiture of $50.00 per day for each day after June 1.

(d) Site drainage plans under this section shall comply with the following requirements:

(1) In areas where approved drainage plans of subdivisions have been previously required by the city, all elevations for the building permit site drainage plan shall conform to the approved subdivision drainage plan.

(2) Yards adjacent to structures shall be sloped downward away from the structure at a rate of grade of at least one inch per foot for a minimum distance of ten feet from the structure, or within the required yard setback, whichever is less, unless otherwise approved by the city engineer or designee. No slope or portion of any slope shall exceed the ratio set forth in section 12-426. No portion of a new driveway grade shall exceed a slope of 15 percent.

(3) Erosion control measures shall be identified on the drainage plan. Erosion control measures shall comply with applicable city, county, state or federal standards.

(4) All elevations provided on required site drainage plans and certified site surveys shall be in accordance with city datum.

(5) All plans shall be drawn to a scale not less than 1:50, except as otherwise approved by the city engineer or designee.

(e) All new commercial and industrial buildings and additions or remodeling to existing commercial and industrial buildings commenced shall have rain gutters and downspout, or other such system as approved by the city engineer, for directing rainwater from the respective roofs to city storm sewers, or to designed retention ponds or other systems approved by the city engineer, in such a manner

that water runoff directed to or discharged upon adjacent private properties is neither increased in intensity or rate of flow, unless an easement or other written consent is obtained from the owner of all surrounding properties upon which such increased water runoff is, or is to be, discharged.

(f) The city does not guarantee, warrant or represent that compliance with this article will provide complete relief from periodic flooding or inundation, and hereby asserts that there is no liability on the part of the city council, its agencies or employees, for any flood damage that may occur as a result of reliance upon or conformance with this article.

(Code 1975, § 9-186; Code 1997, § 26-620; Ord. No. 49-97-98, § 2, 3-2-1998; Ord. No. 2-98-99, § 1, 5-18-1998; Ord. No. 7-05-06, §§ 1, 2, 6-6-2005)

ARTICLE 12-VII PROPERTY MAINTENANCE STANDARDS

DIVISION 12-VII-1 PROPERTY MAINTENANCE STANDARDS GENERALLY
DIVISION 12-VII-2 ADMINISTRATION AND ENFORCEMENT
DIVISION 12-VII-3 ROOMINGHOUSES
DIVISION 12-VII-4 BOARD OF HOUSING APPEALS AND FAIR HOUSING PRACTICES

DIVISION 12-VII-1 PROPERTY MAINTENANCE STANDARDS GENERALLY

Sec 12-453 Property Maintenance Code; Penalties
Sec 12-454 Scope
Sec 12-455 Responsibility For The Maintenance Of Property Exteriors

Sec 12-453 Property Maintenance Code; Penalties

(a) This article and the International Property Maintenance Code, as adopted and modified in section 12-27(a)(2) shall be known as the property maintenance code for all structures and properties and is referred to as the housing maintenance code or this article.

(b) Except as provided in this section, a violation of the property maintenance code or of any lawful order of a code enforcement officer or an inspector issued pursuant to such provisions shall subject the violator to a forfeiture of not less than $150.00 nor more than $750.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not exceeding 90 days. Each day that a violation shall continue shall constitute a separate offense.

(c) If a vacant dwelling is relet after written notice is given by the code enforcement officer or an inspector that a vacant dwelling or dwelling unit cannot be relet until all such violations are corrected, the owner shall be subject to a forfeiture of $1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid,

but not exceeding 60 days. Each rental period shall constitute a separate offense.

(d) Any person who shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, shall be subject to a forfeiture of $1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until the penalty and costs are paid, but not exceeding 90 days.

(e) Notwithstanding other provisions of this chapter, no person shall occupy, own, maintain, use, or permit the use of a commercial property upon which any windowpane or door requiring glazing is boarded up except as a result of weather conditions or replacement, and then only if the boarded-up windows and doors are painted to match the exterior of the building, and only on a temporary basis not to exceed three weeks.

(Code 1997, § 26-651; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 42-10-11, § 5, 11-15-2010; Ord. No. 17-11-12, § 2, 7-5-2011; Ord. No. 69-11-12, § 3, 2-20-2012; Ord. No. 10-20-21, § 14, 7-20-2020)

Sec 12-454 Scope

No person, shall use, occupy, own, or permit use of any structure or premises that does not comply with the requirements of this article. Any such violation is a nuisance. Code enforcement officers or inspectors shall cause inspections to be made of all premises, as necessary, to secure compliance with this section, and may cause the abatement of the nuisance under the provisions of this chapter or chapter 36.

(Code 1997, § 26-652; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 10-20-21, § 15, 7-20-2020)

Sec 12-455 Responsibility For The Maintenance Of Property Exteriors

(a) *Exteriors and premises*. No person shall use or maintain building exteriors or surrounding premises in a manner that limits the use or enjoyment of neighboring property, or which causes or tends to cause diminution of the value of the property of others in the neighborhood in which such premises is located by reason of:

(1) Exterior storage of scrap lumber, junk, trash, or other debris, including, without limitation of enumeration, discarded objects or equipment such as motor vehicles, furniture, appliances, farm or manufacturing equipment, building materials, or litter.

(2) Exterior patchwork, repair, or reconstruction that results in a multi-textured or multi-colored effect or appearance not consonant with the decor, architectural design, or aesthetics of the rest of such building.

(b) *Sanitation*. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, garbage or debris.

(c) *Grading and drainage of premises*. All premises shall be so graded and maintained that no stagnant water will accumulate or stand on the premises or within any building or structure located on the premises.

(d) *Insect and rodent harborage*. Every owner of a structure or property shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation is caused by failure of the responsible person to maintain a dwelling in a ratproof and insectproof condition, extermination shall be the responsibility of the owner.

(e) *Accessory structures*. All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

(Code 1997, § 26-653; Ord. No. 17-09-10, § 2, 9-21-2009)

DIVISION 12-VII-2 ADMINISTRATION AND ENFORCEMENT

Sec 12-479 Issuance Of Order When Emergency Exists
Sec 12-480 Rules And Regulations; Approval
Sec 12-481 Abatement Of Nuisances
Sec 12-482 Compliance With Building Code

Sec 12-479 Issuance Of Order When Emergency Exists

Whenever a code enforcement officer or inspector finds that an emergency exists which requires immediate action to protect the public health, the officer may, without notice or hearing, issue an order citing the existence of such an emergency and requiring that such action be taken as the officer deems necessary to meet the emergency. Notwithstanding the other provisions of this article, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the zoning board of appeals shall be afforded a hearing in the manner prescribed in section 12-594. After such hearing, depending upon the findings of the zoning board of appeals as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the zoning board of appeals shall continue such order in effect, modify it or revoke it.

(Code 1997, § 26-701; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 39-16-17, § 20, 4-5-2017; Ord. No. 10-20-21, § 16, 7-20-2020)

Sec 12-480 Rules And Regulations; Approval

The director of planning and development is authorized and empowered to make and

adopt written rules and regulations necessary for the proper enforcement of the provisions of this article. Such rules and regulations shall be submitted by the housing inspector to the common council and, if approved by a vote of a majority of the members present, shall have the same force and effect as the provisions of this article, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this article. A copy of such rules and regulations shall be kept on file in the city clerk's office and housing inspector.

(Code 1997, § 26-702; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-481 Abatement Of Nuisances

(a) If property is in violation of those provisions of this article that affect health or safety, the director of planning and development or, in the director's absence, a designee, may commence an action to abate such public nuisances.

(b) If the director of planning and development or the director's designee deems it necessary to order the abatement or removal of a health or safety nuisance found on any premises or property, the director shall serve notice within a reasonable time of not less than 24 hours; and if the owner or occupant shall fail to comply with the notice, the owner or occupant shall be subject to the penalty provided in this division.

(c) Any person to whom such order is directed shall comply therewith immediately but, upon petition to the zoning board of appeals, shall be afforded a hearing in the manner prescribed in section 12-594. After such hearing, depending upon the findings of the zoning board of appeals as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with, the zoning board of appeals shall continue such order in effect, modify or revoke it.

(d) Upon the failure of the owner or occupant to abate any nuisance within the time allowed in the notice to abate and remove such nuisance, or if the owner is a nonresident of the city or cannot be found, the director of planning and development or the director's designee shall thereupon cause abatement and removal of such nuisance.

(e) Unless otherwise ordered by the common council, the whole of the cost of abatement or removal of a nuisance by the director of planning and development or the director's designee, plus 50 percent, plus applicable sales tax, with a minimum fee of $25.00, shall be collected from the owner or occupant or person causing, permitting or maintaining the nuisance, or such cost may be charged against the premises and, upon certificate of the director of planning and development, assessed against the real estate and collected as are other special taxes.

(f) Nothing in this article shall be construed or interpreted to in any way impair or limit the authority of the city to define and declare nuisances or the director of

planning and development to cause the removal of abatement of nuisances by summary proceedings or other appropriate proceedings.

(Code 1997, § 26-703; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 39-16-17, § 21, 4-5-2017)

Sec 12-482 Compliance With Building Code

(a) The provisions of this article shall not abrogate the responsibility of any person to comply with any provisions of the state building code and the city building and zoning codes.

(b) This article establishes minimum standards for dwellings, dwelling units and accessory buildings and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings except such as are in conflict with the provisions of this article. In any case where a provision of this article is found to be in conflict with a provision in any zoning, building, fire, safety or health ordinance or code of the city, existing on the effective date of the ordinance from which this article is derived, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

(Code 1997, § 26-704; Ord. No. 17-09-10, § 2, 9-21-2009)

DIVISION 12-VII-3 ROOMINGHOUSES

Subdivision 12-VII-3-I Roominghouses In General
Subdivision 12-VII-3-II Permit

Subdivision 12-VII-3-I Roominghouses In General

Sec 12-503 Scope Of Division
Sec 12-504 Operator To Control Occupancy
Sec 12-505 Relationship Of Permit To Building Code; Enforcement Of Building Code
Sec 12-506 Applicability Of Other Code Sections
Sec 12-507 Toilets And Lavatory Basins
Sec 12-508 Baths
Sec 12-509 Location Of Sanitary Facilities
Sec 12-510 Minimum Floor Area For Sleeping Purposes
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Sec 12-512 Preparation Of Meals In Rooming Units
Sec 12-513 Communal Kitchens
Sec 12-514 Communal Dining Rooms
Sec 12-515 Posting Of No Cooking Signs
Sec 12-516 Bed Linens And Towels
Sec 12-517 Shades, Drapes, And Other Devices And Materials
Sec 12-518 Sanitary Maintenance

Sec 12-519 Combustible And Noncombustible Refuse Disposal Or Storage
Sec 12-520 Hanging Screens
Sec 12-521 Extermination Of Pests
Sec 12-522 Exits
Sec 12-523 Keeping Of Register; Entry Of True Name

Sec 12-503 Scope Of Division

No person shall operate a roominghouse, nor occupy or let to another for occupancy any rooming unit in any roominghouse except in compliance with the provisions of this division.

(Code 1997, § 26-786; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-504 Operator To Control Occupancy

No operator shall at any time allow a larger number of persons to occupy the total area within a rooming unit located within a roominghouse than the maximum number of persons listed on the roominghouse permit and the occupancy record cards. No operator shall at any time allow a larger number of persons to occupy any individual rooming unit than the maximum number of persons listed on the occupancy record cards for each such rooming unit. No operator shall at any time permit any person to occupy any rooming unit which is not listed on the occupancy record cards. The permit holder who does not live on the roominghouse premises or immediately adjacent to it shall appoint a responsible person living on or immediately adjacent to the roominghouse to be responsible for the roominghouse regulations as the permit requires.

(Code 1997, § 26-787; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-505 Relationship Of Permit To Building Code; Enforcement Of Building Code

The issuance of a roominghouse permit and occupancy record card to any roominghouse shall not in any way signify or imply that the roominghouse conforms with the state building code or the city building and zoning codes. It shall be the duty of the inspector of buildings to enforce the provisions of the property maintenance, building and zoning codes. The issuance of a roominghouse permit shall not relieve the owner or operator of the responsibility for compliance with the building and zoning codes and shall not relieve the inspector of buildings of the responsibility for enforcement of the building and zoning codes.

(Code 1997, § 26-788; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-506 Applicability Of Other Code Sections

No person shall operate a roominghouse except in compliance with all of the

requirements of this article and the requirements of the Wisconsin Administrative Code. For the purpose of interpreting the requirements of the designated sections applicable to the enforcement of this division, the term "multiple dwelling" or "dwelling" means roominghouse. The term "dwelling unit" means rooming unit. Every dwelling unit located within a roominghouse shall comply with all of the requirements for dwelling units as established in accordance with the provisions of this article.

(Code 1997, § 26-789; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-507 Toilets And Lavatory Basins

At least one toilet and one lavatory basin, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten persons, or fraction thereof, of each sex residing within a roominghouse, including members of the operator's family wherever they share the use of such facilities.

(Code 1997, § 26-790; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-508 Baths

At least one bath, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each ten persons, or fraction thereof, residing within a roominghouse, including members of the operator's family whenever they share the use of such facilities.

(Code 1997, § 26-791; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-509 Location Of Sanitary Facilities

Every toilet, lavatory basin and bath shall be located within rooms which afford privacy to a person within such rooms. All such facilities shall be so located within the roominghouse as to be accessible to the occupants of each rooming unit sharing such facilities without going outside of the dwelling and without going through a dwelling unit or through a rooming unit of another occupant and shall be on the same floor or on the floor immediately above or immediately below the rooming unit whose occupants share the use of such facilities.

(Code 1997, § 26-792; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-510 Minimum Floor Area For Sleeping Purposes

Every room occupied for sleeping purposes by one person shall contain a minimum of 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant over 12 years of age, and 25 square feet of floor space for each occupant 12 years of age or under.

(Code 1997, § 26-793; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-511 Numbering Of Rooming Units

Every rooming unit and every dwelling unit in every roominghouse shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of or on the door to such rooming unit or other dwelling unit. No two doors shall bear the same number. No number of any rooming unit shall be changed to any other number without first securing the written approval of the housing inspector.

(Code 1997, § 26-794; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-512 Preparation Of Meals In Rooming Units

No occupant of a roominghouse shall prepare meals in a rooming unit unless such meals are prepared in a dwelling unit contained therein; however, if a roominghouse maintains a communal kitchen in conformity with section 12-513, roomers may prepare meals therein and, if a roominghouse maintains a communal dining room in conformity with section 12-514, roomers may eat meals therein.

(Code 1997, § 26-795; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-513 Communal Kitchens

A communal kitchen shall comply with the following requirements:

(a) The minimum floor area shall be 60 square feet.

(b) It shall contain at least one supplied kitchen sink of an approved type.

(c) It shall contain at least one supplied kitchen gas stove or electric stove. Every such supplied stove shall have at least two top burners and an oven.

(d) It shall contain one supplied refrigerator with an adequate food storage capacity.

(e) It shall contain at least one supplied table or other facility having a total surface area for food preparation of not less than six square feet. The surface of each such table or other facility shall be suitable for the preparation of food, smooth, free of cracks and easily cleanable.

(f) It shall contain at least one supplied cabinet for storage of food and eating and cooking utensils for each occupant.

(g) Every kitchen sink in a communal kitchen shall be supplied with hot and cold water at all times.

(h) Every communal kitchen shall be located within a room accessible to the occupant of each rooming unit, sharing the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit

of another occupant.

(Code 1997, § 26-796; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-514 Communal Dining Rooms

Every roominghouse, within which the occupant of any rooming unit is permitted to prepare meals or cook within a communal kitchen containing less than 100 square feet of floor area, shall contain a communal dining room that complies with all of the following. Every communal dining room shall:

(a) Be located on the same floor of the roominghouse as the communal kitchen, and be adjacent to the communal kitchen.

(b) Be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling, and without going through a dwelling unit or rooming unit of another occupant.

(c) Contain not less than 70 square feet of floor area.

(d) Be supplied with dining chairs and dining table space for 50 percent of the total occupants of the roominghouse. The surface of each dining table shall be smooth, free of cracks and easily cleanable.

(Code 1997, § 26-797; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-515 Posting Of No Cooking Signs

The operator shall post in every rooming unit a sign on which shall be written or printed in letters not less than three-eighths of one inch in height the following words: "no cooking permitted in this room," and such sign shall remain so posted at all times in a conspicuous place.

(Code 1997, § 26-798; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-516 Bed Linens And Towels

The operator of every roominghouse shall change supplied bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a reasonably clean and sanitary manner.

(Code 1997, § 26-799; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-517 Shades, Drapes, And Other Devices And Materials

Every window of every room used for sleeping shall be supplied with shades, draw

drapes, or other devices or materials which, when properly used, will afford privacy to the occupant of the room.

(Code 1997, § 26-800; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-518 Sanitary Maintenance

The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the roominghouse. The operator shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the roominghouse is contained is leased or occupied by the operator.

(Code 1997, § 26-801; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-519 Combustible And Noncombustible Refuse Disposal Or Storage

The roominghouse operator shall supply adequate combustible and noncombustible refuse disposal facilities or storage containers, whose type and location are approved. The operator shall be responsible for the disposal and storage of all refuse in a clean and sanitary manner through the use of approved mechanical equipment or by placing it in the required containers.

(Code 1997, § 26-802; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-520 Hanging Screens

The operator of a roominghouse shall be responsible for hanging all screens whenever the screens are required under the provisions of this article or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service. Screens shall be hung no later than May 1 each year when the rooms are occupied.

(Code 1997, § 26-803; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-521 Extermination Of Pests

The operator of a roominghouse shall be responsible for the extermination of any insects, rodents or other pests therein. The operator shall be further responsible for such extermination on the entire premises where the entire structure or building within which the roominghouse is contained is leased or occupied by the operator. Notwithstanding the foregoing provisions of this division, whenever infestation of a roominghouse is caused by failure of the operator to maintain the dwelling within which the roominghouse is contained in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

(Code 1997, § 26-804; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-522 Exits

Every exit in a roominghouse shall comply with all of the following requirements:

(a) It shall be easily accessible from every rooming unit and dwelling unit by passage through public passageways and without passing through any part of any other rooming unit or dwelling unit;

(b) It shall be kept in a reasonably good state of repair;

(c) It shall be unobstructed at all times;

(d) All exit stairways of more than three risers shall have at least one handrail; and all stairways that are five feet or more in width, or which are open on both sides, shall have a handrail on each side;

(e) All handrails shall be not less than 32 inches vertically above the nose of the stair treads and not less than 42 inches above stairway platforms.

(Code 1997, § 26-805; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-523 Keeping Of Register; Entry Of True Name

Every person to whom a roominghouse permit has been issued shall at all times keep a standard hotel register within the roominghouse, in which shall be inscribed the names of all occupants renting or occupying rooming units in such roominghouse. The person renting a rooming unit shall sign the register. After the names of persons renting or occupying any rooming unit, the operator, or operator's agent, shall write the number of the room which each person is to occupy, together with the date and hour when such rooms are rented, all of which shall be done before such person is permitted to occupy such rooms. The register shall be at all times open to inspection by the housing inspector, and any city police officer or firefighter. No person shall write or cause to be written in any roominghouse register any other or different name than the true name of such person or the name by which such person is generally known.

(Code 1997, § 26-806; Ord. No. 17-09-10, § 2, 9-21-2009)

Subdivision 12-VII-3-II Permit

Sec 12-555 Required; Exceptions
Sec 12-556 Application
Sec 12-557 Fee
Sec 12-558 Issuance; Occupancy Record Card
Sec 12-559 Denial; Hearing
Sec 12-560 Occupancy Record Card
Sec 12-561 Expiration
Sec 12-562 Display
Sec 12-563 Nontransferability

Sec 12-564 Suspension
Sec 12-565 Hearing Upon Suspension; Revocation

Sec 12-555 Required; Exceptions

No person shall operate a roominghouse unless the person holds a valid roominghouse permit issued by the building inspection department in the name of the operator and for the specific dwelling or dwelling unit within which the roominghouse is contained. No permit shall be required where there is in effect a current state board of health, motel or tourist home permit.

(Code 1997, § 26-831; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-556 Application

The operator of a roominghouse shall file an application for a roominghouse permit in the office of the building inspection department on application forms prepared by the housing inspector. The operator shall file with the permit application an occupancy permit from the inspector of buildings showing the maximum number of rooming units that may be permitted in the dwelling in accordance with the applicable zoning laws. Where there is a valid occupancy permit for a roominghouse on record in the files of the building inspection department, no new occupancy permit shall be required to be submitted with the roominghouse permit application. No permit shall be issued to any operator that would authorize the occupancy by a larger number of rooming units then permitted under the provisions of applicable zoning laws.

(Code 1997, § 26-832; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-557 Fee

Before any permit shall be issued under the provisions of this division, the applicant shall pay a fee of $30.00, plus an additional $10.00 per rooming unit, with a maximum amount of $150.00. A late penalty fee of $20.00 shall be charged in addition to the regular $30.00 fee for applications filed after January 1 of the current permit year. This section shall also apply to new roominghouses that have been in operation without a current permit.

(Code 1997, § 26-834; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-558 Issuance; Occupancy Record Card

When the operator has complied with all applicable provisions of this article and of any rules and regulations adopted pursuant thereto, the building inspection department shall issue a roominghouse permit and an occupancy record card. The permit shall list the maximum number of persons that may reside in the total of all rooming units located in the dwelling or portion thereof for which the roominghouse permit is issued.

(Code 1997, § 26-835; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-559 Denial; Hearing

Any person whose application for a permit to operate a roominghouse has been denied may request and shall be granted a hearing on the matter before the board of housing appeals and fair housing practices under the procedure provided by section 12-595.

(Code 1997, § 26-836; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 2, 4-19-2010; Ord. No. 39-16-17, § 22, 4-5-2017)

Sec 12-560 Occupancy Record Card

Every occupancy record card shall list the maximum number of persons that may reside in the total of all rooming units located in the dwelling or portions thereof for which the roominghouse permit is issued. The occupancy record cards shall also list the maximum number of persons which may occupy each individual rooming unit located in the dwelling or portions thereof for which the roominghouse permit is issued. Whenever the operator is required to file an occupancy permit, in accordance with the provisions of section 12-556, all of the rooming units listed on the occupancy record card shall be located in such portions of the dwelling as are permitted to be occupied under the provisions of the occupancy permit.

(Code 1997, § 26-837; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-561 Expiration

All roominghouse permits issued under this division shall expire on December 31 following the date of issuance, unless sooner suspended or revoked.

(Code 1997, § 26-838; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-562 Display

Every roominghouse permit issued by the housing inspector shall be conspicuously posted by the operator in a public corridor or hallway or other public portion of the roominghouse for which it is issued and shall remain so posted at all times. The operator shall post in the roominghouse each occupancy record card in a place in which such cards are readily accessible for examination by the building inspection department.

(Code 1997, § 26-839; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-563 Nontransferability

No roominghouse permit issued under the provisions of this division shall be transferable. Every operator shall notify the housing inspector in writing within 24 hours after having relinquished proprietorship or having sold, transferred, given away or

otherwise disposed of such interest or control of any roominghouse, and shall file in writing with the housing inspector the name and address of the operator to whom proprietorship has been relinquished by sale, gift or other method of transfer or disposition.

(Code 1997, § 26-840; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-564 Suspension

Whenever, upon inspection of any roominghouse, a building inspector finds that conditions or practices exist which are in violation of any provision of this article or of any rule or regulation adopted pursuant thereto, the building inspector shall give notice in writing to the operator of such roominghouse that unless such conditions or practices are corrected within a reasonable period, to be determined by the building inspector, the operator's roominghouse permit will be suspended. At the end of such period, the building inspector shall reinspect such roominghouse, and, if the building inspector finds that such conditions or practices have not been corrected, the building inspector shall suspend the permit and give notice in writing to the operator that the latter's permit has been suspended. If the operator has been convicted of leasing or letting any dwelling, room or other premises for the purpose of prostitution or lewdness, which dwelling, room or other premises is required to have a permit under this division, the chief of police shall notify the building inspector in writing of such conviction. The housing inspector shall then suspend the permit and give notice in writing to the operator that the latter's permit has been suspended.

(Code 1997, § 26-841; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 10-20-21, § 18, 7-20-2020)

Sec 12-565 Hearing Upon Suspension; Revocation

Any person whose permit to operate a roominghouse has been suspended, or who has received notice from the building inspector that said permit is to be suspended unless existing conditions or practices at the roominghouse are corrected, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked. Upon receipt of notice of permit revocation, the operator shall cease operation of such roominghouse within a reasonable period of time, to be determined by the building inspector. If an operator's roominghouse permit has been revoked because the operator has been convicted of letting any dwelling, room, or other premises for prostitution or lewdness, the building inspector shall not subsequently issue a permit to the operator for the operation of any dwelling for which a permit is required in accordance with the provisions of this division.

(Code 1997, § 26-842; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 3, 4-19-2010; Ord. No. 39-16-17, § 23, 4-5-2017; Ord. No. 10-20-21, § 19, 7-20-2020)

DIVISION 12-VII-4 BOARD OF HOUSING APPEALS AND FAIR HOUSING PRACTICES

Sec 12-594 Petition For Hearing
Sec 12-595 Appeal Fee
Sec 12-596 Sustaining, Modifying Or Withdrawing Notices
Sec 12-597 Review By Circuit Court By Certiorari

Sec 12-594 Petition For Hearing

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article, excluding division 3 of this article, or of any rule or regulation adopted pursuant thereto, excluding division 3 of this article, may request and shall be granted a hearing on the matter before the zoning board of appeals; provided, however, that such person shall file in the office of the building inspector a written petition requesting such hearing and setting forth a statement of the grounds therefor within 20 days after the day the notice was served. Within ten days of receipt of such petition, the zoning board of appeals shall set a time and place for such hearing and shall give the petitioner written notice. At such hearing the petitioner shall be given an opportunity to be heard and to show cause why such notice should be modified or withdrawn. The hearing before the zoning board of appeals shall be commenced not later than 30 days after the date on which the petition was filed; provided, however, that upon written application of the petitioner to the zoning board of appeals, the zoning board of appeals may postpone the date of the hearing for a reasonable time beyond such 30-day period if, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement. Any notice served pursuant to division 2 of this article shall automatically become an order if a written petition for a hearing is not filed in the office of the building inspector within 20 days after such notice is served. The zoning board of appeals shall have the power to administer oaths and affirmations in connection with the conduct of any hearing held in accordance with the provisions of this article.

(Code 1997, § 26-869; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 6, 4-19-2010; Ord. No. 39-16-17, § 24, 4-5-2017; Ord. No. 10-20-21, § 20, 7-20-2020)

Sec 12-595 Appeal Fee

A fee of $25.00 shall accompany an appeal under this division.

(Code 1997, § 26-870; Ord. No. 17-09-10, § 2, 9-21-2009)

Sec 12-596 Sustaining, Modifying Or Withdrawing Notices

After hearing, the zoning board of appeals shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this article and of the rules and regulations adopted pursuant thereto have been complied with. The zoning board of appeals may also modify any notice so as to authorize a variance from the provisions of this article when, because of special conditions, literal enforcement of the provisions of

this article will result in practical difficulty or unnecessary hardship, provided that the spirit of this article will be observed, public health and welfare secured, and substantial justice done. If the zoning board of appeals sustains or modifies such notice, it shall be deemed to be an order, and the owner, operator or occupant, as the case may require, shall comply with all provisions of such order within a reasonable period of time as determined by the zoning board of appeals.

(Code 1997, § 26-871; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 7, 4-19-2010; Ord. No. 39-16-17, § 25, 4-5-2017)

Sec 12-597 Review By Circuit Court By Certiorari

The hearing proceedings, including the findings and decision of the zoning board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the building inspector. Such record shall also include a copy of every notice or order issued in connection with the matter. A copy of the written decision of the zoning board of appeals shall then be served, in the manner prescribed under division 2 of this article on the person who filed the petition for hearing. Any persons, jointly or severally, aggrieved by the decision of the zoning board of appeals, or any taxpayer, or any city officer, department, board or bureau may seek relief therefrom by having the decision reviewed by the circuit court by certiorari, if the petition for the writ is presented to the court within 20 days after the date on which the zoning board of appeals decision was served on the person who filed the petition for hearing, and if the person aggrieved notifies the zoning board of appeals, within ten days after the zoning board of appeals decision was served upon the petitioner, of the intention to present such petition to the court. Such petition, duly verified, shall set forth that such decision is illegal, in whole or in part, or does not comply with the provisions of section 12-596, specifying the grounds thereof.

(Code 1997, § 26-872; Ord. No. 17-09-10, § 2, 9-21-2009; Ord. No. 63-09-10, § 8, 4-19-2010; Ord. No. 39-16-17, § 26, 4-5-2017; Ord. No. 10-20-21, § 21, 7-20-2020)

ARTICLE 12-VIII PLUMBING CODE

DIVISION 12-VIII-1 PLUMBING CODE GENERALLY
DIVISION 12-VIII-2 ADMINISTRATION AND ENFORCEMENT
DIVISION 12-VIII-3 PERMITS AND FEES

State law reference—Plumbing and fire protection systems generally, Wis. Stats. § 145.01 et seq.

DIVISION 12-VIII-1 PLUMBING CODE GENERALLY

Sec 12-628 State Regulations Adopted
Sec 12-629 Definitions
Sec 12-630 Penalties For Violation Of Article
Sec 12-631 Malicious Damage

Sec 12-632 Places Of Employment And Public Buildings; Regulations Binding On Employer And Owner

Sec 12-628 State Regulations Adopted

Except as otherwise specifically provided in this chapter, the statutory provisions of Wis. Stats. ch. 145 and Wis. Admin. Code chs. SPS 381—387, describing and defining regulations with respect to licensures, construction, installation and inspection of plumbing, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and made a part of this section as if fully set out. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated in this section are intended to be made part of this section in order to secure uniform statewide regulation of plumbing regulations.

(Code 1997, § 26-906; Ord. No. 92-96-97, § 1, 12-16-1996; Ord. No. 64-11-12, § 9, 2-6-2012)

Sec 12-629 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curb stop means a buried shut-off valve on a service line usually located near the right-of-way line.

Customer-side service line means the portion of the water service line from (but not including) the corporation at the public water main to the inlet at the property's water meter.

Distribution system means the network of water mains or pipes, hydrants, valves and appurtenances owned and operated by the water utility. The utility does not own any of the water service beyond the corporation at the public water main to the inlet at the property's water meter.

Galvanized steel service line (GSL) means a water service line constructed of galvanized steel.

Lead service line (LSL) means a water service line constructed of lead, a material commonly used prior to the 1950s. For the purposes herein, GSL and LSL are considered the same in terms of requirements and qualifying for the financial assistance program described in this article.

Plumbing means and includes:

(a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof.

(b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems, and the alteration of any such systems, drains or waste piping.

(c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of or beneath an area subject to easement for highway purposes and its connections.

(d) The water pressure system other than municipal systems as provided in Wis. Stats. ch. 144.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

Pre-qualified plumbing contractor means a person, firm, or corporation or other entity licensed by the state to perform plumbing work and established on the water utility's pre-qualified list of plumbing contractors.

Property means real property as defined in Wis. Stats. § 70.03.

Property owner means a person or legal entity having a possessory interest, legal or equitable, in property. The term "property owner" includes an estate, trust, or lien.

Service line means a smaller pipe connected as a lateral to a larger public water main and intended to convey water into buildings or grounds. Service lines are the responsibility of the property owner served, or intended to be served, by the line.

Spot lead service line means a water service line constructed of lead (or galvanized) in only a portion of its length.

Storm and clear drains means a drain, sewer or pipe for conveying water, stormwater, groundwater, subsurface water or clear water wastes from any source and shall include sump pumps as defined by Wis. Admin. Code ch. SPS 382.

(Code 1997, § 26-907; Ord. No. 92-96-97, § 1, 12-16-1996; Ord. No. 64-11-12, § 10, 2-6-2012; Ord. No. 17-19-20, § 1, 9-16-2019; Ord. No. 5-20-21, § 1, 7-6-2020)

Sec 12-630 Penalties For Violation Of Article

Any violation of the provisions of this article shall subject the violator to a forfeiture of not less than $150.00 nor more than $750.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed 90 days. Each day of violation or noncompliance shall constitute a separate offense.

(Code 1997, § 26-908; Ord. No. 92-96-97, § 1, 12-16-1996; Ord. No. 59-97-98, § 1, 10-20-1997; Ord. No. 42-10-11, § 6, 11-15-2010; Ord. No. 69-11-12, § 4, 2-20-2012)

Sec 12-631 Malicious Damage

No person shall intentionally, willfully or maliciously injure or obstruct any sewer, house drain, cesspool, catch basin or any plumbing fixture or apparatus, pipes or other parts of any plumbing system in public buildings, or any sewer or water pipe or any parts connected therewith, laid or constructed in streets, alleys, under sidewalks or other public places in the city. The cost of repairing or replacing such equipment and any other damages incurred shall be assessable against the persons guilty of a violation of this section.

(Code 1997, § 26-909; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-632 Places Of Employment And Public Buildings; Regulations Binding On Employer And Owner

Every employer and every owner of a place of employment or of a public building shall so construct, repair or maintain such place of employment or public building, and every architect, engineer or other person who designs a building or its sanitary equipment shall so prepare the plans and specifications and repair and maintain such places of employment or public buildings so as to render them safe and sanitary in accordance with the rules and regulations of this article and all applicable state plumbing codes.

(Code 1997, § 26-910; Ord. No. 92-96-97, § 1, 12-16-1996)

DIVISION 12-VIII-2 ADMINISTRATION AND ENFORCEMENT

Sec 12-653 Supervision Of Plumbing
Sec 12-654 Cooperation Of Officials
Sec 12-655 Access To Premises
Sec 12-656 Inspections Generally
Sec 12-657 Notice For Sewer Inspection
Sec 12-658 Final Plumbing Inspection
Sec 12-659 Board Of Plumbing Appeals--Generally

Sec 12-660 Board Of Plumbing Appeals--Appeals; How Made

Sec 12-653 Supervision Of Plumbing

The plumbing inspector shall have supervision of all plumbing and drainage work and installations made and performed within the city.

(Code 1997, § 26-931; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-654 Cooperation Of Officials

The city engineer, superintendent of the municipal water utility, building inspector, city attorney, plumbing inspector and the zoning board of appeals shall cooperate to the end that the provisions of this article are properly, fairly and consistently enforced in the best interests of the city citizens.

(Code 1997, § 26-932; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-655 Access To Premises

The plumbing inspector, upon written notice stating the reason therefor, shall, within 24 hours after service of such notice, have free and unobstructive access between the hours of 7:00 a.m. and 6:00 p.m. to any part of a private home or premises where a sump pump, building sewer or drain, plumbing or plumbing appliances have been installed or are being installed. The inspector shall have free access at all times, without such notification, to any building under construction or any public building for the purpose of examining plumbing, water supply piping, appliances and the construction, condition and usage of any sump pump, sewer, drain or water disposal connected therewith.

(Code 1997, § 26-933; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-656 Inspections Generally

The plumbing inspector shall inspect all plumbing work performed and installations made from street main, curb or other terminals and within and in connection with all buildings or structures. The inspector shall require such plumbing work to be in conformity with the provisions of this article and the applicable state plumbing regulations.

(Code 1997, § 26-934; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-657 Notice For Sewer Inspection

The plumbing inspector shall be notified whenever any building sewer work from main or curb to building is ready for inspection, and all work, except when otherwise permitted by the inspector, shall be left uncovered until examined and approved. All such notices shall specify the correct location of the premises.

(Code 1997, § 26-935; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-658 Final Plumbing Inspection

Notice for final inspection of the plumbing installation after the fixtures, appurtenances and appliances have been tested and completed, and after the installation is considered ready for use, shall be given to the plumbing inspector by the person to whom a permit was issued, within 24 hours of such completion. The master plumber in charge or the master plumber's representative shall be present at the time of the final inspection. When practical, the final inspection shall be made with the water supply serving such plumbing system turned on for test purposes. The plumbing inspector, when so requested, shall furnish the owner or the plumber with an inspection certificate, indicating whether the installation has been approved or disapproved. In the event of disapproval, the reason therefor shall be given in writing.

(Code 1997, § 26-936; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-659 Board Of Plumbing Appeals--Generally

In case of a dispute or difference arising between the plumbing inspector and the plumber in charge of the work performed, subject to the provisions of this article, the facts shall be submitted to the board of plumbing appeals whose members shall be the manager of planning and inspection services, the director of the department of public works, and the city engineer. The board shall consider and adjudicate all such disputes submitted to it and may require testimony from the parties concerned and such persons as it deems necessary.

(Code 1997, § 26-937; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-660 Board Of Plumbing Appeals--Appeals; How Made

Any person feeling aggrieved by any order or ruling of the plumbing inspector may appeal from such order or ruling to the board of plumbing appeals within five days after written notice of such order or ruling shall have been delivered to the appellant. The appeal shall be in writing, setting forth the order appealed from, and shall be filed with the plumbing inspector who shall bring it to the attention of the board of plumbing appeals. Where a situation requires an immediate decision, the decision of the inspector shall be final and conclusive.

(Code 1997, § 26-938; Ord. No. 92-96-97, § 1, 12-16-1996)

DIVISION 12-VIII-3 PERMITS AND FEES

Sec 12-679 Permits Required
Sec 12-680 Application For Permit
Sec 12-681 Withholding Permits
Sec 12-682 Expiration Of Permit

Sec 12-683 Permit Fees

Sec 12-679 Permits Required

No plumbing shall be performed in the city except in cases of repair of leaks and stoppages unless a permit shall first have been issued by the plumbing inspector and proper fee paid therefor. Permits shall be issued only to persons licensed to do plumbing under the state laws; provided, however, that any person owning and occupying a single-family dwelling may do plumbing therein without having a license as a plumber.

(Code 1997, § 26-961; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-680 Application For Permit

Application for a plumbing permit on forms provided by the building inspection department shall be filed with the plumbing inspector before beginning active work.

(Code 1997, § 26-962; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-681 Withholding Permits

(a) *Arrearages*. No further permits shall be issued, or inspections made to any licensee until all arrears and fees have been paid, or all lawful orders of the plumbing inspector have been complied with.

(b) *Delay and bad faith*. Bad faith or unreasonable delay in the performance of plumbing work or failure to respond promptly to official communications shall be deemed sufficient reason for withholding plumbing permits from an applicant. A master plumber shall also be held responsible for the violation by any of the master plumber's employees of plumbing regulations prescribed in this article.

(Code 1997, § 26-964; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-682 Expiration Of Permit

All permits shall be in force for a continuous performance of the work specified thereon. Permits shall automatically expire, however, when work ceases for a period of 60 days.

(Code 1997, § 26-965; Ord. No. 92-96-97, § 1, 12-16-1996)

Sec 12-683 Permit Fees

(a) Applications for a permit for the privilege of making an initial connection to a public sanitary or storm main should be accompanied by a fee of:

(1) $500.00 for a residential connection fee.

(2) $1,000.00 for a commercial connection fee.

(3) $1,500.00 for an industrial connection fee.

(4) $500.00 for a mini-storm connection fee.

(b) Application for a permit for the following plumbing work shall be accompanied by a fee computed as set forth below, but in no event less than $50.00.

(1) $10.00 for each fixture installed, roughed-in, or opening provided for future installation of fixtures or water-connected appurtenance or appliance.

(2) $10.00 for each water heater.

(3) $50.00 for sanitary or storm sewer connection at main, curb, or lot line.

(4) $50.00 for sanitary or storm sewer relayed from main, curb, or lot line.

(5) $50.00 for building drain or relayed building drain.

(6) $50.00 for installing new water service from main, curb, or lot line.

(7) $50.00 for water service relayed from main, curb, or lot line.

(8) $10.00 for each connection to building drain used to convey wastewater or other materials aside from plumbing fixtures.

(9) $10.00 for each conductor or drain connected to the storm sewer.

(10) Fee for existing structures to be connected to the city sewerage system shall include $10.00 for each plumbing fixture or drain installed prior to such connection.

(11) $50.00 for the disconnection of an abandoned sewer or water service.

(12) $50.00 for repairs to water, sanitary and storm sewer lateral.

(13) $40.00 per 100 feet or fraction for private sanitary or storm sewer main.

(14) $40.00 per manhole in private sanitary or storm sewer main.

(15) Connection fee to private interceptor sanitary or storm main shall be $500.00 for residential and $1,000.00 for a commercial connection.

(16) Connection fee to private interceptor or storm sewer main shall be $1,500.00 for an industrial connection.

(17) $50.00 inspection fee for private sewer lateral.

(18) $40.00 per 100 feet or fraction for private water main.

(19) $50.00 inspection fee for private water lateral.

(c) For work started without a plumbing permit, except in emergency cases, the total

fee shall be:

(1) For the first incident per calendar year: Double the regular fee, plus $100.00.

(2) For a second incident: Double the standard fee, plus $250.00.

(3) For a third or subsequent incident: Double the standard fee, plus $500.00.

(d) The fees for permits provided in this section shall not be refundable even though the permit issued is not used, unless such fees exceed the sum of $21.00, in which case only that portion of the fees in excess of $21.00 shall be refunded.

(Code 1997, § 26-966; Ord. No. 92-96-97, § 1, 12-16-1996; Ord. No. 41-01-02, § 8, 10-15-2001; Ord. No. 76-02-03, §§ 8, 9, 4-2-2003; Ord. No. 57-05-06, § 1, 11-21-2005; Ord. No. 42-06-07, § 1, 10-16-2006; Ord. No. 41-09-10, § 1, 1-18-2010; Ord. No. 25-13-14, § 2, 10-21-2013)

ARTICLE 12-IX SWIMMING POOLS, WHIRLPOOLS AND SPAS

Sec 12-710 Definitions
Sec 12-711 Permit--Required
Sec 12-712 Permit--Submission Of Plans
Sec 12-713 Walkway
Sec 12-714 Fences
Sec 12-715 Walls
Sec 12-716 Lining
Sec 12-717 Overflow Gutters
Sec 12-718 Outlets And Inlets
Sec 12-719 Recirculation
Sec 12-720 Water And Sewer Connections

State law reference—Public swimming pools generally, Wis. Stats. § 145.26.

Sec 12-710 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Swimming pool means a body of water in an artificial or semiartificial receptacle, whether located indoors or outdoors, used or intended to be used for the purposes of swimming or diving and having a water capacity of 500 or more cubic feet.

Whirlpools and spas means bodies of water in an artificial receptacle located outside, used or intended to be used for bathing or health purposes.

(Code 1975, § 9-141; Code 1997, § 26-1026)

Sec 12-711 Permit--Required

No swimming pool, whirlpool or spa shall be constructed, altered, remodeled or improved within the city unless a permit therefor shall first be obtained from the city planner or designee.

(Code 1975, § 9-142; Code 1997, § 26-1027)

Sec 12-712 Permit--Submission Of Plans

Plans and specifications shall be submitted with the application for a swimming pool permit and shall include:

(a) Plans, including a profile, drawn to scale showing all dimensions.

(b) Equipment, layout of filters, pumps, strainers, sumps, gutters, skimmers, inlets, outlets, waste discharge lines, circulation and other piping.

(c) Type, kind and description of chlorinator.

(d) Capacity of pool.

(e) Proposed location on tract of land.

(Code 1975, § 9-143; Code 1997, § 26-1028)

Sec 12-713 Walkway

The swimming pool shall be completely surrounded by a walkway at least three feet in width and sloping away from the pool for drainage.

(Code 1975, § 9-148; Code 1997, § 26-1029)

Sec 12-714 Fences

(a) All outdoor swimming pools, whirlpools or spas shall be completely surrounded by a fence or wall not less than six feet in height which is kept gated and locked so as to exclude uninvited children and animals. A dwelling house or accessory building may be used as part of such an enclosure.

(b) The only approved exception to the six-foot fence requirement for pools is an approved lockable dome.

(c) The only approved exception to the six-foot fence requirement for whirlpools and spas is an approved lockable cover which can withstand 150 pounds.

(Code 1975, § 9-151; Code 1997, § 26-1030)

Sec 12-715 Walls

The walls of the swimming pool shall be vertical. Conspicuous markings shall show the depth of the shallow and deep portions, and the location and depth of the points where the slope of the bottom of the pool changes.

(Code 1975, § 9-145; Code 1997, § 26-1031)

Sec 12-716 Lining

The material used for lining artificial swimming pools shall be light in color, and such as will provide a tight tank with smooth and easily cleaned surfaces.

(Code 1975, § 9-144; Code 1997, § 26-1032)

Sec 12-717 Overflow Gutters

Overflow gutters shall completely surround the swimming pool; provided, however, that pools less than 30 feet in width may be provided with skimmers built into the sides and corners of the pool to take the place of gutters if approved by the city.

(Code 1975, § 9-146; Code 1997, § 26-1033)

Sec 12-718 Outlets And Inlets

Pools under 30 feet in width shall have at least one outlet at the deepest point of sufficient size to permit the pool to be completely emptied in eight hours. Inlets shall be located to make possible a uniform circulation of water throughout the pool.

(Code 1975, § 9-147; Code 1997, § 26-1034)

Sec 12-719 Recirculation

There shall be a complete recirculation of water through all parts of the swimming pool.

(Code 1975, § 9-149; Code 1997, § 26-1035)

Sec 12-720 Water And Sewer Connections

All connections from the swimming pool, spa or whirlpool to the city water supply or sewer system shall be approved by the city.

(Code 1975, § 9-150; Code 1997, § 26-1036)

CHAPTER 14 BUSINESSES, PROFESSIONS AND OCCUPATIONS

ARTICLE 14-I BUSINESSES, PROFESSIONS AND OCCUPATIONS IN GENERAL
ARTICLE 14-II MASSAGE ESTABLISHMENTS
ARTICLE 14-III SIDEWALK CAFES
ARTICLE 14-IV STREET FESTIVALS
ARTICLE 14-V PARKLETS
ARTICLE 14-VI TRANSIENT MERCHANTS
ARTICLE 14-VII MOBILE FOOD VENDORS
ARTICLE 14-VIII LANDSCAPE AND TREE REMOVAL SERVICES

Editor's note—Specific business entities and operations may be addressed in other chapters of this Code.

ARTICLE 14-I BUSINESSES, PROFESSIONS AND OCCUPATIONS IN GENERAL

Sec 14-1 Weights And Measures
Sec 14-2 Mandating Of Employee Benefits For Private Businesses
Sec 14-3 Tobacco Product Retailer Licenses And License Fee

Sec 14-1 Weights And Measures

(a) *Definitions*. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial weighing or measuring devices means those used or employed in establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for sale, hire or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure.

Weight means net weight when used in reference to a commodity.

Weights and measures means all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with all such instruments and devices, except meters for the measuring of electricity, gas (natural and manufactured) or water when the same are operated in a public utility system.

(b) *State statutes adopted*. The provisions of Wis. Stats. ch. 98 regulating weights and measures is adopted by reference as though fully set forth in this section.

(c) *Systems to be used*. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all

commercial purposes in the city. The specifications, tolerances and regulations for commercial weighing and measuring devices issued by the National Institute of Standards and Technology shall apply in the city, except as modified by rules issued by the state weights and measures department.

(d) *Field standards and equipment*. The city shall supply such field standards and such equipment as may be found necessary to carry out the provisions of this chapter. The field standards shall be verified by the state weights and measures office upon their initial receipt, and at least once each two years thereafter.

(e) *Municipal sealer*. A municipal sealer/inspector position is established in the department of city development. The selection of the municipal sealer/inspector shall be from a list of applicants whose qualifications have been certified by the state, pursuant to civil service rules and regulations.

(f) *Device licenses*. No person shall operate or maintain weights and measures, weighing or measuring devices and systems and accessories relating thereto which are used commercially within the city in determining the weight, measure or count of commodities or things sold or offered or exposed for sale on the basis of weight, measure or count unless licensed by an annual weighing or measuring device license issued pursuant to the following:

(1) *Application*. The application for a weighing or measuring device license shall be made in writing on a form provided for such purpose by the building inspection department. Such application shall state the type and number of weighing and measuring devices to be licensed, the location of the devices, the applicant's full name and post office address and whether such person is an individual, firm or corporation and, if a partnership, the names of partners together with their addresses and the signatures of the applicants.

(2) *Issuance; fees*. The city building inspection department shall issue a license to the applicant based on the total number of weighing and measuring devices operated by the applicant if the requirements of this section have been complied with upon payment to the building inspection division of the fee required in the following fee schedule:

Initial processing fee	$50.00
Annual base fee	$30.00
Scales 0—50 lbs.	$30.00
Scales 51—1,000 lbs.	$60.00
Scales high accuracy, analytical, jewelers, pharmacy	$60.00
Auto recycling machines	$100.00
Liquid measuring devices	$28.00

Vehicle tank meters	$65.00
Coin operated laundry	$50.00
Taxi meters	$40.00
Scanner-point of sale system—small	$25.00
Scanner-point of sale system—large	$200.00
Miscellaneous devices, per hour	$50.00
Late fee	$50.00

(3) *Expiration; renewal*. All weighing or measuring device licenses shall expire on December 31 in the year issued. Any application for license renewal not made by January 15 shall result in the applicant's paying a late fee, in addition to the annual license fee before being granted a license renewal.

(4) *Suspension for non-renewal*. It shall be the duty of the city building inspection department to notify the appropriate city officials and to order the immediate enforcement of the provisions of this article in cases involving failure to renew a weighing or measuring device license. The licensee shall be prohibited from operating or maintaining a weighing or measuring device until such time as a valid license has been applied for and obtained under the provisions of this article.

(5) *Display of license*. All persons licensed under the provisions of this article shall immediately post their license upon some conspicuous part of the premises on which the business is carried on and the same shall remain posted during the period for which the license is valid.

(6) *Suspension of license*. Notwithstanding the other provisions of this article, whenever a contracted sealer or inspector determines that any business on any premises licensed under this article is conducted or managed in such a manner that there are serious or repeated violations of this Code, state law, or the National Institute of Standards and Technology relating to weights and measures, the sealer or inspector may:

a. Without warning, notice or hearing, issue a written notice to the license holder, operator or employee in charge of the licensed premises, describing such condition and specifying the corrective action to be taken, and if deemed necessary such order shall state that the license is immediately suspended and all weighing and measuring operations are to be discontinued.

b. Communicate the details of such violation to a city building inspector, who may then without warning, notice or hearing, issue

a written notice to the license holder, operator or employee in charge of the licensed premises, describing such condition and specifying the corrective action to be taken, and if deemed necessary such order shall state that the license is immediately suspended and all weighing and measuring operations are to be discontinued.

c. Any person to whom such an order is issued shall comply immediately but, upon written petition to the chief administrator's office, shall be afforded a hearing before the law and licensing committee within 21 days of such petition. Failure to allow an inspector immediate access to the premises to determine whether such grounds exist shall be grounds for suspension.

(7) *Revocation of licenses*. For serious or repeated violations of any of the requirements of this article, or violation of any city ordinances or regulations or laws or regulations of the state relating to weights and measures, or for interference with any city official, contracted or otherwise, in the performance of the official's duties, the city may revoke the license issued under this section. Prior to such action, the contracted sealer/inspector or a building inspector shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be revoked at the end of ten days following service of such notice, unless a request for a hearing is filed with the law and licensing committee, by the license holder within such ten-day period.

(8) *Hearings*. The hearings provided for in this section shall be conducted by the licensing, hearings, and public safety committee at a time and place designated by the committee chairperson. Based upon the record of such hearing, the building inspection department shall be charged with enforcing the decisions of the committee with the assistance of such other government official as necessary. A written report of the hearing decision shall be furnished to the license holder by the committee chairperson.

(g) *Other weighing or measuring device fees*. Notwithstanding the provision for the requirement of an annual license for weighing and measuring devices, whenever a special request is made for the inspection or testing of a noncategorized weighing or measuring device or a consultation, the actual expenses of same may be charged to the person or firm receiving the service. Such payment or charge shall be based on the current hourly rate.

(Code 1997, §§ 138-1—138-4, 138-11, 138-12, 138-14; Ord. No. 4-03-04, § 1, 6-2-2003; Ord. No. 22-04-05, § 1, 7-19-2004; Ord. No. 86-06-07, § 1, 2-19-2007; Ord. No. 44-09-10, § 1, 12-7-2009; Ord. No. 25-15-16, §§ 2, 3, 9-21-2015; Ord. No. 39-16-17, § 46, 4-5-2017; Ord. No. 37-17-18, § 14, 2-19-2018)

State law references—Weights and measures generally, Wis. Stats. ch. 98; municipal enforcement, etc., Wis. Stats. § 98.04.

Sec 14-2 Mandating Of Employee Benefits For Private Businesses

Except as otherwise required by state or federal law, no city ordinance, nor any other municipal rule or regulation, shall mandate that any business entity, other than the city itself, or its related boards, authorities, commissions and agencies, shall provide certain wages or benefits to its employees or set forth the amount or type of any employee wages or benefits provided by an employer located within the city limits.

(Code 1997, § 30-1; Ord. No. 82-08-09, § 1, 3-2-2009)

Sec 14-3 Tobacco Product Retailer Licenses And License Fee

The city elects to license cigarette and tobacco products retailers in accordance with the provisions of Wis. Stats. § 134.65. The annual license fee for a cigarette and tobacco products retailer license shall be $100.00.

(Code 1975, § 34-50; Code 1997, §§ 30-191, 30-192; Ord. No. 69-98-99, § 1, 8-17-1998; Ord. No. 19-01-02, § 4, 8-6-2001)

ARTICLE 14-II MASSAGE ESTABLISHMENTS

DIVISION 14-II-1 MASSAGE ESTABLISHMENTS GENERALLY
DIVISION 14-II-2 LICENSE

DIVISION 14-II-1 MASSAGE ESTABLISHMENTS GENERALLY

Sec 14-25 Penalties For Violation Of Article
Sec 14-26 Inspection Of Licensed Premises
Sec 14-27 Operational Restrictions

Sec 14-25 Penalties For Violation Of Article

A violation of any of the provisions of this article shall subject the violator to a forfeiture of not less than $50.00 and not more than $200.00 and, in default of payment thereof, imprisonment for not to exceed 30 days.

(Code 1997, § 30-96; Ord. No. 47-12-13, § 1, 2-4-2013)

Sec 14-26 Inspection Of Licensed Premises

The licensed premises shall be open at all times to inspection by the police city officers and the building inspection division for the purpose of determining whether the premises and licensee are complying with the provisions of this article.

(Code 1997, § 30-97; Ord. No. 47-12-13, § 1, 2-4-2013)

Sec 14-27 Operational Restrictions

(a) *Supervision by therapist*. There shall be on the licensed premises at all times a massage therapist or bodywork therapist licensed under Wis. Stats. ch. 460. The licensee of the establishment shall personally supervise the conduct of the business thereon and shall not violate or permit any of the licensee's therapists or employees to violate any provision of this article. A violation of any provision of this article by an officer, employee or therapist shall constitute a violation by the licensee of the establishment.

(b) *Alcohol beverages*. No alcohol beverages shall be sold or used on the licensed premises.

(c) *Hours of operation*. No licensed premises shall be open for business except between 8:00 a.m. and 10:00 p.m.

(d) *Maintenance in sanitary condition*. All licensed premises shall be maintained in a clean and sanitary condition and in compliance with all city ordinances and state laws and regulations.

(e) *Display of certificate*. The massage establishment license shall be conspicuously displayed in the licensed establishment so that the license can easily be seen and read.

(Code 1997, § 30-98; Ord. No. 47-12-13, § 1, 2-4-2013)

DIVISION 14-II-2 LICENSE

Sec 14-58 Required For Operation Of Establishment
Sec 14-59 Exemptions
Sec 14-60 Fees
Sec 14-61 Application
Sec 14-62 Investigation Of Application
Sec 14-63 Grant; Right Of Hearing Upon Denial
Sec 14-64 Suspension And Revocation

Sec 14-58 Required For Operation Of Establishment

No person shall operate an establishment within the city where massage therapy or bodywork therapy is provided by one person to another for compensation without a license therefor.

(Code 1997, § 30-121; Ord. No. 47-12-13, § 1, 2-4-2013)

Sec 14-59 Exemptions

No massage establishment license shall be required under this article where massage therapy or bodywork therapy is engaged in the performance of the duties of their

respective professions:

(a) Hospitals, medical clinics, surgical centers, or offices of physicians, surgeons, chiropractors, osteopaths or physical therapists licensed or registered to practice their respective professions under the laws of the state, or nurses or nurse practitioners registered under the laws of the state acting under their discretion or control.

(b) Barbershops and beauty parlors, provided, such massage therapy or bodywork therapy, as practiced, is limited to the head and scalp.

(Code 1997, § 30-122; Ord. No. 47-12-13, § 1, 2-4-2013)

Sec 14-60 Fees

The annual license fee for a massage establishment shall be $100.00. Such license shall run from January 1 to December 31.

(Code 1997, § 30-123; Ord. No. 47-12-13, § 1, 2-4-2013)

Sec 14-61 Application

Application for a license under this article shall be made on a form furnished by the city clerk, which shall contain the following information:

(a) Name and address of the proposed massage establishment and the name and address of each individual who will have or has any financial interest, direct or indirect, in the proposed establishment;

(b) Previous employment of every such individual for the preceding three years;

(c) Date of birth of any such person;

(d) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

    (1) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.

    (2) If the applicant is a partnership, the names and addresses of all partners.

    (3) If the applicant is a limited liability company, the names and addresses of all members.

    (4) The name of the manager or proprietor of the business.

    (5) Any other information that the clerk may reasonably require.

(e) A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager or proprietor has, within the previous ten

years, been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

(f) Whether the applicant or any other person listed in subsection (e) of this section has ever used or been known by a name other than the name set forth on the application, and if so, the name used and information concerning dates and places used.

(g) Whether the applicant or any other person listed in subsection (e) of this section has previously been denied, or had revoked or suspended, a massage establishment license or similar license from any other governmental unit. If so, the applicant must furnish information as to the date, location and reason for the action.

(h) The names and addresses of all persons proposed to be employed therein.

(Code 1997, § 30-124; Ord. No. 47-12-13, § 1, 2-4-2013)

Sec 14-62 Investigation Of Application

The city clerk shall refer the application to the police department which shall investigate and determine whether the applicant and the establishment proposed to be licensed conform to the requirements of this article. The police department shall refer the application to the building inspection division who shall investigate the premises proposed to be licensed to determine whether the premises conform to the requirements of this article, the rules and regulations of the department of health and social services, and any other applicable laws and ordinances. The police department and the building inspection division shall report their findings and recommendations to the city clerk.

(Code 1997, § 30-125; Ord. No. 47-12-13, § 1, 2-4-2013; Ord. No. 7-21-22, § 8, 6-7-2021)

Sec 14-63 Grant; Right Of Hearing Upon Denial

The city clerk shall, after consulting with the chief of police and the city attorney or their designees, grant or deny the application no later than 60 days after submittal of a completed application. If the application for a license is denied, the applicant shall be given written notice of the reasons for denial and shall be given an opportunity to be heard thereon.

(Code 1997, § 30-126; Ord. No. 47-12-13, § 1, 2-4-2013; Ord. No. 7-21-22, § 9, 6-7-2021)

Sec 14-64 Suspension And Revocation

The common council may suspend or revoke a massage establishment license after

notice and opportunity for hearing, for fraud, misrepresentation, or false statement contained in the application for a license, for a violation of any provision of this article, or subject to Wis. Stats. §§ 111.321, 111.322 and 111.335, upon conviction of an offense the circumstances of which substantially relate to the operation of a massage establishment.

(Code 1997, § 30-127; Ord. No. 47-12-13, § 1, 2-4-2013)

ARTICLE 14-III SIDEWALK CAFES

Sec 14-87 Definitions
Sec 14-88 Permit Required
Sec 14-89 Sidewalk Cafe Permit
Sec 14-90 Regulations
Sec 14-91 Revocation; Penalties

Sec 14-87 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sidewalk cafe means any group of tables, chairs, benches, barriers or partitions, trash containers and suitable decorative devices maintained upon any part of the public right-of-way for use by an establishment in the sale to the public of food, refreshments, and beverages of all kinds.

(Code 1997, § 110-500; Ord. No. 75-07-08, § 1, 1-7-2008; Ord. No. 6-21-22, § 3(110-500), 6-21-2021)

Sec 14-88 Permit Required

(a) Except as otherwise specifically provided in this Code, it shall be unlawful for any person to sell or serve, or offer to sell or serve any food, refreshment, or beverage upon any public street, sidewalk, parking lot, or public way within the city, except in areas holding a sidewalk cafe permit pursuant to this division.

(b) It is unlawful for any person to sell or serve or offer to sell or serve any alcoholic beverage upon any public street, sidewalk, parking lot, or public way within the city unless the street, sidewalk, public lot, or public way is part of a licensed premises pursuant to chapter 16.

(Code 1997, § 110-501; Ord. No. 75-07-08, § 1, 1-7-2008; Ord. No. 6-21-22, § 3(110-501), 6-21-2021)

Sec 14-89 Sidewalk Cafe Permit

(a) *Annual license*. The fee for an annual sidewalk cafe permit shall be the greater of $50.00 or $1.00 per square foot but shall not exceed $2,500.00.

(b) *License fee*. The license fee shall be paid to the city finance director/treasurer. Annual licenses shall be issued on April 15 each year or thereafter when applied for and shall expire on the April 14 of the year following its issuance.

(c) *Application*. Each application for a sidewalk cafe permit shall be filed with the city clerk's office. The application for new and returning sidewalk cafes shall include the following:

(1) A layout, drawn to scale, which accurately depicts the dimensions and measurements of the existing area, including all adjacent streets, avenues, and adjacent private property; the proposed location of the sidewalk cafe; the size and number of tables, chairs, steps, planters, and umbrellas; and the location of all furniture, equipment, doorways, trees, gratings, parking meters, benches, trash receptacles, light poles, and any other amenities or obstructions, either existing or proposed, within the sidewalk cafe. This layout shall be submitted on 8 1/2-inch by 11-inch paper, suitable for reproduction.

(2) Photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, barriers or other objects related to the sidewalk cafe.

(3) An indication of whether the applicant intends to sell or serve alcoholic beverages; those indicating such an intention shall submit proof that they have the required alcohol beverage license and that the site of the sidewalk cafe is part of the licensed premises.

(4) Proof of insurance as required pursuant to section 14-90(e).

(5) An agreement that the applicant and the applicant's heirs and assigns shall:

a. Become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of the privilege to encroach upon city right-of-way;

b. Remove the encroachment allowed by the permit within ten days after notice to remove given by the state or the city;

c. In the event of the failure to remove the encroachment, pay the cost of removal by the state or the city;

d. Waive all claims for damages resulting from removal of the encroachment whether the removal is done by the applicant, the applicant's heirs or assigns, the state or the city;

e. Make such construction or alterations and maintain the same subject to the approval of the city building inspector and director of

public works and shall waive the right to contest in any manner the validity of the encroachment agreement.

(d) The city clerk shall grant or deny all applications for sidewalk cafe permits. However, no such permit shall be granted until the city attorney, the chief of police, the director of public works, and the city planner (or their designees) have reviewed the application and made a recommendation to the city clerk.

(e) If the city planner, in the planner's sole discretion, determines that plan commission approval is required or appropriate, the city planner may withhold recommendation until such time as the plan commission has considered and approved the activity, structures, or modifications related to the permit application.

(Code 1997, § 110-502; Ord. No. 75-07-08, § 1, 1-7-2008; Ord. No. 4-20-21, § 4, 5-18-2020; Ord. No. 6-20-21, § 1, 6-1-2020; Ord. No. 3-21-22, §§ 1, 2, 5-17-2021; Ord. No. 6-21-22, § 3(110-502), 6-21-2021)

Sec 14-90 Regulations

(a) Each sidewalk cafe shall remain within the approved boundaries of the sidewalk cafe site as set forth on the approved application.

(b) No person shall consume, nor shall any holder of any sidewalk cafe permit consumption of alcohol beverages in a sidewalk cafe unless the person consuming the alcohol is seated at a table in the sidewalk cafe site.

(c) No container of alcohol beverages shall be present in a sidewalk cafe between 10:00 p.m. and 10:00 a.m.

(d) Each holder of a sidewalk cafe permit shall have in force adequate liability insurance and shall agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, lawsuits, loss, damage, causes of action, or expense incurred by the city as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted. As evidence of liability insurance, the applicant shall annually prior to issuance of a permit furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the city and its employees and agents as additional insureds, with minimum limits of $1,000,000.00 in the aggregate. The certificate of insurance shall provide 30 days written notice to the city upon cancellation, non-renewal, or material change in the policy.

(e) Each sidewalk cafe serving alcoholic beverages shall be responsible for policing the area of the sidewalk cafe to be sure that customers are of the legal drinking age, that all laws related to the presence of underage persons on premises are being strictly followed, and that alcohol beverages are not removed from the

premises.

(f) All sidewalk cafes shall be closed and all tables, chairs, and all other materials and equipment removed immediately upon request of a police officer or a representative of the department of public works for such a length of time as the officer or representative shall designate.

(g) No sidewalk cafes that is part of a licensed premises shall remain open during closing hours as set forth in sections 4-74 and 4-113. No patron shall remain or be permitted to remain within the sidewalk cafe area during closing hours, regardless of whether the sidewalk cafe has permanent facilities.

(h) No sidewalk cafe or the barriers or furniture within the cafe shall be arranged in such a way as to interfere with the free use of the sidewalk by pedestrians, and in no case shall placement of cafe barriers and furniture reduce the travelable width of the sidewalk to less than five feet pursuant to the federal Americans with Disabilities Act.

(i) In the event of failure to exercise the privilege granted by a sidewalk cafe permit within six months of granting, regardless of the date of issuance, the permit shall become null and void.

(j) Sidewalk cafe permit holders may exclude persons who are not customers from using the tables, chairs, and other materials and equipment that are part of the sidewalk cafe. However, no person shall in any way impede, prevent, or exclude any person from any legal use of the public sidewalk, including by in any way permitting the reduction of the accessible width of the walkway to less than five feet.

(Code 1997, § 110-503; Ord. No. 75-07-08, § 1, 1-7-2008; Ord. No. 6-21-22, § 3(110-503), 6-21-2021)

Sec 14-91 Revocation; Penalties

(a) The approval of a sidewalk cafe permit is conditional at all times. A sidewalk cafe permit may be suspended or revoked by the city clerk as a result of any violation of the provisions of this article or of violation of the provisions of any city ordinance or state or federal statute relating to activity occurring within the sidewalk cafe. Suspension or revocation shall be effective upon written notice to the holder of the permit which shall either be personally served upon the permittee or the permittee's agent or mailed to the permittee's address as contained in the most recent parklet permit application. Such written notice shall inform the permittee of the opportunity to be heard on the matter. Any hearing shall be before the licensing, hearings, and public safety committee of the common council.

(b) Any person, licensee, permit holder or applicant violating any provision of this article shall be subject to a forfeiture of not less than $100.00 nor more than

$500.00 for each separate violation, and in default of payment thereof to imprisonment in the county jail until such forfeiture is paid, but not to exceed 30 days.

(Code 1997, § 110-504; Ord. No. 75-07-08, § 1, 1-7-2008; Ord. No. 37-17-18, § 13, 2-19-2018; Ord. No. 6-21-22, § 3(110-504), 6-21-2021)

ARTICLE 14-IV STREET FESTIVALS

Sec 14-111 Definitions
Sec 14-112 Penalty
Sec 14-113 Application For Permit
Sec 14-114 Street Closing
Sec 14-115 Responsibilities Of Applicant
Sec 14-116 Permit Hours

Sec 14-111 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Street festival means a public event sponsored by one or more individuals, businesses, or organizations held within a city street right-of-way or other public thoroughfare that has been temporarily closed for the occasion. Block parties, as defined in section 48-281, are not street festivals.

Temporarily means for a period of less than 72 hours. Individuals, businesses, or organizations who wish to close a city street right-of-way or other public thoroughfare for more than 72 hours may wish to consider obtaining a parklet permit pursuant to this Code.

(Code 1997, § 110-401; Ord. No. 60-05-06, § 1, 12-5-2005; Ord. No. 6-21-22, § 3(110-401), 6-21-2021)

Sec 14-112 Penalty

Any violation of or noncompliance with this article shall subject the violator to a forfeiture of not less than $50.00 or more than $500.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 15 days.

(Code 1997, § 110-402; Ord. No. 60-05-06, § 1, 12-5-2005; Ord. No. 6-21-22, § 3(110-402), 6-21-2021)

Sec 14-113 Application For Permit

(a) An application for a street festival permit shall specify and include the following:

(1) The time and date during which the street will be closed.

(2) The exact portion of the street to be closed.

(3) The full name and address of the sponsors of the street festival; if any such sponsor is a partnership, the full names and addresses of each partner; and if any such sponsor is a corporation or limited liability company, the full name and address of each director of the corporation or company.

(4) A list of all adults who reside or do business on that portion of the street.

(5) A statement that all such adults have been contacted concerning the proposed closing, together with a list of all those who objected to the closing.

(6) A statement as to whether alcohol will be served, sold, or given away during the street festival.

(7) A statement as to whether alcohol will be permitted in the closed right-of-way.

(8) If any alcoholic beverages are to be served, sold, or given away during the festival, the following shall also be included:

a. The name and address of the licensed agent for the sale of alcohol beverages.

b. A specific plan indicating where alcohol will be served, where patrons will be permitted to carry the beverages, and how underage persons will be prevented from obtaining such beverages illegally.

c. Evidence that the sponsor of the street festival has the proper licenses and permits to serve alcohol and has obtained the proper documentation (such as a temporary change of premises) to allow them to serve, sell, or give away alcoholic beverages in the right-of-way.

(9) A description of the steps that will be taken to ensure the safety of all concerned.

(10) Evidence that the sponsor has obtained liability insurance in the amount of at least $100,000.00 per individual and $300,000.00 per incident or occurrence and has named the city as an additional insured.

(11) Any other rules promulgated by the common council.

(b) If any person who resides or does business in the blocked-off portion of the street

objects to such closing, application for the permit shall be denied.

(Code 1997, § 110-403; Ord. No. 60-05-06, § 1, 12-5-2005; Ord. No. 6-21-22, § 3(110-403), 6-21-2021)

Sec 14-114 Street Closing

Upon application for a street festival permit, the chief of police may grant a permit to close a definite and limited portion of a city street. No such permit shall be granted when the chief of police or the chief's designee determines, in the chief's discretion, that closing a street or portion thereof:

(a) Would be illegal or unsafe;

(b) Would cause, be likely to cause, or tend to cause unreasonable traffic congestion;

(c) Would result in a disturbance of the peace;

(d) Would endanger the public health, welfare and safety; or

(e) Would unreasonably hamper access to a residence or business place.

(Code 1997, § 110-404; Ord. No. 60-05-06, § 1, 12-5-2005; Ord. No. 7-20-21, § 1, 7-6-2020; Ord. No. 6-21-22, § 3(110-404), 6-21-2021)

Sec 14-115 Responsibilities Of Applicant

(a) Acceptance of a permit required by this article shall make the applicant primarily liable for damages to persons or property because of the closing. The city shall not be liable for any damage caused by the street closing.

(b) An applicant issued a permit under this article shall notify the police and fire departments, bus companies and private ambulance services no less than three business days prior to the street closing.

(c) The applicant shall be responsible for procurement, placement and maintenance of barricades used to barricade streets under this article.

(d) It shall be unlawful to hold a street festival under circumstances where barricades do not completely block off vehicular traffic from the portion of the street being closed by authority of the permit.

(e) If the street is barricaded during hours in which vehicles are required to use headlights, lights and reflectors must be clearly and visibly placed and maintained on the barricades by the applicant, and it shall be unlawful to fail to have such light or reflectors on the barricades.

(f) Music or noise levels must be kept at a reasonable level as not to disturb others.

Failure to keep music or noise to a reasonable level is a violation of section 36-89.

(g) Upon denial of an application for a street festival permit, an appeal may be made to the common council.

(Code 1997, § 110-405; Ord. No. 60-05-06, § 1, 12-5-2005; Ord. No. 6-21-22, § 3(110-405), 6-21-2021)

Sec 14-116 Permit Hours

(a) Street festivals and all activities connected therewith shall start no earlier than 10:00 a.m.

(b) No alcoholic beverages may be served, sold, or given away outdoors at a street festival after 10:00 p.m.

(c) All outdoor music at street festivals shall end no later than 10:30 p.m.

(d) All streets and rights-of-way closed by a street festival shall be cleared and re-opened to public travel by 12:00 midnight. However, if the applicant applies for street closure on consecutive days, and if the chief of police has approved the application, the street may remain blocked overnight from the first until the last consecutive day of the street festival; however, no person, other than the applicant or a bona fide employee thereof while performing duties related to the street festival, shall be permitted within the street or its right-of-way between 12:00 midnight and 10:00 a.m.

(Code 1997, § 110-406; Ord. No. 60-05-06, § 1, 12-5-2005; Ord. No. 6-21-22, § 3(110-406), 6-21-2021)

ARTICLE 14-V PARKLETS

DIVISION 14-V-1 PARKLETS GENERALLY
DIVISION 14-V-2 PERMITS
DIVISION 14-V-3 OPERATION STANDARDS AND SPECIFICATIONS

DIVISION 14-V-1 PARKLETS GENERALLY

Sec 14-146 Purpose
Sec 14-147 Definitions
Sec 14-148 City's Continuing Right To Close And Restrict Areas For Special Events

Sec 14-146 Purpose

To further encourage the revitalization of the downtown and adjacent areas of the city, including the development of social and economic activity, the city council finds and determines:

(a) That there exists a need for outdoor eating facilities in certain areas of the city to provide a unique environment for relaxation, social interaction, and food consumption;

(b) That parklets will permit enhanced use of the available public rights-of-way, will complement restaurants operating from fixed premises, and will promote economic activity in the area;

(c) That the existence of parklets encourages additional pedestrian traffic, but their presence may impede the free and safe flow of pedestrians. Therefore, a need exists for regulations and standards for the existence and operation of parklets to ensure a safe environment;

(d) That the establishment of permit conditions and safety standards for parklets is necessary to protect and promote public health, safety, and welfare.

(Ord. No. 6-21-22, § 3(110-600), 6-21-2021)

Sec 14-147 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parklet means an expansion of businesses creating an outdoor public facility on part of the public street right-of-way that adjoins the premises.

Public street right-of-way or public right-of-way means any public street, sidewalk, parking lot, or public way within the city.

Restaurant means an establishment holding a state restaurant license.

(Ord. No. 6-21-22, § 3(110-601), 6-21-2021)

Sec 14-148 City's Continuing Right To Close And Restrict Areas For Special Events

Nothing in this article shall be deemed to restrict the city from closing portions of streets, sidewalks, alleys, public parking lots, and other public ways of the city for the purpose of creating temporary public gathering spaces and permitting the drinking or carrying for the purpose of immediate consumption of intoxicating liquor or fermented malt beverages in such spaces. Except as provided in this section, the provisions of this article shall not apply to such temporary public gathering spaces.

(Ord. No. 6-21-22, § 3(110-604), 6-21-2021)

DIVISION 14-V-2 PERMITS

Sec 14-180 Required

Sec 14-181 Application; Issuance; Fees
Sec 14-182 Revocation; Penalties
Sec 14-183 Copy Of Permit And Site Plan To Be Available On Premises
Sec 14-184 Liability Insurance Required

Sec 14-180 Required

Unless otherwise specifically provided in this Code, it shall be unlawful for any person to sell or serve, or offer to sell or serve any food, refreshment, or beverage upon any public street right-of-way, except in areas holding a parklet permit pursuant to this article.

(Ord. No. 6-21-22, § 3(110-604), 6-21-2021)

Sec 14-181 Application; Issuance; Fees

(a) *Annual permit*. The fee for an annual parklet permit shall be the greater of $50.00 or $1.00 per square foot but shall not exceed $2,500.00.

(b) *Permit fee*. The permit fee shall be paid to the city treasurer. Annual permits shall be issued on April 15 each year or thereafter when applied for and shall expire on April 14 of the year following its issuance.

(c) *Issuance*. The city clerk shall grant or deny all applications for parklet permits. However, no such permit shall be granted until the city attorney, the chief of police, the director of public works, and the city planner (or their designees) has reviewed the application and made a recommendation to the city clerk. If the city planner, in the planner's sole discretion, determines that plan commission approval is required or appropriate, the planner may withhold recommendation until such time as the plan commission has considered and approved the activity, structures, or modifications related to the permit application. No parklet permit shall be granted or issued unless all operations, including the potential sale or service of alcoholic beverages, can be done in compliance with all relevant ordinances and statutes.

(d) *Application*. Each application for a parklet permit shall be filed with the city clerk's office. The application for new and returning parklets shall include the following:

(1) A valid copy of all necessary permits or certificates required by the state or the county or any subsidiary enforcement agencies or departments thereof, including, but not limited to, restaurant and alcohol beverage permits.

(2) A layout, drawn to scale, which accurately depicts the dimensions and measurements of the existing area, including all adjacent streets, avenues, and adjacent private property; the proposed location of the parklet; the size and number of tables, chairs, steps, planters, and umbrellas; and the location of all furniture, equipment, doorways, trees,

gratings, parking meters, benches, trash receptacles, light poles, and any other amenities or obstructions, either existing or proposed, within the pedestrian area. This layout shall be submitted on 8 1/2-inch by 11-inch paper, suitable for reproduction.

(3) Photographs, drawings, or manufacturer's brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas, barriers or other objects related to the parklet.

(4) Proof of insurance as required pursuant to section 14-211.

(5) An agreement that the applicant and the applicant's heirs and assigns shall:

a. Become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of the privilege to encroach upon public right-of-way;

b. Remove the encroachment allowed by the permit within ten days after notice to remove given by the state or the city;

c. In the event of the failure to remove the encroachment, the applicant and the applicant's heirs and assigns shall pay the cost of removal by the state or the city;

d. Waive all claims for damages resulting from removal of the encroachment whether the removal is done by the applicant, the applicant's heirs or assigns, the state or the city;

e. Make such construction or alterations and maintain the same subject to the approval of the city building inspector and director of public works and shall waive the right to contest in any manner the validity of the encroachment agreement.

(6) An agreement to be bound by the standards in this article.

(e) *Transfer*. A parklet permit may be transferred to a new owner or permittee only for the location and area listed in the permit and only if the new owner or permittee can show they are capable of meeting all relevant regulations. If the site plan will change, a new plan must be filed and approved prior to the use under the new site plan. A new certificate of insurance must be filed with the city before the permit transfer.

(f) *Lapse of permit*. In the event of failure to exercise the privilege granted by a parklet permit within nine months of granting, regardless of the date of issuance, the permit shall become null and void.

(Ord. No. 6-21-22, § 3(110-602), 6-21-2021)

Sec 14-182 Revocation; Penalties

(a) The approval of a parklet permit is conditional at all times. A parklet permit may be suspended or revoked by the city clerk as a result of any violation of the provisions of this article or of violation of the provisions of any city ordinance or state or federal statute relating to activity occurring within the parklet. Suspension or revocation shall be effective upon written notice to the holder of the permit which shall either be personally served upon the permittee or the permittee's agent or mailed to the permittee's address as contained in the most recent parklet permit application. Such written notice shall inform the permittee of the opportunity to be heard on the matter. Any hearing shall be before the licensing, hearings, and public safety committee of the common council.

(b) Any person, permit holder or applicant violating any provision of this article shall be subject to a forfeiture of not less than $100.00 nor more than $500.00 for each separate violation, and in default of payment thereof to imprisonment in the county jail until such forfeiture is paid, but not to exceed 30 days.

(Ord. No. 6-21-22, § 3(110-605), 6-21-2021)

Sec 14-183 Copy Of Permit And Site Plan To Be Available On Premises

A copy of the site plan, as approved in conjunction with the current parklet permit, shall be maintained on the permittee's premises and shall be available for inspection by city personnel at all times.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-184 Liability Insurance Required

(a) Each holder of a parklet permit shall have in force adequate liability insurance and shall agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, lawsuits, loss, damage, causes of action, or expense incurred by the city as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the permit is granted.

(b) As evidence of liability insurance, the applicant shall annually prior to issuance of a permit furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of commercial general liability insurance (including contractual liability insurance) naming the city and its employees and agents as additional insureds, with minimum limits of $1,000,000.00 in the aggregate. The certificate of insurance shall provide 30 days' written notice to the city upon cancellation, non-renewal, or material change in the policy.

(Ord. No. 6-21-22, § 3(110-604), 6-21-2021)

DIVISION 14-V-3 OPERATION STANDARDS AND SPECIFICATIONS

Sec 14-207 Applicability
Sec 14-208 Compliance With City, State And Federal Regulations Required
Sec 14-209 Business Location Restricted; Conditional Use Permit Required
Sec 14-210 Fixtures And Decorative Items Restricted
Sec 14-211 Use Of Fixtures By Persons Who Are Not Parklet Customers
Sec 14-212 Months Of Operation Restricted
Sec 14-213 Hours Of Operation Restricted; City May Order Other Closures
Sec 14-214 Maintenance Standards
Sec 14-215 Drainage And Public Traffic Safety Requirements
Sec 14-216 Sign Standards
Sec 14-217 Food Preparation And Storage Equipment Prohibited; Exception
Sec 14-218 Amplified Entertainment Prohibited; Exception
Sec 14-219 Alcoholic Beverage Restrictions

Sec 14-207 Applicability

The following standards, criteria, conditions, and restrictions shall apply to all parklets; provided, however, that the city clerk, in conjunction with the appropriate city staff, may impose additional conditions and restrictions to protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this section, this Code, and all applicable state and federal laws.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-208 Compliance With City, State And Federal Regulations Required

All elements of parklet shall be constructed or installed to conform to the applicable provisions, rules, regulations and guidelines of this Code including, without limitation, city zoning and building regulations and standards, and with applicable state law and the federal Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-209 Business Location Restricted; Conditional Use Permit Required

(a) Parklets shall be permitted only within the city's central commercial district and shall not be permitted adjacent to any state through highway. Parklets shall be restricted to public rights-of-way immediately adjacent to the business to which the permit is issued. Parklets will require a conditional use permit if the parklet occupies more than two street parking spaces.

(b) Each parklet shall remain within the approved boundaries of the parklet site as set forth on the approved application.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-210 Fixtures And Decorative Items Restricted

(a) All appurtenances upon parklet sites that occupy street parking spaces shall be located a minimum of two feet from the nearest edge of any traveled way. Tables, chairs, umbrellas or other fixtures in the parklet:

(1) Shall not be placed within five feet of fire hydrants, alleys, bike racks, trees, grates, or pedestrian crosswalks;

(2) Shall not block designated ingress, egress, or fire exits from or to the restaurant, or any other structures;

(3) Shall not be physically attached, chained, or in any manner affixed to any structure, tree, signpost, or light pole;

(4) May be removed by the city at the owner's expense;

(5) Shall be maintained in a clean, sanitary and safe manner;

(6) Shall be commercial-grade furniture;

(7) Shall not be placed outside or hang over the designated parklet.

(b) Umbrellas and other decorative material within a parklet shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire resistant. No portion of an umbrella shall be less than six feet, eight inches above the sidewalk. Umbrellas must be secured.

(c) Patio heaters shall not be permitted on the parklet cafe or parklet unless authorized by the fire chief.

(d) No parklet or the barriers or furniture within the parklet shall be arranged in such a way as to interfere with the free use of the sidewalk by pedestrians, and in no case shall placement of parklet barriers and furniture reduce the travelable width of the sidewalk to less than five feet pursuant to the Americans with Disabilities Act.

(e) The city, its officers and employees shall not be responsible for parklet fixtures that are relocated or damaged.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-211 Use Of Fixtures By Persons Who Are Not Parklet Customers

Parklet permit holders may not exclude persons who are not customers from using the tables, chairs, and other materials and equipment that are part of the sidewalk cafe so long as that use is consistent with the requirements of this article.

(Ord. No. 6-21-22, § 3(110-604), 6-21-2021)

Sec 14-212 Months Of Operation Restricted

Parklets shall be operated and maintained April 1 through October 31. Parklets and all materials and appurtenances therein that have not been removed after October 31 may be removed by the city at the owner's expense.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-213 Hours Of Operation Restricted; City May Order Other Closures

All parklets shall be closed and all tables, chairs, and all other materials and equipment removed immediately upon request of a police officer or a representative of the department of public works for such a length of time as the officer or representative shall designate. A parklet that is part of a permitted premises shall remain open during closing hours as set forth in sections 4-74 and 4-113. No patron shall remain or be permitted to remain within the parklet area during closing hours, regardless of whether the sidewalk cafe has permanent facilities.

(Ord. No. 6-21-22, § 3(110-604), 6-21-2021)

Sec 14-214 Maintenance Standards

Parklets, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day. Maintenance details shall include access panels and how drainage will be provided, including along the existing gutter, as appropriate.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-215 Drainage And Public Traffic Safety Requirements

(a) Parklet decking or platforms adjacent to curbs must be flush with the curb, may not have more than a half-inch gap from the curb, shall allow for access underneath the decking or platform, and shall not impede curbside drainage.

(b) All rails around parklets in street parking spaces must be capable of withstanding a 200-pound horizontal force.

(c) Parklets in street parking areas shall be required to have reflective tape, soft hit posts, and wheel stops. If deemed appropriate, the parklets in street parking areas may be required to have edging such as planters, railing or cables as a condition of issuance of a permit. In any case, any edge in such a parklet shall be visually permeable, and if cables are used, vertical spacing between cables may not exceed six inches.

(d) No parklet shall be designed or maintained in such a way as to reduce visibility for drivers and pedestrians at crosswalks and intersections.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-216 Sign Standards

Signs used in a parklet shall be in accordance with chapter 44 and article V of this chapter. However, up to two temporary easel signs shall be permitted in parklets that include an entire closed street right-of-way. Such signs shall remain in the parklet only during hours of operation.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-217 Food Preparation And Storage Equipment Prohibited; Exception

No food preparation, food or beverage storage, refrigeration apparatus, or equipment shall be allowed in a parklet unless specifically authorized by the director of planning and development or the director's designee as part of a special event.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-218 Amplified Entertainment Prohibited; Exception

No amplified entertainment shall be allowed in a parklet unless specifically authorized by the director of planning and development or the director's designee as part of a special event.

(Ord. No. 6-21-22, § 3(110-603), 6-21-2021)

Sec 14-219 Alcoholic Beverage Restrictions

(a) Unless otherwise specifically provided in this Code, it shall be unlawful for any person to sell or serve, to offer to sell or serve, or to consume any alcoholic beverage on a public street right-of-way, or for any parklet permittee to permit consumption of alcohol beverages in a parklet except in compliance with the following regulations:

(1) The parklet permittee shall have a valid and appropriate retail alcohol beverage permit for the premises.

(2) The retail alcohol beverage premises description shall include the parklet in the description of the permitted premises and the parklet shall be entirely contiguous with the remainder of the permitted premises, as required by state law.

(3) The retail alcohol beverage permit held by a parklet permittee must permit the sale of the type of alcohol beverages served in a parklet cafe.

(4) Alcohol beverages within a parklet may be sold and served only by the permit holder or permit holder's duly permitted employees and sold or served only to patrons seated at tables in the parklet.

(5) Alcohol beverages within a parklet may be served only by the permit holder or the permit holder's employees and in compliance with all relevant alcohol beverage laws, ordinances, and regulations.

(6) Alcohol beverages may only be served in a parklet when food service is available through the permitted establishment.

(7) A parklet permittee shall be responsible for policing the parklet to prevent underage persons from entering or remaining in the parklet, except when underage persons are allowed to be present on the permitted premises under the relevant alcohol beverage laws, ordinances, and regulations.

(8) A parklet permittee shall not allow patrons of the parklet to bring alcohol beverages into the parklet from another location, nor to carry open containers of alcohol beverages about in the parklet, nor to carry open containers of alcohol beverages served in the parklet outside the parklet.

(9) The area of the restaurant from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the parklet area.

(10) At times of closing or during times when consumption of alcohol beverages is prohibited, permittee shall remove from the parklet all containers used for or containing alcohol beverages. No container of alcohol beverages shall be present in a parklet between 10:00 p.m. and 10:00 a.m.

(b) The carrying or consumption of any alcohol beverage by a person in violation of this section shall be a violation of section 38-59.

(Ord. No. 6-21-22, § 3(110-604), 6-21-2021)

ARTICLE 14-VI TRANSIENT MERCHANTS

DIVISION 14-VI-1 TRANSIENT MERCHANTS GENERALLY
DIVISION 14-VI-2 REGISTRATION

State law reference—Authority to regulate transient merchants generally, Wis. Stats. § 66.0423.

DIVISION 14-VI-1 TRANSIENT MERCHANTS GENERALLY

Sec 14-247 Definitions
Sec 14-248 Penalty
Sec 14-249 Exemptions

Sec 14-250 Prohibited Practices; Disclosure
Sec 14-251 Records

Sec 14-247 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charitable organization means and includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

Merchandise means and includes personal property of any kind and includes merchandise, goods or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer.

Permanent merchant means any person who, for at least one year prior to the consideration of the application of this article to the merchant:

(a) Has continuously operated an established place of business in the local trade area among the communities bordering the place of sale; or

(b) Has continuously resided in the local trade area among the communities bordering the place of sale and now does business from the merchant's residence.

Transient merchant means any individual who engages in the retail sale of merchandise at any place in the city temporarily and who does not intend to become and does not become a permanent merchant of such place. For the purposes of this article, the term "sale of merchandise" means and includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but the term "sale of merchandise" does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm or the sale of produce or other perishable products at retail or wholesale by a resident of the state.

(Code 1975, § 34-38; Code 1997, § 78-26)

Sec 14-248 Penalty

Any person adjudged in violation of this article shall forfeit not less than $10.00 nor more than $1,000.00 for each violation, plus costs of prosecution. Each day's violation shall constitute a separate offense.

(Code 1975, § 34-47; Code 1997, § 78-27)

Sec 14-249 Exemptions

The following shall be exempt from registration as a transient merchant pursuant to this article:

(a) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

(b) Any person selling merchandise at wholesale to dealers in such merchandise.

(c) Any person selling agricultural products that the person has grown.

(d) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within this city and who delivers such merchandise in the regular course of business.

(e) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis and in which the buyer has initiated contact with and specifically requested a home visit by such person.

(f) Any person who has had or one who represents a company that has had a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.

(g) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.

(h) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(i) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of such organization, provided that there is submitted to the clerk proof that such charitable organization is registered under Wis. Stats. § 440.41. Any charitable organization engaging in the sale of merchandise and not registered under Wis. Stats. § 440.41 or which is exempt from that statute's registration requirements shall be required to register under this article.

(j) Any person who claims to be a permanent merchant, but against whom complaint has been made to the clerk that such person is a transient merchant, provided there is submitted to the clerk proof that such person has leased for at least one year or purchased the premises from which the business has been conducted in the market area for at least one year prior to the date the complaint was made.

(k) Any individual licensed by an examining board as defined in Wis. Stats. § 15.01(7).

(l) Any city resident selling cosmetics, jewelry, healthcare items, household

sundries and home-care products and Christmas wreaths.

(m) Any city resident less than 18 years of age selling a product, service or ticket promoted and sponsored by a school or a youth service, religious, nonprofit or charitable organization having an individual item cost of $25.00 or less.

(n) Any transient merchants while doing business at the annual John Michael Kohler Arts Center Outdoor Arts Festival, provided that the event is authorized in advance by the common council.

(Code 1997, § 78-28; Ord. No. 68-03-04, § 1, 3-1-2004)

Sec 14-250 Prohibited Practices; Disclosure

(a) *Prohibited practices*. Under this article, a transient merchant shall not:

(1) Call at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; call at any dwelling or other place where a sign is displayed bearing the terms "no peddlers," "no solicitors," or words of similar meaning; call at the rear door of any dwelling place; or remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(2) Misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or characteristics of any merchandise offered for sale, the purpose of the visit, the merchant's identity or the identity of the organization represented. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Such portion shall be expressed as a percentage of the sale price of the merchandise.

(3) Impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(4) Make any loud noises or use any sound-amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100-foot radius of the source.

(5) Allow rubbish or litter to accumulate in or around the area in which the business is being conducted.

(b) *Disclosure requirement*.

(1) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose the merchant's name, the name of the company or organization with which the merchant is affiliated, if any, and the identity of merchandise or

services being offered to sell.

(2) If any sale of merchandise is made by a transient merchant or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel such transaction if it involves the extension of credit or is a cash transaction of more than $25.00, in accordance with the procedure as set forth in Wis. Stats. § 423.203. The seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Wis. Stats. § 423.203(1)(a), (b) and (c), (2) and (3).

(3) If the transient merchant takes a sales order for the later delivery of merchandise, the merchant shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement; the amount paid in advance, whether full, partial or no advance payment is made; the name, address, and telephone number of the seller; the delivery or performance date; and whether a guarantee or warranty is provided and, if so, the terms thereof.

(Code 1975, § 34-44; Code 1997, § 78-29)

Sec 14-251 Records

The chief of police shall report to the clerk all convictions for violations of this article, and the clerk shall note any such violation on the record of the registrant convicted.

(Code 1975, § 34-45; Code 1997, § 78-30)

DIVISION 14-VI-2 REGISTRATION

Sec 14-281 Required
Sec 14-282 Application
Sec 14-283 Investigation
Sec 14-284 Criteria For Issuance; Identification Card
Sec 14-285 Revocation
Sec 14-286 Appeal
Sec 14-287 Special Event Registration

Sec 14-281 Required

It shall be unlawful for any transient merchant to engage in sales within the city without being registered for that purpose as provided in this division.

(Code 1975, § 34-37; Code 1997, § 78-56)

Sec 14-282 Application

(a) Every applicant for registration required under this division must complete and return to the clerk a registration form furnished by the clerk which shall require the following information:

(1) The name, permanent address and telephone number and temporary address, if any.

(2) Age, height, weight, color of hair and eyes.

(3) The name, address and telephone number of the person the transient merchant represents or is employed by or whose merchandise is being sold.

(4) The temporary address and telephone number from which the business will be conducted, if any.

(5) The nature of the business to be conducted and a brief description of the merchandise and any services offered.

(6) The proposed methods of delivery of merchandise, if applicable.

(7) The make, model and license number of any vehicle to be used by the applicant in the conducting business.

(8) The most recent cities, villages, towns, not to exceed three, where the applicant has conducted business.

(9) The place where the applicant can be contacted for at least seven days after leaving this city.

(10) A statement as to whether the applicant has been convicted of any crime or ordinance violation related to the applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

(b) The applicant shall present the following to the clerk for examination:

(1) A driver's license or some other proof of identity as may be reasonably required.

(2) A state certificate of examination and approval from the sealer of weights and measures when the applicant's business requires use of weighing and measuring devices approved by state authorities.

(3) A state health officer's certificate when the applicant's business involves the handling of food or clothing and is required to be certified under state law. Such certificate shall state that the applicant is apparently free from any contagious or infectious disease and shall be dated not more than 90 days prior to the date the application for a license is made.

(Code 1975, § 34-40; Code 1997, § 78-57)

Sec 14-283 Investigation

(a) Upon receipt of each application for registration as required in this division, the clerk may refer it as soon as practicable to the chief of police who may make and complete an investigation of the statements made in such registration. Any such investigation shall be completed within 72 hours of the referral.

(b) The clerk shall refuse to register the applicant if it is determined, pursuant to the investigation in subsection (a) of this section that:

(1) The application contains any material omission or materially inaccurate statement;

(2) Complaints of a material nature have been received against the applicant by authorities in the most recent cities, villages and towns, not exceeding three, in which the applicant conducted similar business;

(3) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or

(4) The applicant failed to comply with any applicable provision of section 14-282.

(Code 1975, § 34-41; Code 1997, § 78-58)

Sec 14-284 Criteria For Issuance; Identification Card

(a) In order to be registered as required in this division, the applicant shall:

(1) Tender a fee of $100.00 to cover the cost of investigation and processing the registration.

(2) Sign a statement appointing the clerk or clerk's agent to accept service of process in any civil action brought against the applicant in connection with the applicant's activities as a transient merchant, if the applicant cannot, after reasonable effort, be served personally.

(3) Obtain an identification card with picture annually from the city clerk.

(b) The identification card shall be properly and conspicuously displayed at all times by the applicant when engaged as a transient merchant in this city. An identification card shall be deemed to be properly displayed when it is attached to the outer garment of the transient merchant, and it is clearly visible to the public and law enforcement officials.

(c) Upon payment of the fees and signing the statement, the clerk shall register the

applicant as a transient merchant and date the entry. Such registration shall be valid from the date of entry through December 31 of the year in which application is made.

(Code 1975, § 34-42; Code 1997, § 78-59; Ord. No. 38-96-97, § 1, 9-5-1996; Ord. No. 122-96-97, § 1, 2-17-1997; Ord. No. 82-00-01, § 1, 2-5-2001; Ord. No. 68-03-04, § 2, 3-1-2004)

Sec 14-285 Revocation

(a) The registration issued under this division may be revoked by the common council after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration; if the registrant made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales; or if the registrant violated any provision of this article or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.

(b) Written notice of the hearing shall be served personally or pursuant to section 14-284(a)(2) on the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(Code 1975, § 34-46; Code 1997, § 78-60)

Sec 14-286 Appeal

Under this division, any person denied registration may appeal the denial to the common council by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The common council shall notify the applicant, at least 48 hours prior to the hearing date, of the time and place set for the hearing, such notice to be sent to the address given by the appellant in the statement of appeal or served personally on the appellant.

(Code 1975, § 34-43; Code 1997, § 78-61)

Sec 14-287 Special Event Registration

(a) As an alternative to the registration requirements and procedures set forth in sections 14-281 through 14-285, organizations sponsoring special events such as community festivals, art and craft fairs, flea markets, exhibitions or shows, may assume responsibility for registration of its authorized transient vendors for that event, as provided in this section:

(1) At least five days prior to the special event, the sponsoring organization shall complete and return to the clerk a special event transient vendor

registration form furnished by the clerk containing the following information:

a. Sponsoring organization;

b. Date and place of the special event;

c. Name and address of each authorized vendor;

d. A brief description of the merchandise and any services being offered for sale; and

e. Any other information deemed necessary by the clerk.

(2) The sponsoring organization shall accompany the registration form with a fee of $5.00 for each authorized vendor to be registered for the event, along with a statement signed by each vendor, appointing the city clerk or clerk's agent to accept service of process in any civil action brought against the vendor in connection with the vendor's activities at the special event, if the vendor cannot, after reasonable effort, be served personally.

(3) Last minute or unanticipated authorized vendors for the special event shall be permitted to be registered by the sponsoring organization with the city clerk, using this special event procedure, provided the information, fees and required statement are provided to the clerk by the sponsoring organization within three business days after the vendor becomes authorized by the sponsoring organization to participate at the event.

(4) No identification cards shall be issued under this special event registration procedure unless the clerk determines otherwise.

(b) Failure on the part of the sponsoring organization to register its authorized transient vendors, as provided in this section, shall subject the organization to a penalty of $10.00 per unregistered vendor, in addition to the required $5.00 fee. In addition, for knowing or intentional violations of this section, or knowing or intentional attempts to evade registration of its transient vendors, such organizations may be prohibited from registering its authorized transient vendors for future events under this section.

(Code 1997, § 78-62; Ord. No. 66-97-98, § 3, 10-6-1997)

ARTICLE 14-VII MOBILE FOOD VENDORS

Sec 14-308 Definitions
Sec 14-309 Restrictions
Sec 14-310 License Required; Application; Regulation
Sec 14-311 Suspension And Revocation
Sec 14-312 Penalties

Sec 14-308 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food vehicle means a commercially manufactured, self-contained, motorized, mobile food unit in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.

Mobile food vehicle vendor means the owner of a mobile food vehicle; hereinafter referred to as "vendor."

(Code 1997, § 78-100; Ord. No. 88-11-12, § 1, 4-16-2012)

Sec 14-309 Restrictions

(a) It is unlawful for any person to do any of the following within a public right-of-way or on public property in the city without first having obtained a valid mobile food vending license as prescribed in this article:

(1) Operate a mobile food vehicle;

(2) Serve, sell, or distribute food from a mobile food vehicle;

(3) Cook, wrap, package, process, or portion food in a mobile food vehicle for service, sale, or distribution.

(b) No person shall park, stop, or operate a mobile food vehicle, nor shall any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle in a location adjacent to or within a 100-foot radius of the nearest edge of any building or section of a building comprising a licensed food establishment, excluding any patio, awning, or temporary enclosure attached thereto, the kitchen of which is open for serving food to patrons. This requirement may be waived if the most recent application for a mobile food vending license was submitted together with the written consent of the proprietor of the adjacent licensed food establishment.

(c) Each and every mobile food vehicle vendor shall at all times keep a measuring wheel with a measuring capacity of no less than 500 feet on the mobile food vehicle. The measuring wheel shall be available for use by any person operating or working on the mobile food vehicle and by any police officer or other municipal official tasked with enforcing the provisions of this article.

(d) All mobile food vehicle vendors shall abide by all parking and traffic laws, ordinances, statutes, rules, and regulations at all times, except that a mobile food vehicle that is of such a length that it occupies all or a portion of two marked

parking spaces may park in the spaces so long as it abides by all other parking restrictions, including depositing required coins in both parking meters, when applicable.

(e) A person with a valid driver's license of such a classification to allow the operation of the mobile food vehicle shall be with the vehicle at all times that any activity is taking place in the mobile food vehicle. The mobile food vehicle vendor is liable for any violation of this section.

(f) No person shall park, stop, or operate a mobile food vehicle, nor shall any mobile food vehicle vendor permit any person to park, stop or operate a mobile food vehicle in a location within 500 feet of the boundary line of any property upon which a fair, farmer's market, festival, carnival, circus, special event, or civic event licensed or sanctioned by the city is occurring, except when the vendor has obtained a permit or otherwise properly obtained permission to do so.

(g) All signage must be permanently affixed to the mobile food vehicle. No accessory signage shall be placed outside or around the mobile food vehicle.

(h) Nothing in this article shall be deemed to supersede or repeal any ordinance relating to noise, park closing hours, or parking, except as specifically provided in this article. Mobile food vehicle vendors shall take every precaution to ensure that their operation does not materially affect the peace and welfare of the general public nor cause any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare.

(Code 1997, § 78-101; Ord. No. 88-11-12, § 1, 4-16-2012)

Sec 14-310 License Required; Application; Regulation

(a) Any person desiring to operate a mobile food vehicle shall make written application for a mobile food vending license to the city clerk's office. The application for such license shall be on forms provided by the city clerk's office and shall include the following:

(1) The name, signature, and address of each applicant and of each member or officer of a corporate applicant.

(2) A description, including make, model, vehicle identification number, and license plate, of the mobile food vehicle.

(3) A valid copy of all necessary licenses, permits or certificates required by the state or county or any subsidiary enforcement agencies or departments thereof, including, but not limited to, valid proof of registration for the vehicle and driver's licenses for all operators and employees.

(4) A signed statement that the motor food vehicle vendor shall hold harmless

the city and its officers and employees and shall indemnify and hold harmless the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. The motor food vehicle vendor shall furnish and maintain such liability insurance as will protect vendor and the city from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. Such insurance shall provide coverage of not less than $1,000,000.00 per occurrence. The policy shall further provide that it may not be cancelled except upon 30 days' written notice served upon the city clerk. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the city clerk.

(5) Any additional information deemed necessary by the city clerk to determine if issuance of a mobile food vending license to a particular applicant would be in the best interest of the public.

(b) Upon receipt of an application for a mobile food vending license, the clerk may conduct a background check and may refer it as soon as practicable to the chief of police who may make and complete an investigation of the statements made in such registration. Any such investigation shall be completed within 72 hours of the referral. The clerk shall refuse to register the applicant if it is determined that:

(1) The application contains any material omission or materially inaccurate statement;

(2) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or

(3) The applicant failed to comply with any requirement of subsection (a) of this section.

(c) Each mobile food vending license shall expire on April 1 of each year.

(d) A mobile food vending license is not transferrable from person to person.

(e) A mobile food vending license is valid for one vehicle only.

(f) The mobile food vending license shall be permanently and prominently affixed to the mobile food vehicle.

(g) All mobile food vehicle vendors licensed under this section shall pay an annual license fee of $200.00.

(Code 1997, § 78-102; Ord. No. 88-11-12, § 1, 4-16-2012)

Sec 14-311 Suspension And Revocation

(a) A mobile food vending license may be suspended or revoked by the common council after notice and hearing, if the license holder made any material omission or materially inaccurate statements in the license application, or if the license holder violates any provision of this article, if there are noise complaints related the mobile food vehicle or the operation thereof, or if the license holder is convicted of any crime or ordinance or statutory violation directly related to the licensed activity. Written notice of the hearing shall be served personally (or if personal service cannot be made, via certified mail) upon the registrant at least 72 hours prior to the time set for the hearing. Such notice shall contain the time and place of hearing and a statement of the acts upon which the hearing will be based.

(b) Any person denied a mobile vending license may appeal the denial to the common council by filing a written statement therewith within 14 days after the date registration was denied, setting forth the grounds for appeal. The common council shall notify the applicant, at least 48 hours prior to the hearing date, of the time and place set for the hearing, such notice to be sent to the address given by the appellant in the appellant's statement of appeal or served personally on the appellant.

(Code 1997, § 78-103; Ord. No. 88-11-12, § 1, 4-16-2012)

Sec 14-312 Penalties

Any violation of the provisions of this article shall subject the violator to a forfeiture of not less than $100.00 nor more than $1,000.00, together with the cost of the action. In default of payment thereof, the violator may be imprisoned in an appropriate county facility as allowed by law.

(Code 1997, § 78-104; Ord. No. 88-11-12, § 1, 4-16-2012)

ARTICLE 14-VIII LANDSCAPE AND TREE REMOVAL SERVICES

Sec 14-343 License Required
Sec 14-344 Application
Sec 14-345 Fee
Sec 14-346 Scope Of Services
Sec 14-347 Qualifications Of Applicant
Sec 14-348 Insurance
Sec 14-349 Expiration; Renewal

Sec 14-343 License Required

No person for compensation shall plant, prune, trim, spray or remove any tree or shrub in the city without first obtaining a license from the city.

(Code 1975, § 39-79; Code 1997, § 126-156)

Sec 14-344 Application

Any person desiring to obtain a license required by this article shall make application in the city clerk's office. The city clerk shall refer the application to the superintendent of parks who shall determine the eligibility of the applicant pursuant to the provisions of this article. Upon determination that the applicant is eligible, the superintendent of parks shall inform the city clerk's office thereof and the city clerk shall issue the license.

(Code 1975, § 39-80; Code 1997, § 126-157; Ord. No. 5-01-02, § 1, 6-4-2001; Ord. No. 7-21-22, § 14, 6-7-2021)

Sec 14-345 Fee

Each application for a license required by this article shall be accompanied with a receipt from the city finance director/treasurer showing the payment of the following fees:

(a) Landscaping license: $35.00.

(b) Tree removal license: $35.00.

(Code 1975, § 39-81; Code 1997, § 126-158; Ord. No. 19-01-02, § 7, 8-6-2001)

Sec 14-346 Scope Of Services

A landscaping license entitles the holder thereof to perform any or all of the following services in accordance with all applicable local and state requirements, after a building permit is issued where necessary:

(a) Planting, pruning, trimming, seeding, sodding and removing trees and shrubs and other plant material.

(b) Construction of fences, if first licensed by the city building inspection department as a building component installer.

(c) Construction of retaining walls not being structural components of a building, used for landscaping purposes only, and not including masonry construction.

(d) Construction of arbors and trellises.

(e) Commercial spraying of lawns, trees and shrubs with pesticides which require the applicator to be licensed by the state department of agriculture.

(f) Lawn maintenance.

(Code 1975, § 39-81.1; Code 1997, § 126-159; Ord. No. 99-00-01, § 1, 6-4-2001)

Sec 14-347 Qualifications Of Applicant

Each applicant for a license required by this article shall have been trained in the care and culture of trees and shrubs, shall have had sufficient practical experience in such vocation, and each person applying shall be at least 18 years of age. Each applicant shall agree to comply with the following conditions:

(a) To obey all ordinances and rules and regulations relative to the purpose for which a permit is granted.

(b) To obtain the necessary permission from the department of engineering and public works where it becomes necessary to erect barriers to prevent accidents or dangers in consequence of the granting of the permit.

(c) To hold the city harmless for any accident or on account of any liability arising from the granting of this permit.

(Code 1975, § 39-83; Code 1997, § 126-161)

Sec 14-348 Insurance

Every applicant for license under this article shall, before obtaining the license or any renewal of a license, be required to maintain at all times, in a stock or mutual casualty company authorized to do business in the state, worker's compensation insurance, if required by law, and public liability insurance with coverage of not less than $50,000.00 for each person and not less than $100,000.00 for any one accident and property damage liability insurance coverage of not less than $25,000.00. Before a license can be issued, the applicant shall file with the department of engineering and public works a certificate signed by a qualified agent of the stock or mutual casualty insurance company stating that a policy has been issued to the licensee for employees' liability insurance or worker's compensation insurance where necessary, public liability insurance, property damage insurance, the minimum limits of each, the policy number, the name of the company, the effective date of such policy, the expiration date of such policy, together with a statement and a copy of an endorsement placed on such policy requiring ten days' written notice to the department of engineering and public works if it becomes necessary to cancel the policy for any reason.

(Code 1975, § 39-84; Code 1997, § 126-162)

Sec 14-349 Expiration; Renewal

All licenses issued under this article shall expire on December 31 in the year issued and may be annually renewed upon payment of $25.00 for a landscaping license and $25.00 for a tree removal license.

(Code 1975, § 39-85; Code 1997, § 126-163; Ord. No. 19-01-02, § 8, 8-6-2001)

CHAPTER 16 CEMETERIES

ARTICLE 16-I CEMETERIES IN GENERAL (RESERVED)
ARTICLE 16-II CITY CEMETERY

State law references—Cemeteries generally, Wis. Stats. § 157.061 et seq.; authority for municipal cemeteries, Wis. Stats. § 157.50.

ARTICLE 16-I CEMETERIES IN GENERAL (RESERVED)

ARTICLE 16-II CITY CEMETERY

DIVISION 16-II-1 CITY CEMETERY GENERALLY
DIVISION 16-II-2 CEMETERY AND PARKS SUPERVISOR
DIVISION 16-II-3 LOTS
DIVISION 16-II-4 INTERMENT
DIVISION 16-II-5 MONUMENTS
DIVISION 16-II-6 PERPETUAL CARE

DIVISION 16-II-1 CITY CEMETERY GENERALLY

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Sec 16-20 Disturbing The Peace
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Sec 16-22 Firearms Prohibited
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Sec 16-49 Finishing Of Graves
Sec 16-50 Duty Of Florists
Sec 16-51 Disposal Of Weeds, Rubbish

Sec 16-19 Removal Of Violations

The public works committee may remove anything which is in violation of the cemetery rules, or which is detrimental to the general welfare of the cemetery. The cemetery and parks supervisor shall first give a removal notice to the lot owner. If the violation is not then removed, the supervisor shall remove such objectionable object, and the expense incurred shall be charged to the lot owner.

(Code 1975, § 10-185; Code 2007, § 34-31)

Sec 16-20 Disturbing The Peace

No person in the city cemetery shall disturb the quiet and good order of the cemetery by noise or other improper conduct. Any such person shall be immediately ejected.

(Code 1975, § 10-6; Code 2007, § 34-32)

Sec 16-21 Minors Generally

Children under 15 years of age shall not be admitted within the city cemetery without a parent, guardian or some other adult person being in charge of them.

(Code 1975, § 10-8; Code 2007, § 34-33)

Sec 16-22 Firearms Prohibited

No person with a firearm, except military companies with blank cartridges attending funerals, shall enter the city cemetery.

(Code 1975, § 10-14; Code 2007, § 34-34)

Sec 16-23 Vandalism

No person shall pluck flowers, either wild or cultivated, or shall break any tree, shrub or plant or shall write upon, deface or injure any marker, monument or structure in or belonging to the cemetery.

(Code 1975, § 10-9; Code 2007, § 34-35)

Sec 16-24 Littering

No person shall throw rubbish or other litter on the avenues, walks or any other part of the cemetery. Receptacles shall be used for that purpose.

(Code 1975, § 10-7; Code 2007, § 34-36)

Sec 16-25 Loitering

No person shall loiter on the grounds of the city cemetery after sunset.

(Code 1975, § 10-11; Code 2007, § 34-37)

Sec 16-26 Picnics Prohibited

No picnic parties shall be held in the city cemetery.

(Code 1975, § 10-15; Code 2007, § 34-38)

Sec 16-27 Dogs Prohibited

Dogs shall not be allowed in the cemetery, and the cemetery and parks supervisor and police officers shall impound or kill any dog found in the cemetery, except when a dog is confined by a leash.

(Code 1975, § 10-12; Code 2007, § 34-39)

Sec 16-28 Protection Of Wildlife

No person shall destroy bird nests, nor shall any person shoot or throw stones at birds or catch or kill any wild animal on the grounds of the city cemetery.

(Code 1975, § 10-13; Code 2007, § 34-40)

Sec 16-29 Use Of Ways Generally

Visitors shall keep on the cemetery paths and avenues and shall refrain from walking over lots to make a shortcut through the cemetery.

(Code 1975, § 10-18; Code 2007, § 34-41)

Sec 16-30 Traffic Restricted

The city cemetery roads should not be used as a public thoroughfare or as a shortcut from one street to another.

(Code 1975, § 10-17; Code 2007, § 34-42)

Sec 16-31 Speed Limit

No motor vehicle shall be operated or driven within the city cemetery at a speed in excess of 15 miles per hour.

(Code 1975, § 10-19; Code 2007, § 34-43)

Sec 16-32 U-Turns

No person operating or driving a motor vehicle in the city cemetery shall make a U-turn in any cemetery roadway.

(Code 1975, § 10-20; Code 2007, § 34-44)

Sec 16-33 Trucks Restricted

No heavy trucks shall be driven into the cemetery without the permission of the cemetery and parks supervisor.

(Code 1975, § 10-21; Code 2007, § 34-45)

Sec 16-34 Advertising Prohibited

No business advertising or soliciting of any nature shall be conducted or placed in or upon the grounds of the city cemetery.

(Code 1975, § 10-5; Code 2007, § 34-46)

Sec 16-35 Selling Prohibited

No person shall sell or offer for sale any commodities on the grounds of the city cemetery.

(Code 1975, § 10-16; Code 2007, § 34-47)

Sec 16-36 Liability For Damages

The cemetery authorities shall not be responsible for any damages to the lots or structures thereon or for flowers or plants removed from any lot. Any damage or loss shall be reported to the cemetery and parks supervisor.

(Code 1975, § 10-10; Code 2007, § 34-48)

Sec 16-37 Control Of Vegetation

The city cemetery authorities shall have complete control of every tree, shrub, vine or

plant growing within the cemetery, whether planted by the lot owner or otherwise, including the right of removal and the right of determining whether such removal is advisable. The cemetery and parks supervisor shall notify the lot owners of any such removal.

(Code 1975, § 10-189; Code 2007, § 34-49)

Sec 16-38 Winter Decorations Restricted

Winter decorations, holly, evergreen or artificial wreaths may be placed on graves to remain until March 15. After such date, all such decorations shall be removed. If any are to be kept for future use, they should be removed by the owners before such date.

(Code 1975, § 10-190; Code 2007, § 34-50)

Sec 16-39 Improvements Generally

The owner of a grave or lot who wishes to make improvements to the owner's grave or lot shall consult the cemetery and parks supervisor before making any improvements.

(Code 1975, § 10-191; Code 2007, § 34-51)

Sec 16-40 Certain Items Prohibited

The placing of boxes, shelves, ornaments, chairs, settees, glass, wood or iron cases and similar articles upon a lot in the city cemetery shall not be permitted. If so placed, the cemetery and parks supervisor may remove such.

(Code 1975, § 10-192; Code 2007, § 34-52)

Sec 16-41 Trees, Monument Prohibited On Single Grave

No trees, shrubbery or monument shall be placed on a single grave in the city cemetery.

(Code 1975, § 10-193; Code 2007, § 34-53)

Sec 16-42 Fencing, Hedges, Restricted

Copings or wooden fences, railings, hedges, shrubbery or other enclosures which mar the good appearance of the cemetery, or which impede the upkeep of the cemetery are prohibited. All erected or planted enclosures which mar the good appearance of the cemetery shall be removed in accordance with section 16-19.

(Code 1975, § 10-194; Code 2007, § 34-54)

Sec 16-43 Permanent Receptacles

In the city cemetery, urns or vases which are to be filled with earth and growing plants

shall be constructed of durable materials, such as cement or cast iron, and shall be kept in good repair. Iron vases shall be properly painted. Broken or unpainted urns or vases and vases that have not received care for two consecutive years may be removed by the cemetery and parks supervisor, and the city shall not be responsible for their care or return.

(Code 1975, § 10-195; Code 2007, § 34-55)

Sec 16-44 Objectionable Receptacles

Objectionable receptacles for cut flowers shall not be placed on graves or lots in the city cemetery. Fragile receptacles shall not be left on the graves after the flowers in them have wilted.

(Code 1975, § 10-196; Code 2007, § 34-56)

Sec 16-45 Flowers Generally

The planting of perennials of a tall growth on graves shall not be permitted in the city cemetery. One flower bed shall be allowed on a lot to be made by the employees of the cemetery.

(Code 1975, § 10-197; Code 2007, § 34-57)

Sec 16-46 Preparation Of Flower Bed

No person except an employee of the cemetery shall sod, resod or disturb the sod of any lot or grave in the city cemetery. After a flower bed is made ready for planting, the owner may set flowers thereon.

(Code 1975, § 10-198; Code 2007, § 34-58)

Sec 16-47 Removal Of Unacceptable Plants

If any person sets out plants on a lot or single grave in the city cemetery in an unsightly manner or fails to properly care for them, the cemetery and parks supervisor shall cause the plants to be removed and the bed or grave sodded over.

(Code 1975, § 10-199; Code 2007, § 34-59)

Sec 16-48 Removal Of Flower Receptacles, Utensils

All receptacles and watering utensils for flowers shall be removed from the lots in the city cemetery before November 1. If an owner wishes any to be kept for future use, the owner shall remove them before such date. In no event shall the city be responsible for articles placed on the lot.

(Code 1975, § 10-200; Code 2007, § 34-60)

Sec 16-49 Finishing Of Graves

No mounds shall be allowed in the city cemetery, and all graves shall be filled so they will be flush with the ground.

(Code 1975, § 10-201; Code 2007, § 34-61)

Sec 16-50 Duty Of Florists

Florists engaged by lot owners to plant vases or urns in the city cemetery shall leave a list of all planted vases and urns with the cemetery and parks supervisor.

(Code 1975, § 10-202; Code 2007, § 34-62)

Sec 16-51 Disposal Of Weeds, Rubbish

Weeds, dead flowers, branches and other rubbish shall be deposited in receptacles provided by the city cemetery.

(Code 1975, § 10-203; Code 2007, § 34-63)

DIVISION 16-II-2 CEMETERY AND PARKS SUPERVISOR

Sec 16-76 General Supervision
Sec 16-77 Administrative Duties
Sec 16-78 Police Power
Sec 16-79 Other Duties

Sec 16-76 General Supervision

The cemetery and parks supervisor shall have the general supervision and control of the cemetery grounds, including all private lots, subject to the direction and approval of the public works committee and the common council.

(Code 1975, § 10-57; Code 2007, § 34-91)

Sec 16-77 Administrative Duties

The cemetery and parks supervisor shall employ necessary help; shall have charge and care of the cemetery buildings and equipment, the selling of lots and graves, the keeping of records of interment and orders for work on private lots; and shall have charge of all funerals entering the cemetery.

(Code 1975, § 10-58; Code 2007, § 34-92; Ord. No. 39-16-17, § 27, 4-5-2017)

Sec 16-78 Police Power

The cemetery and parks supervisor and the supervisor's assistants may be appointed special police officers by the chief of police with the consent of the mayor. When so appointed, the cemetery and parks supervisor and the supervisor's assistants shall have power within the cemetery to act as peace officers and make arrest for law violations committed within the cemetery.

(Code 1975, § 10-59; Code 2007, § 34-93)

Sec 16-79 Other Duties

The cemetery and parks supervisor, under the direction of the public works committee, shall perform such duties and exercise such powers as are prescribed for the supervisor by state law, city ordinances, the public works committee, and the rules and regulations of the cemetery.

(Code 1975, § 10-60; Code 2007, § 34-94)

DIVISION 16-II-3 LOTS

Sec 16-102 Sale And Transfer
Sec 16-103 Burial Rights Of Relatives
Sec 16-104 Affidavit Of Heirship
Sec 16-105 Price Of Lots
Sec 16-106 Fees For Forms
Sec 16-107 Gratuities To Workers

Sec 16-102 Sale And Transfer

(a) All applications for the purchase of lots in the public cemetery shall be made to the cemetery and parks supervisor. The city engineer shall provide the supervisor with a map on which all lots in the cemetery shall be designated by number.

(b) The supervisor may issue to a person wishing to purchase a lot a certificate describing the lot desired, the price and the status of ownership. If such lot is not purchased within 30 days of the granting of such certificate, the supervisor may issue another certificate to any person applying therefor.

(c) All lots shall be sold subject to the approval of the public works committee, upon full payment of the purchase price.

(d) No person shall purchase more than one lot without the consent of the committee.

(e) No lot shall be used for any other purpose than for the burial of the human dead.

(f) Lots, after an interment has been made and while any person is buried therein, shall be inalienable, except with the consent of the majority of the public works committee. An owner of a cemetery lot in the city cemetery who desires to sell the lot shall first tender a 30-day option of purchase at the original purchase price to

the public works committee.

(g) The transfer or sale of lots or parts of lots shall not be valid without the consent of the majority of the public works committee endorsed on the conveyance. The committee may refuse its consent to a transfer as long as any indebtedness exists upon the lot to be transferred. All transfers of lots shall be executed on blanks to be prepared in the cemetery office and shall be filed and recorded in the cemetery records. No person shall be recognized as owner or part owner of a lot unless the person's name appears on the cemetery records. A certified copy of the deed of sale or transfer shall be issued by the cemetery and parks supervisor at a cost of $1.00 per copy.

(h) Upon failure of payment of the purchase price of a lot, the cemetery and parks supervisor shall have the right at any time thereafter to enter upon the lot and remove any body interred therein to other ground reserved for single interments. In such event, all monies theretofore paid shall be deemed and taken as having been paid in consideration of the right to bury upon such lot and to the occupancy thereof for the time being and for the price of the grounds to which such body shall have been transferred and to defray the cost of transferring the remains. Thereafter, such defaulting purchaser shall have no right or equity whatever in the lands so conditionally purchased. If the total amount of down payments on such lot conditionally purchased is less than the cost for the price of a grave in the section reserved for single interments and the cost of transferring such remains, the supervisor shall have the right to inter such body in section 12 of the cemetery. In no case shall a deed be executed for any lot until full payment therefor has been received. Upon failure of payment of the purchase price of a two-grave lot, the committee shall have the right at any time thereafter either to proceed, as stated in this section, to declare only the unused lot portion forfeited and issue a certificate to the purchaser for the occupied half of the lot. In the latter event, all monies paid therefor shall be deemed as having been paid in consideration of the right to bury upon the occupied one-half portion of the lot, and thereafter such defaulting purchaser shall have no right or equity whatever in the unused or forfeited part of such two-grave lot.

(i) No lot will be sold to more than one person, with the exception of husband and wife or members of the same family, unless the person purchasing the lot partitions the lot at the time of the purchase and records the partition in the cemetery office.

(j) All lots in the city cemetery shall be conveyed by deed. The purchaser shall thereby acquire the title and fee to the lot, subject to the conditions, limitations and reservations established for the operation and maintenance of the cemetery.

(Code 1975, § 10-1; Code 2007, § 34-121)

Sec 16-103 Burial Rights Of Relatives

The burial rights of the kindred of a deceased purchaser on the cemetery lot originally purchased shall be as follows:

(a) The original purchaser may, either at the time of purchase of a lot or at any time, thereafter, execute and duly acknowledge an instrument, directing who shall be interred upon the lot, and shall file such instrument with the cemetery and parks supervisor of the cemetery. If the purchaser designates any person other than immediate family or kindred, the purchaser shall first obtain written approval therefor from the public works committee. The committee may withhold its approval for any cause it deems proper, and if such approval is withheld the designated person cannot be buried on such lot.

(b) If the original purchaser of a lot shall not, in the purchaser's lifetime, have made a designation as to the persons to be buried thereon, two-thirds of the living linear descendants of nearest and equal degree of consanguinity of any then-deceased linear descendants of such purchaser may, by an agreement in writing duly signed and acknowledged and filed with the cemetery and parks supervisor, designate who among themselves shall be buried on the lot. However, no burial space shall be sold, and no burial permitted thereon for a consideration, and such agreement shall be approved in writing by the committee, who may withhold its approval for any cause it may deem proper. If such designation is so made, it cannot be altered by the person so designated. Such agreement shall be accompanied by satisfactory evidence in writing that the persons signing the agreement constitute at least two-thirds of all the then-living linear descendants of the next in equal degree of consanguinity to the original purchaser and of the linear descendants in equal degree of consanguinity of any then deceased linear descendants of such original purchaser. If no such designation was made by the original purchaser of a lot, or the purchaser's heirs did not consummate such agreement, interments on the lot shall be made in the following order:

(1) Space shall be reserved for the purchaser's spouse, including the spouse of a second or subsequent marriage, who shall have first rights to interment thereon to the exclusion of all other persons.

(2) The direct lineal descendants of such purchaser in nearest and equal degree of consanguinity shall have the next right of burial in the order of their death, provided that grandchildren of the purchaser and of more remote degree shall not be buried on the lot without the written consent of at least two-thirds of all the then-living linear descendants of nearer degree of consanguinity of the purchaser.

(3) If there remain unoccupied spaces after providing for interments as provided in this subsection or if there are no linear descendants, collateral kindred in the nearest and equal degree of consanguinity to the purchaser, in the order of their death, shall be entitled to interment in the lot.

(4) Notwithstanding anything provided in the rules of this subsection, the public works committee, in the exercise of its discretion and without being answerable to any person, may permit the burial on the lot of any person, whether or not belonging to any of the classes mentioned in this subsection, who, by reason of blood kindred or other family relationship or by reason of close association with the deceased lot owner or with any person buried or presumptively entitled to be buried on the lot, is deemed by the committee to be justly and equitably entitled to burial thereon, unless a written objection to the burial of such person is filed, duly signed and acknowledged by some person of the class of nearest kindred then presumptively entitled to burial, in which case no burial outside the specified class of descendants or collateral kindred shall be made without the concurrence of such objector.

(c) Where burial rights in a lot have been granted to more than one person, such rights shall be held by them as tenants in common. In case of disagreement between them or between the persons entitled to burial after the decease of either or both of the tenants in common, such lot may be partitioned in severalty.

(d) In determining the ownership of burial rights, the committee shall not at any time be required to recognize any person as grantee or owner of any rights except the grantee named in the original conveyance by the cemetery and the grantee's successors specified in this section, nor shall the committee at any time be required to recognize any agreement affecting such rights which was not filed and approved in accordance with this section.

(Code 1975, § 10-2; Code 2007, § 34-122)

Sec 16-104 Affidavit Of Heirship

(a) To establish the inherited rights of burial upon the death of a cemetery lot owner, one of the heirs shall file an affidavit in the office of the cemetery and parks supervisor, setting forth a complete list of the heirs, and the adult heirs shall in writing designate one of their number as a representative to sign orders to the lot.

(b) It shall be the obligation of the lot owner to notify the supervisor promptly of any change in post office address.

(Code 1975, § 10-3; Code 2007, § 34-123)

Sec 16-105 Price Of Lots

The purchase price of lots, fractional lots and graves in the cemetery, inclusive of perpetual care charges thereon, shall be as follows:

(a) 12-grave lot: $7,000.00.

(b) Six-grave lot: $3,500.00.

(c) Four-grave lot: $2,500.00.

(d) Single grave, adult: $650.00.

(e) Single grave, child: $450.00.

(f) Cremains space: $400.00.

(g) Baby grave: $250.00.

(Code 1975, § 10-4; Code 2007, § 34-124; Ord. No. 77-96-97, § 1, 11-4-1996; Ord. No. 49-01-02, § 1, 11-19-2001; Ord. No. 31-05-06, § 1, 9-19-2005; Ord. No. 5-09-10, § 1, 6-15-2009)

Sec 16-106 Fees For Forms

The fees for preparation of forms for the city cemetery shall be as follows:

(a) Quitclaim deed: $20.00.

(b) Advance authorization: $15.00.

(c) Heirs release: $15.00.

(Code 1975, § 10-4.1; Code 2007, § 34-125; Ord. No. 77-96-97, § 2, 11-4-1996)

Sec 16-107 Gratuities To Workers

Cemetery workers shall not take money from individual lot owners for the care and maintenance of the individual lots. Any worker taking such money shall be subject to immediate dismissal.

(Code 1975, § 10-188; Code 2007, § 34-128)

DIVISION 16-II-4 INTERMENT

Sec 16-128 Compliance With Law
Sec 16-129 Permit Required
Sec 16-130 Liability Of City Personnel
Sec 16-131 Application For Burial
Sec 16-132 Notice Of Interment
Sec 16-133 Preparation Of Grave
Sec 16-134 Presence Of Supervisor
Sec 16-135 Sodding Of Graves
Sec 16-136 Double Interment
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Sec 16-139 Payment Of Costs

Sec 16-140 Saturday Afternoon Charge
Sec 16-141 Change Of Grave Location
Sec 16-142 Interment Charges
Sec 16-143 Sodding Grave
Sec 16-144 Late Charge
Sec 16-145 Indigents
Sec 16-146 Equipment Restricted
Sec 16-147 Removal Of Decorations
Sec 16-148 Receiving Vault
Sec 16-149 Suspension Of Labor
Sec 16-150 Services Private
Sec 16-151 Burial Order By Undertaker
Sec 16-152 Disinterments
Sec 16-153 Restricted To Immediate Family

State law reference—Corpses generally, Wis. Stats. § 157.01 et seq.

Sec 16-128 Compliance With Law

No burials shall be permitted in any lot in the city cemetery without compliance with all city and state laws regarding burials.

(Code 1975, § 10-102; Code 2007, § 34-156)

Sec 16-129 Permit Required

No interment in the city cemetery shall take place without a burial permit.

(Code 1975, § 10-103; Code 2007, § 34-157)

Sec 16-130 Liability Of City Personnel

Neither the cemetery and parks supervisor nor the city shall be held liable for any mistake in connection with a burial or any matters incidental thereto.

(Code 1975, § 10-111; Code 2007, § 34-158)

Sec 16-131 Application For Burial

No person shall inter any body in the city cemetery without first notifying the cemetery and parks supervisor and furnishing the supervisor with all the necessary information for the supervisor's records, which shall include the name, age, sex, date of birth, date of death, the last place of residence of the deceased, the cause of death, the date of interment, the undertaker in charge and the relation of the person interred to the lot owner.

(Code 1975, § 10-114; Code 2007, § 34-159)

Sec 16-132 Notice Of Interment

When interment is to be made in the city cemetery, the box or vault to be used shall be delivered at the cemetery at least eight working hours prior thereto, and no later than 5:00 p.m. of the day preceding the date of the funeral. The cemetery office shall also be notified on the preceding day of the location of the grave.

(Code 1975, § 10-115; Code 2007, § 34-160)

Sec 16-133 Preparation Of Grave

All graves in the city cemetery shall be prepared by the employees of the cemetery.

(Code 1975, § 10-116; Code 2007, § 34-161)

Sec 16-134 Presence Of Supervisor

The cemetery and parks supervisor or one of the supervisor's assistants shall be present at all interments in the city cemetery.

(Code 1975, § 10-117; Code 2007, § 34-162)

Sec 16-135 Sodding Of Graves

The sodding of new graves in the city cemetery shall be done at the discretion of the cemetery and parks supervisor.

(Code 1975, § 10-118; Code 2007, § 34-163)

Sec 16-136 Double Interment

Interment of two bodies in one grave shall not be allowed within the city cemetery, except for mother and infant or twin children or with the permission of the public works committee.

(Code 1975, § 10-119; Code 2007, § 34-164)

Sec 16-137 Vaults Restricted

The public works committee may prohibit the use of grave vaults where it deems such objectionable.

(Code 1975, § 10-120; Code 2007, § 34-165)

Sec 16-138 Holidays

No funeral shall be allowed in the city cemetery on Sunday, New Year's Day, Decoration Day, Fourth of July, Labor Day, Thanksgiving Day or Christmas Day, except for death by contagious disease when immediate burial is ordered by the director of public health.

(Code 1975, § 10-121; Code 2007, § 34-166)

Sec 16-139 Payment Of Costs

All payments for cost of a lot, the opening of the grave and any charges due for work or services on the grave or lot shall be made before any interment in the city cemetery shall be permitted.

(Code 1975, § 10-108; Code 2007, § 34-167)

Sec 16-140 Saturday Afternoon Charge

Charges for interments in the city cemetery performed on Saturday afternoons shall be increased by $10.00.

(Code 1975, § 10-107; Code 2007, § 34-168)

Sec 16-141 Change Of Grave Location

When the location of a grave, after digging has commenced, is changed, the additional expense shall be paid by the lot owner on demand of the cemetery and parks supervisor.

(Code 1975, § 10-113; Code 2007, § 34-169)

Sec 16-142 Interment Charges

Interment and service charges for interment of bodies and the care and maintenance of lots, graves, monuments and other structures in the public cemetery shall be as follows:

(a) *Excavations*.

(1) Graves for adults, including the devices, lining and sodding lot: $750.00.

(2) Child's grave between four and six feet: $500.00.

(3) Child's grave to four feet: $350.00.

(4) Cremains: $300.00.

(5) Cremains with vault: $400.00.

(6) Scattering garden: $250.00.

(7) Plaque for scattering garden (name, dates of birth and death): $250.00.

(b) *Additional charges*.

(1) Tent: $125.00.

(2) Tent if not preordered: $150.00.

(3) Overtime (determined by exit time of 3:30 p.m.) per one-half hour: $100.00.

(4) Saturday charge: $250.00.

(5) Saturday cremains charge: $150.00.

(c) *Disinterment and reburial*.

(1) Adult disinterment for transfer: $2,000.00.

(2) Adult disinterment/reburial: $3,000.00.

(3) Child disinterment/reburial: $1,000.00.

(4) Baby disinterment/reburial: $750.00.

(d) *Monuments and markers*.

(1) Foundation for single marker up to and including 24 inches: $75.00.

(2) Foundation for double marker over 24 inches: $175.00.

(3) Four-foot full depth foundation: price upon request.

(Code 1975, § 10-104; Code 2007, § 34-170; Ord. No. 77-96-97, § 3, 11-4-1996; Ord. No. 49-01-02, § 2, 11-19-2001; Ord. No. 31-05-06, § 2, 9-19-2005; Ord. No. 5-09-10, § 2, 6-15-2009)

Sec 16-143 Sodding Grave

The charges for interment in the city cemetery shall include the sodding of the grave.

(Code 1975, § 10-105; Code 2007, § 34-171)

Sec 16-144 Late Charge

When any funeral arrives at the city cemetery so late that the grave cannot be closed before 4:00 p.m., an additional charge of $1.00 shall be made for each hour or fractional part thereof.

(Code 1975, § 10-106; Code 2007, § 34-172)

Sec 16-145 Indigents

Indigent persons desiring to bury any dead person in the cemetery shall apply to the

department of public assistance for permission, and a certificate of such permission shall be shown to the cemetery and parks supervisor who shall, upon payment of $10.00 by the department of public assistance, assign a place in section 12 of the cemetery where such person may be buried. If such indigent person owns burial rights on any lot in the city cemetery, such burial may be made on such lot in the same manner as provided for burials in section 12 of the cemetery.

(Code 1975, § 10-109; Code 2007, § 34-173; Ord. No. 77-96-97, § 4, 11-4-1996)

Sec 16-146 Equipment Restricted

No equipment, such as lowering devices, lining tents or carpets, except that owned by the city cemetery, shall be used for services at the grave.

(Code 1975, § 10-122; Code 2007, § 34-174)

Sec 16-147 Removal Of Decorations

Funeral designs and floral pieces shall be removed from the grave as soon as they become unsightly.

(Code 1975, § 10-123; Code 2007, § 34-175)

Sec 16-148 Receiving Vault

For the accommodation of the public, the receiving vault shall be available for temporary deposit of bodies at the cemetery. No body of a deceased person who died of a contagious disease shall be placed in the vault.

(Code 1975, § 10-124; Code 2007, § 34-176)

Sec 16-149 Suspension Of Labor

Workers engaged in the vicinity of a burial at the city cemetery shall suspend their labors during religious services at the grave.

(Code 1975, § 10-125; Code 2007, § 34-177)

Sec 16-150 Services Private

All interments in the city cemetery shall be private, and strangers shall not intrude or approach the grave during services.

(Code 1975, § 10-126; Code 2007, § 34-178)

Sec 16-151 Burial Order By Undertaker

Orders for burial given by the undertaker having charge of a burial shall be construed by

the cemetery and parks supervisor as orders from the lot owner. Undertakers shall be responsible for the burial charges, which charges shall be paid before or at the time of the funeral.

(Code 1975, § 10-112; Code 2007, § 34-179)

Sec 16-152 Disinterments

The following shall govern the disinterment of bodies in the city cemetery:

(a) Graves shall not be reopened for inspection, except for official investigation by order of the public works committee.

(b) Disinterment and removal of a body shall not be made without the permission of the public works committee, the lot owner and the next of kin of the deceased.

(c) Removal of bodies from the graves in the cemetery shall only be made from October 1 until December 15 of any year, except those removals required by subsection (a) of this section or by special permission of the public works committee. Applications for disinterment of a body shall be made to the cemetery and parks supervisor at least one week prior to the date of the disinterment.

(d) Disinterments shall be made by the cemetery employees in compliance with state and city regulations.

(e) The deposit of a sum estimated by the cemetery and parks supervisor to defray the expenses of a disinterment and removal shall be made at the time of application for disinterment. The applicant shall, immediately upon actual ascertainment of the expenses, pay the difference in cost if it exceeds the deposit. If the cost is less than the deposit, a refund shall be made.

(f) The city shall not be responsible for damages to stone, concrete or metallic boxes which may occur during disinterment.

(g) No disinterment shall be made on Saturday, Sunday or a holiday.

(h) No disinterment shall be allowed from a lot until payment has been made of all charges made and assessed against such lot and lot owner.

(Code 1975, § 10-127; Code 2007, § 34-180)

Sec 16-153 Restricted To Immediate Family

All interments on lots in the city cemetery shall be restricted to members of the immediate family. If an order is given for the interment of a person not a member of the immediate family, permission in writing from the lot owner must be filed with the cemetery and parks supervisor.

(Code 1975, § 10-110; Code 2007, § 34-181)

DIVISION 16-II-5 MONUMENTS

Sec 16-175 Control Of Work
Sec 16-176 Mausoleums
Sec 16-177 Design Subject To Approval
Sec 16-178 Foundation Required
Sec 16-179 Application For Foundation
Sec 16-180 Notice Of Building Foundation
Sec 16-181 Installation Of Foundation By City
Sec 16-182 Construction Of Foundation Limited
Sec 16-183 Conduct Of Workers
Sec 16-184 Materials Permitted
Sec 16-185 Use Of Bronze
Sec 16-186 Placement Restricted
Sec 16-187 Payment Of Charges
Sec 16-188 Minimum Lot Size
Sec 16-189 Face-To-Area Ratio
Sec 16-190 Length-To-Area Ratio
Sec 16-191 Number Restricted
Sec 16-192 Prohibited In Section 12
Sec 16-193 Marker Specifications
Sec 16-194 Double Markers
Sec 16-195 Number Of Markers Restricted
Sec 16-196 Location Of Markers
Sec 16-197 Quality Of Base
Sec 16-198 Inscriptions
Sec 16-199 Placement On Foundation
Sec 16-200 Setting Corner Posts
Sec 16-201 Corner Post Specifications
Sec 16-202 Removal Authorized

Sec 16-175 Control Of Work

The setting of monuments, stones and vaults and the transportation of all tools, material and other required articles within the cemetery grounds shall be subject to the supervision and control of the cemetery and parks supervisor. Unless special permission is obtained, all such work shall be completed, and rubbish removed before 12:00 noon on Saturday of the week involved. Tools and materials for work which cannot be completed within such time shall not be allowed to be brought into the grounds.

(Code 1975, § 10-139; Code 2007, § 34-211)

Sec 16-176 Mausoleums

The erection of mausoleums within the limits of the city cemetery is prohibited.

(Code 1975, § 10-161; Code 2007, § 34-212)

Sec 16-177 Design Subject To Approval

Designs and locations of all monuments, headstones and other structures to be placed in the cemetery, prior to erection of such, shall be submitted to the cemetery and parks supervisor for approval. Lot owners and monument dealers are urged to consult with the supervisor before selecting a monument.

(Code 1975, § 10-141; Code 2007, § 34-213)

Sec 16-178 Foundation Required

In the cemetery, all headstones, monuments, markers, stone seats, vases, etc., shall be placed on a solid cement foundation of a depth and size deemed proper by the cemetery and parks supervisor.

(Code 1975, § 10-168; Code 2007, § 34-214)

Sec 16-179 Application For Foundation

All dealers, before taking an order for a foundation, shall apply at the cemetery office for the requisite order blanks and have them properly filled out.

(Code 1975, § 10-169; Code 2007, § 34-215)

Sec 16-180 Notice Of Building Foundation

Ten days' notice shall be given to the cemetery and parks supervisor to build a foundation in the cemetery.

(Code 1975, § 10-170; Code 2007, § 34-216)

Sec 16-181 Installation Of Foundation By City

Foundations required by this division shall be installed only by the city cemetery employees, and only between April 1 and October 25. The expense of building such foundation shall be borne by the monument dealer and shall be paid for in advance.

(Code 1975, § 10-171; Code 2007, § 34-217)

Sec 16-182 Construction Of Foundation Limited

In the cemetery, no foundation shall be built for a monument or marker, the design of which has not previously been approved by the cemetery and parks supervisor.

(Code 1975, § 10-172; Code 2007, § 34-218)

Sec 16-183 Conduct Of Workers

(a) Workers engaged in placing stones in the cemetery shall provide suitable boards on which to move the stones or on which to run trucks. Immediately after work is completed, all rubbish shall be cleared away and the ground left clean and in good condition. Adjoining lots, paths or roads where work is being done shall not be blocked or damaged.

(b) Workers engaged in erecting monuments or other structures shall not tie ropes to trees, shrubs or other objects unless by permission of the cemetery and parks supervisor. Workers shall not litter the grounds longer than is absolutely necessary, and the surrounding lots must be restored to their proper condition. In case of neglect, such removal or repair work shall be made by cemetery employees at the expense of the lot owner or contractor.

(Code 1975, § 10-140; Code 2007, § 34-219)

Sec 16-184 Materials Permitted

Monuments and markers shall be of good granite or bronze. Bronze may be used only if securely attached to the granite base. No artificial stone of any description shall be used.

(Code 1975, § 10-142; Code 2007, § 34-220)

Sec 16-185 Use Of Bronze

In the cemetery, the use of bronze is approved for tablets when attached to memorials of natural stone, provided the bronze has been cast from an alloy containing not less than 85 percent copper or more than five percent lead and the bronze is purchased from a monument dealer. Suppliers shall be required to certify as to the analysis of the bronze. No other metals are approved for such use unless they are substantially noncorrosive and are of proven permanency.

(Code 1975, § 10-143; Code 2007, § 34-221)

Sec 16-186 Placement Restricted

No memorials or markers shall be placed or erected on lots or graves in the cemetery for which perpetual care has not been provided.

(Code 1975, § 10-144; Code 2007, § 34-222)

Sec 16-187 Payment Of Charges

No monument or grave marker shall be erected upon a cemetery lot for which payment has not been fully made.

(Code 1975, § 10-145; Code 2007, § 34-223)

Sec 16-188 Minimum Lot Size

No monument shall be placed on a cemetery lot, the area of which is less than 200 square feet.

(Code 1975, § 10-146; Code 2007, § 34-224)

Sec 16-189 Face-To-Area Ratio

The face of a memorial shall not exceed 15 percent of the area of the cemetery lot.

(Code 1975, § 10-147; Code 2007, § 34-225)

Sec 16-190 Length-To-Area Ratio

The length of the monument base shall not exceed 60 percent of the width of the cemetery lot. On six-grave lots, the monument base shall not exceed five feet or be less than four feet in length.

(Code 1975, § 10-148; Code 2007, § 34-226)

Sec 16-191 Number Restricted

No more than one monument shall be permitted on a cemetery lot.

(Code 1975, § 10-149; Code 2007, § 34-227)

Sec 16-192 Prohibited In Section 12

No monument shall be allowed or permitted in section 12 of the city cemetery.

(Code 1975, § 10-150; Code 2007, § 34-228)

Sec 16-193 Marker Specifications

In the cemetery, markers shall be of one piece only and shall not exceed two feet in length and one foot in width.

(Code 1975, § 10-151; Code 2007, § 34-229)

Sec 16-194 Double Markers

Double markers for two graves are allowed in the cemetery, except in a section which has been designated as a two-grave lot section. A double marker with a base shall not be over 30 inches in height overall. The base shall not be over 48 inches long, 14 inches wide and eight inches high. A double marker without a base shall not be over 20 inches high, 36 inches long and 12 inches wide.

(Code 1975, § 10-152; Code 2007, § 34-230)

Sec 16-195 Number Of Markers Restricted

Only one marker shall be permitted at each grave in the cemetery.

(Code 1975, § 10-153; Code 2007, § 34-231)

Sec 16-196 Location Of Markers

In the cemetery, markers shall be placed at the end of a grave which is farthest from the base of the monument. Exception will be made to conform with marker locations on lots in the older cemetery sections.

(Code 1975, § 10-154; Code 2007, § 34-232)

Sec 16-197 Quality Of Base

In the cemetery, where a base and die-stones are used, the base shall be of the same material as the die-stone and shall be of the best quality base stock.

(Code 1975, § 10-155; Code 2007, § 34-233)

Sec 16-198 Inscriptions

All inscriptions on memorials or markers in the cemetery, either in raised or sunken letters, shall be not less than 3/16 of an inch above or below the plain surface.

(Code 1975, § 10-156; Code 2007, § 34-234)

Sec 16-199 Placement On Foundation

All stonework in the cemetery must have the surface next to the foundation bedded off sufficiently true and level to allow every part to have full bearing on the foundation. No spalls or chips shall be used for underpinning.

(Code 1975, § 10-157; Code 2007, § 34-235)

Sec 16-200 Setting Corner Posts

In the cemetery, no corner posts shall be set by other than employees of the cemetery.

(Code 1975, § 10-158; Code 2007, § 34-236)

Sec 16-201 Corner Post Specifications

In the cemetery, corner posts shall be of natural stone placed flush with grade. Initials shall be cut in, not raised. Corner posts shall be at least eight to 12 inches in length and

dressed where they abut on adjacent lots.

(Code 1975, § 10-159; Code 2007, § 34-237)

Sec 16-202 Removal Authorized

(a) If any memorial, mausoleum or tomb in the cemetery becomes unsightly, dilapidated or a menace to visitors, the cemetery authorities may remove it at the expense of the lot owner.

(b) Monuments shall not be removed without written permission of the owner and the consent of the public works committee.

(Code 1975, § 10-160; Code 2007, § 34-238)

DIVISION 16-II-6 PERPETUAL CARE

Sec 16-228 Definitions
Sec 16-229 Nature Of Services
Sec 16-230 Cost
Sec 16-231 Trust Fund Commissioner
Sec 16-232 Receipt Of Donations, Funds
Sec 16-233 Payment Of Receipts Into Fund
Sec 16-234 Tax Levy
Sec 16-235 Investment Of Fund
Sec 16-236 Use Of Income
Sec 16-237 Withdrawal Of Funds
Sec 16-238 Interest On Withdrawn Funds

Sec 16-228 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Perpetual care means cutting and sprinkling of grass at reasonable intervals; raking and cleaning of the lot or grave, pruning of shrubs and trees and such other work as may be necessary to keep the lot or grave in good and neat condition. The repair or replacing of any foundation, marker or monumental structure; the planting of flowers or plants or any special work; or the cleaning of monuments or stones is not included in perpetual care.

(Code 1975, § 10-74(a); Code 2007, § 34-266)

Sec 16-229 Nature Of Services

(a) An estimate of the cost for perpetual care in the cemetery shall be given by the cemetery and parks supervisor, and a special endowment may be created in the

perpetual fund for such purposes.

(b) Lots and graves placed under perpetual care shall be exempt from future annual care charges.

(Code 1975, § 10-74; Code 2007, § 34-267)

Sec 16-230 Cost

(a) Lots or parts of lots in the cemetery, at the time of sale, shall be charged with perpetual care to be furnished by the city.

(b) The sum equal to 50 percent of the final purchase price is fixed and determined and held in trust as reasonably necessary for the perpetual care of lots and parts of lots. This sum shall be inclusive of any applicable sales taxes.

(Code 1975, § 10-75; Code 2007, § 34-268; Ord. No. 98-98-99, § 1, 11-2-1998)

Sec 16-231 Trust Fund Commissioner

The city finance director/treasurer shall perform the duties of commissioner of the perpetual care trust fund for the cemetery. The bond of the city finance director/treasurer shall also cover the faithful performance of the finance director/treasurer's duties as such commissioner and shall be conditioned for the proper investment and accounting of the funds which may come to the finance director/treasurer's hands as such commissioner, the increase thereof and their payment to the finance director/treasurer's successor in office.

(Code 1975, § 10-84; Code 2007, § 34-269)

Sec 16-232 Receipt Of Donations, Funds

(a) Under this division, the city finance director/treasurer shall receive all donations or perpetual care money and shall give a receipt therefor, which shall be recorded in any appropriate book to be kept for that purpose. The book shall state the name of the donor, the amount received, the date when received and the specific purpose to which the use thereof is appropriated.

(b) The city shall receive and hold in trust such monies, in any amounts not less than $5.00, donated to the city or received by it for perpetual care in the cemetery, the income whereof shall be used for the care and improvement of the cemetery and of private lots therein and their appurtenances.

(Code 1975, §§ 10-82, 10-85; Code 2007, § 34-270)

Sec 16-233 Payment Of Receipts Into Fund

Under this division, money received for the trust fund, unless otherwise directed by the donor, shall be paid into a separate fund which shall be known as the cemetery perpetual care fund, and the city shall thereafter be perpetually liable for not less than three percent interest thereon annually or for such length of time until this division is repealed, and the monies so received are returned.

(Code 1975, § 10-86; Code 2007, § 34-271)

Sec 16-234 Tax Levy

For the purpose of providing for the payment of the interest on the trust fund established under this division, as and when such shall become due, there shall be levied upon all the taxable property in the city, in addition to all other taxes, a direct annual tax sufficient to pay the interest of not less than three percent per annum on the money so deposited in the trust fund, less such amount which the city may receive as interest on the trust fund, if any, and less any amount received for interest on the fund in a different manner.

(Code 1975, § 10-87; Code 2007, § 34-272)

Sec 16-235 Investment Of Fund

Under this division, when any money in the perpetual care trust fund shall not have been transferred to another city fund, the city administrator, under supervision of the council and the finance committee, shall, to the extent permitted by the city's adopted investment policy, purchase securities issued or guaranteed as to the principal and interest by the United States government; bonds or securities of any county, city or drainage district; bonds or securities of any vocational, technical and adult education district, village, town or school district of the state; or may invest in the state local government pooled-investment fund. The interest on these investments shall be collected by the city administrator, and the administrator shall make a semiannual report to the council in which the securities and the amount of interest received shall be itemized. The city administrator, common council and the finance committee shall analyze such securities at least twice a year as to advisability of retaining any securities.

(Code 1975, § 10-90; Code 2007, § 34-273; Ord. No. 41-20-21, § 7, 4-7-2021)

Sec 16-236 Use Of Income

The income of the trust established under this division shall be used for the improvement, maintenance, repair, preservation or ornamentation of such lot, vault, tomb or other structure as the donors of such fund may designate.

(Code 1975, § 10-83; Code 2007, § 34-274)

Sec 16-237 Withdrawal Of Funds

Under this division, money may be drawn from the perpetual care trust fund and

transferred to a different fund for any public work, but only upon the adoption of a resolution by two-thirds of the members of the common council.

(Code 1975, § 10-88; Code 2007, § 34-275)

Sec 16-238 Interest On Withdrawn Funds

Under this division, when any money is transferred from the perpetual care trust fund to another fund, such other fund shall be liable for interest at the rate of not less than three percent per annum to the perpetual care trust fund until the amount withdrawn has been repaid, and such other fund shall also be indebted to the perpetual care trust fund until the amount so received shall be repaid.

(Code 1975, § 10-89; Code 2007, § 34-276)

CHAPTER 18 CITY PERSONNEL

ARTICLE 18-I CITY PERSONNEL IN GENERAL
ARTICLE 18-II POSITION CLASSIFICATION
ARTICLE 18-III COMPENSATION PLAN
ARTICLE 18-IV LEAVE PROGRAM

State law references—Civil service generally, Wis. Stats. § 230.05 et seq.; municipal employment generally, Wis. Stats. § 111.70.

ARTICLE 18-I CITY PERSONNEL IN GENERAL

Sec 18-1 Responsibility For Maintenance And Approval Of Program
Sec 18-2 Medical Insurance
Sec 18-3 False Statements, Reports
Sec 18-4 Bribery
Sec 18-5 Political Activities
Sec 18-6 Effect Of Violations
Sec 18-7 Alleged Or Apparent Strikers
Sec 18-8 Application To Employees Of Boards, Commissions
Sec 18-9 Definitions

Sec 18-1 Responsibility For Maintenance And Approval Of Program

(a) The city administrator shall maintain an employee classification and compensation program.

(b) As part of maintaining such a program:

(1) The director of human resources and labor relations shall review and update the program annually. The review and update shall include, but not be limited to, the allocation of new or changed positions and the determination of proper compensation rates pursuant to the provisions of this chapter.

(2) The city administrator shall prepare and introduce a yearly budget that reflects the needs of the program.

(3) Department heads shall make changes to job descriptions, job titles, and classifications, subject to the approval of the director of human resources and labor relations.

(4) The city administrator shall annually review the table of organization described in section 18-47 and approve mid-year changes to the table of organization not requiring council approval.

(5) The city administrator may approve modifying, adding, or deleting

positions to facilitate the needs of the business while maintaining the approved citywide budget.

(Code 1997, § 82-1; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-2 Medical Insurance

(a) *Election of retirees to participate*. Eligible employees who retire after January 1, 1977, may participate in the city's medical insurance family, employee, plus spouse, employee, plus children, or single plan for retirees, subject to the limitations and conditions listed under subsection (c) of this section. Such election shall be made on or before the date of retirement. Employees who do not elect coverage at the time of retirement are deemed to have waived their right to participate, subject to continuation rights they may have pursuant to federal and state law.

(b) *Payment of premiums*. Eligible retirees who elect to participate in the city's medical insurance plan pursuant to subsection (a) of this section shall prepay monthly, via direct deposit, the entire rate for their medical plan coverage, as established from time to time by the city or its insurance carrier, to the finance director/treasurer on or before the 15th day of the month preceding coverage. A fee of $50.00 shall be added to the established premium for any failure to pay by the 15th, including rejection of a direct deposit. Any eligible retiree who fails to pay the premium and all fees by the last day of the month shall be terminated from the plan effective the first day of the following month, absent extraordinary circumstances completely beyond the control of such retiree. In the event a retiree wishes to appeal this decision, the retiree may do so, in writing, within 30 days of the fee being charged. The appeal would be directly to licensing, hearings, and public safety committee.

(c) *Limitations and conditions*.

(1) The employee must have reached normal retirement age as determined for annuity computation purposes and must receive a monthly retirement annuity from the state retirement fund.

(2) The employee is not eligible for any other group health insurance while employed elsewhere.

(3) When the employee or employee's spouse becomes eligible for any government-sponsored insurance programs, the coverage shall be changed to a nonduplicating plan.

(d) *Surviving spouse*. A surviving spouse of an active, disabled or a retired employee may elect to participate in the city medical benefit plan at the spouse's own expense, subject to the limitations and conditions listed below, excepting as

otherwise set forth in any labor agreements passed by the common council. The surviving spouse shall not be eligible for dental coverage under the city plan except as required by applicable law.

(1) The employee, or retired employee, must have 15 years or more of continuous city service and be enrolled in the city medical benefit plan at the time of death.

(2) The election shall be irrevocable and shall be made within 30 days after the date of death of the employee or retired employee and the spouse may remain in the aforementioned plan indefinitely, subject to the other provisions herein.

(3) The surviving spouse shall pay, monthly, via direct deposit, the entire rate for medical plan coverage, as established from time to time by the city or its insurance carrier to the finance director/treasurer on or before the 15th day of the month preceding coverage. The payments shall not be reduced by any contractual city contribution for medical plan rates for which the deceased employee or retired employee may have been eligible. Upon failure to pay by the 15th, or if the direct deposit rejects, a late payment fee of $50.00 shall be added to the established premium. Failure to pay the premium and late payment fee by the last day of the month shall result in termination from the plan effective the first day of the following month, absent extraordinary circumstances totally beyond the control of such surviving spouse as determined by the common council upon recommendation of the finance and personnel committee.

(4) Coverage under the above plan shall be limited to the surviving spouse and the deceased's legally dependent children, inclusive of unborn, as of the date of the employee's or retired employee's death. The coverage for the surviving spouse and deceased's legally dependent children shall terminate upon a change in the marital status of the surviving spouse.

(5) The surviving spouse must sign an affidavit of eligibility upon initial enrollment and may not be eligible for any type of medical plan coverage as a result of being employed elsewhere. The affidavit must be completed and signed on an annual basis. Lack of response or failure to include factual information in the affidavit will result in the surviving spouse being terminated from the city medical benefit plan.

(6) When the surviving spouse becomes eligible for any government-sponsored insurance program, the coverage shall be changed to a nonduplicating plan.

(7) The terms "dependent" and "disabled," as used herein, are as defined in the city's medical benefit plan summary.

(8) The surviving spouse of employees with less than 15 years of service will be offered coverage as required under applicable law and will be

ineligible for further city coverage when the coverage required by law expires.

(Code 1997, § 82-2; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-3 False Statements, Reports

No persons shall make any false statement or report with regard to any test, certification or appointment made under any provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and policies.

(Code 1997, § 82-3; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-4 Bribery

No person shall directly or indirectly give, render, pay, offer, solicit or accept any money, service or valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the city service.

(Code 1997, § 82-4; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-5 Political Activities

(a) Nothing hereinafter contained shall affect the right of a city employee to hold membership in and support a political party, to vote as the employee chooses, to express opinions, privately, on all political subjects and candidates, to maintain political neutrality and to attend political meetings.

(b) No employee shall engage in political activities during regular work hours, nor shall any employee wear any uniform, badge or other indicia of office/employment while engaging in political activities.

(c) No employee shall erect, construct or post political posters on city property or buildings. Political posters shall not be displayed or posted on the private automobiles of employees when parked on city premises furnished to the employee by the city for the parking of such vehicle during regular work hours, except bumper strips on bumpers.

(d) No person shall directly or indirectly solicit or receive subscriptions, assessments, contributions, or services for any partisan or nonpartisan political purpose from any employee in city service or use the person's influence to coerce the political action of any employee while such employee is on city premises during any regular working hours.

(e) Unless otherwise prohibited, any city employee may be a candidate for political office and may actively campaign therefor without jeopardizing the employee's

employment with the city. (Note: No city employee elected to a city political office may serve in violation of the restrictions contained in Wis. Stats. §§ 946.13 and 66.0501).

(f) For the purposes of this section, the term "political activity" means activity calculated to improve or favor the chances of any political party or any person seeking or attempting to hold political office. The term "political activities" means and includes, but is not limited to, campaigning for candidates or political parties, circulating nomination papers, registering voters, collecting contributions or selling fundraising tickets, distributing campaign material, organizing political rallies or meetings.

(Code 1997, § 82-5; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-6 Effect Of Violations

(a) Any employee who is guilty of a violation of sections 18-3 through 18-5 shall be subject to disciplinary action which may include demotion, suspension or termination of employment.

(b) An elected official, a department head, or any person who is not a city employee who is guilty of a violation of sections 18-3 through 18-5 shall be subject to a forfeiture of not less than $50.00 nor more than $250.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(Code 1997, § 82-6; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-7 Alleged Or Apparent Strikers

(a) Employees who may be deemed to be alleged or apparent strikers will not receive their regular pay, sick leave pay, or be permitted, plus time pay. All employees who are on an approved vacation which was prescheduled will receive the approved amount of vacation pay. All lost time by strikers shall be reported as absent without leave. All strikers and their agents will be subject to provisions of any appropriate law, applicable rules and regulations, ordinances and contracts covering the prohibition of strikes and absence without leave from assigned jobs and subject to replacement.

(b) Employees are deemed to have refused to work during a strike in the following cases:

(1) Refusal to cross picket lines with equipment or to obtain equipment.

(2) Refusal to cross picket line to enter their place of work.

(3) Refusal to be transported to their place of work by city vehicle even if they are furnished such transportation outside the picket lines.

(4) Refusal to work because of being in sympathy with the strikers.

(5) Leaving jobs during the workday to attend union meeting.

(c) The above are examples of reasons for refusal to work. Any unauthorized reason for refusal to work falls into this category even though not stated above. These employees will not receive their regular pay, call-in pay, sick leave pay or be permitted plus time pay. Employees in this category will only be paid for authorized time actually worked.

(d) Employees who are available and willing to work but cannot work for a variety of reasons, such as:

(1) Lack of equipment.

(2) Inability to proceed without workers on strike, upon whom they depend for completing their tasks.

(3) Inclement weather.

(e) These employees whose contract allows for a two-hour call-in pay will be paid that amount, but no additional plus or minus hours will be issued.

(f) The following guidelines are furnished to department heads of union groups with respect to employees in their department who present themselves in the regular way for regular employment during the strike or work stoppage. Any employee in the department who is able and willing to work and arrives for work in the department at the usual and customary time and place shall be permitted to work conditioned upon the following:

(1) That the regular or customary work to which such employee is normally assigned is available and that such employee can discharge the normal duties for which responsible.

(2) That the equipment which such employee normally uses is available and operating if equipment is necessary for such employee normally in the discharge of the duties for which responsible.

(Code 1997, § 82-7; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-8 Application To Employees Of Boards, Commissions

The classification and compensation provisions of this chapter shall apply to employees of all boards and commissions after the governing bodies thereof so approve by resolution duly adopted.

(Code 1997, § 82-8; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-9 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means and includes all officers, supervisors, and department and division heads of the city except those excluded under section 18-39.

(Code 1997, § 82-9; Ord. No. 42-19-20, § 1, 3-2-2020)

ARTICLE 18-II POSITION CLASSIFICATION

Sec 18-37 Division Of Offices
Sec 18-38 Establishing Classifications
Sec 18-39 Excluded Positions
Sec 18-40 Hiring Of New Employees Generally
Sec 18-41 Abolition Of Positions Generally
Sec 18-42 Agreements Authorized
Sec 18-43 Class Specifications--Purpose And Effect
Sec 18-44 Class Specifications--Statements Of Qualifications
Sec 18-45 Class Specifications--Applying Specifications To Positions
Sec 18-46 Classification Plan
Sec 18-47 List Of Classes And Class Specifications

Sec 18-37 Division Of Offices

All offices in the public service in the city shall be divided into two classes, namely, the classified and unclassified service.

(a) *Unclassified positions*.

(1) All officials elected by the people.

(2) Election officials appointed pursuant to Wis. Stats. § 7.30.

(3) All officers, members or employees of city boards, commissions, utilities or authorities.

(4) All employees appointed by the mayor or common council.

(5) Other positions designated by the common council as unclassified.

(6) All employees in the unclassified service except those excluded under section 18-39 shall be governed by this chapter and the same provisions relating to the classified service with respect to hours, paid time off (PTO), holidays, political activities, unlawful acts, all as provided in this chapter.

(b) *Classified positions*. All other offices and positions not designated otherwise

shall be included in the classified service, with the exceptions of such employment or positions relating to temporary, seasonal or part-time work or work created for relief purposes.

(Code 1997, § 82-21; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-38 Establishing Classifications

All positions in the municipal service, except those listed in section 18-39, shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirements as to training, experience, knowledge, skill, personal qualities, and the same rates of compensation are applicable thereto. The civil service status of positions is not affected by their inclusion or exclusion from the provisions of this section.

(Code 1997, § 82-22; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-39 Excluded Positions

The provisions of this chapter (except sections 18-5 and 18-6) shall not apply to the following offices and positions:

(a) Officers of the city government who are elected by the voters of the city, except that compensation, as provided in section 18-78.

(b) Members of city boards and commissions and members and employees of city utilities and authorities.

(c) Officers and employees of the library board.

(d) Officers and employees subject to the jurisdiction of the municipal water utility department and paid from the funds of such department.

(Code 1997, § 82-23; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-40 Hiring Of New Employees Generally

(a) When any department head learns that a vacancy has occurred or is about to occur in any full-time position in the city service within such department, except positions excluded pursuant to section 18-39, the department head shall forward a written request to the director of human resources and labor relations to fill the vacant position for approval.

(b) Once approved, the director of human resources and labor relations shall forward the approval to the city administrator, who may make any modifications to the table of organization (including numbers of employees) and job descriptions the director deems appropriate which are cost-neutral with regard to the city budget.

(c) Upon notice from the city administrator that all such changes have been made, the director of human resources and labor relations shall proceed with the hiring process and fill the position. If filling the vacant position necessitates a modification to the budget, the director of human resources and labor relations shall request the finance and personnel committee authorize filling the position as part of the budget transfer process. If the finance and personnel committee fails to approve filling the position, it shall set forth its reasons in writing, and the affected department shall have the right to appeal the decision to deny to the common council.

(d) The filling of any vacant position pursuant to this section shall be certified in accordance with the following procedure:

(1) When filling a vacancy by selection of an eligible candidate from a list established on the basis of an open competitive examination, the appointing authority, subject to the approval of the director of human resources and labor relations, may specify requirements of particular experience, education, skill or physical requirements necessary for successful performance. The director of human resources and labor relations shall certify the names of those persons categorized as best qualified to fill the vacancy in accordance with these requirements and civil service rules and regulations. The appointing authority shall make the appointment from those certified.

(2) In promotional examinations, appropriate consideration shall be given to employee qualifications, record of performance and ability.

(3) For protective service vacancies, the selection shall be in accordance with police and fire commission regulations and any labor agreement or applicable department policy.

(4) The appointing authority, subject to the approval of the director of human resources and labor relations, may make a provisional appointment from an eligible list in accordance with of this subsection even though the incumbent has not yet vacated the position provided approval has been received in accordance with this subsection. The eligible person so appointed will be accorded all the benefits of a regular appointee and shall retain all rights of certification to the permanent appointment.

(Code 1997, § 82-24; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-41 Abolition Of Positions Generally

Whenever, in the judgment of the city administrator or the common council, it becomes necessary in the interest of economy, lack of work or funds, or other just causes to abolish any position in the classified service, the person filling such position shall cease to be employed. Where the number of employees in a class code is reduced, the city

administrator may consider seniority, performance appraisals, conduct, skill, and ability in determining the order of layoff, except where otherwise provided for in labor agreements entered into by the city. Qualifications, skill and ability, and work performance are given greater weight than seniority in the event of a reduction in force. If all things are equal, seniority will be the determining consideration. Regarding seniority, years of service as a full-time employee are calculated. Part-time service will be given prorated credit. For example, an employee who worked 20 hours per week average will be given credit for one-half year of service.

(Code 1997, § 82-25; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-42 Agreements Authorized

(a) The director of human resources and labor relations is authorized and empowered to enter into reciprocal agreement within the approved budgetary limitations for the use of equipment, materials, facilities, and services with any agency or body for the benefit of the public personnel system.

(b) The director of human resources and labor relations may enter into agreements with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, establishing eligibility lists, labor relations services, and the interchange of personnel.

(Code 1997, § 82-26; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-43 Class Specifications--Purpose And Effect

Each class specification shall outline the main characteristics and qualification requirements of positions in the class and give examples of specific duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks by the department head or designated supervisory personnel.

(Code 1997, § 82-27; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-44 Class Specifications--Statements Of Qualifications

The statement of qualifications in a class specification is intended to be used as a guide in selecting persons for examinations and employment, for preparing examinations and for use in determining the relative value of positions in a class with positions in other classes. In addition, the director of human resources and labor relations will establish minimum standards for all other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency.

(Code 1997, § 82-28; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-45 Class Specifications--Applying Specifications To Positions

In determining the class to which a position should be allocated, the specification of each class shall be considered in its entirety and in relation to the specifications of the classes in the classification plan.

(Code 1997, § 82-29; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-46 Classification Plan

The classification plan shall consist of the classes referred to in section 18-47, with such changes as may be approved by the council. All positions in each class shall be compensated in accordance with the class grade for each class as shown in section 18-47 and the rates for such class grades referred to in section 18-71.

(Code 1997, § 82-30; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-47 List Of Classes And Class Specifications

The classification schedule shall include a table of organization and compensation grade schedules showing the position title, pay scale, and compensation of all positions of employment in the city service to which the provisions of this section shall apply. An updated copy of the table of organization shall be filed annually in the nonrepresented compensation plan. Additionally, a copy of the table of organization shall be kept on file in the city clerk's office.

(Code 1997, § 82-31; Ord. No. 42-19-20, § 1, 3-2-2020)

ARTICLE 18-III COMPENSATION PLAN

Sec 18-68 Compensation Limited
Sec 18-69 General Payroll Procedure
Sec 18-70 Full-Time Earnings Basis
Sec 18-71 Salary And Wage Schedules
Sec 18-72 Base Salary Of Police And Fire Personnel
Sec 18-73 Biweekly Payment Of Earnings
Sec 18-74 Acting Pay For Nonrepresented Employees
Sec 18-75 Worker's Compensation
Sec 18-76 Temporary, Seasonal Employees
Sec 18-77 Car Allowances
Sec 18-78 Elected Officials
Sec 18-79 Starting Rates On Initial Employment
Sec 18-80 Starting Rates On New Position
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Sec 18-82 Starting Rates On Demotion
Sec 18-83 Increases In Compensation
Sec 18-84 Continuity Of Service

Sec 18-85 Overtime For Nonrepresented Employees
Sec 18-86 Nonrepresented, Exempt Employees
Sec 18-87 Hours Of Employment
Sec 18-88 Administration And Records
Sec 18-89 Computation Generally

Sec 18-68 Compensation Limited

No provision of this article shall be construed as authorizing any increase in salary or wage during a fiscal year which would result in exceeding appropriations made for such purpose. No city employee shall retain any fees or compensation received by virtue of said employment with the city other than authorized by the common council; such fees shall be paid into the city treasury.

(Code 1997, § 82-51; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-69 General Payroll Procedure

The director of human resources and labor relations shall make necessary changes in the payroll procedure, establish hourly rates based on the number of hours to be worked and the amount earned, and make such other incidental changes not in conflict with this chapter.

(Code 1997, § 82-52; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-70 Full-Time Earnings Basis

The biweekly rates of pay are based on full-time employment at normal working hours for the respective classes of positions as referred to in section 18-47; provided, however, that the salaries of nonrepresented supervisory, professional and administrative positions exempt under the federal Fair Labor Standards Act are fixed according to the responsibilities to be fulfilled and are not based on a fixed number of hours of work per week and shall not be adjusted with variations in work schedules, unless part-time employment is specifically provided.

(Code 1997, § 82-53; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-71 Salary And Wage Schedules

Salary and wage schedules with hourly rates and straight-time yearly rates for a full-time employee (full-time for the calculation of a yearly rate is 40 hours per week, 2,080 per year) for all salary grades in the city service to which this article shall be applicable are established and listed in the nonrepresented compensation program on file in the human resources department.

(Code 1997, § 82-54; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-72 Base Salary Of Police And Fire Personnel

The base salary of police shall include reporting time. In addition, the base salary of police and fire personnel shall include a prorated amount of holiday pay per pay period.

(Code 1997, § 82-55; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-73 Biweekly Payment Of Earnings

Except for elected officials and employees covered under a valid collective bargaining agreement providing otherwise, all salaries and wages shall be paid biweekly for salaries and wages earned during the biweekly period preceding the most current biweekly period (i.e., two-week holdback).

(Code 1997, § 82-56; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-74 Acting Pay For Nonrepresented Employees

(a) When a temporary vacancy occurs of more than two calendar weeks but less than six months in a nonrepresented position, the director of human resources and labor relations, in consultation with the affected department head, may recommend to the city administrator an appropriate subordinate nonrepresented employee to fill the position on an acting basis for the duration of the temporary vacancy. Positions in the transit, police and fire departments require the approval of the respective commissions. If the subordinate is in a lower salary grade while serving in such an acting capacity, the subordinate shall receive additional compensation for the additional work assigned. An increase of ten percent is assigned when acting in full capacity; a reduced amount will be issued for limited acting duties or when partial duties are assigned. This amount will be issued after a replacement starts in the form of a lump-sum for all acting time. In no case shall the temporary increase in pay be greater than the salary of the person who left.

(b) Within six months of the beginning of a temporary vacancy, the city administrator will determine whether the opening will remain or a change in the table of organization needs to be made and will inform the employee filling the position on an acting basis as to the status of the replacement. The employee may be reclassified to the position the employee is actually performing. In case of such a reclassification, the employee's pay will be adjusted to match the new classification based on the employee's performance.

(Code 1997, § 82-57; Ord. No. 42-19-20, § 1, 3-2-2020; Ord. No. 2-21-22, 2-21-2022)

Sec 18-75 Worker's Compensation

A full-time or permanent part-time city service employee, except an employee of the

board of water commissioners, who sustains a compensable injury while performing within the scope of employment, as provided by Wis. Stats. ch. 102 (Worker's Compensation Act), shall receive compensation in accordance with state statutes. The first three days of a lost time injury will be unpaid, after which the employee will receive the employee's eligible amount of compensation directly from the city's third-party administrator for worker's compensation.

(Code 1997, § 82-58; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-76 Temporary, Seasonal Employees

(a) Temporary or seasonal employees shall be paid in accordance with the extra help schedule, and amendments thereto. Said schedule will be prepared annually by the director of human resources and labor relations.

(b) Temporary or seasonal employees who return to the same department and perform essentially the same duties may be advanced in pay within the pay grade based upon satisfactory service and the recommendation of the department head. Returning seasonal employees will not be paid greater than the amount listed as top pay for extra help.

(Code 1997, § 82-59; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-77 Car Allowances

Officers or employees who are required to use their privately-owned automobiles in the conduct of city business are entitled to reimbursement on a per mile basis equal to per mile basis approved by the Internal Revenue Service for income tax purposes. Official increases or decreases announced by the Internal Revenue Service will not be retroactive but shall be effective on the first of the month following the announced increase or decrease by the Internal Revenue Service. To be eligible for reimbursement, an employee must comply with the expense reimbursement policy.

(Code 1997, § 82-60; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-78 Elected Officials

The finance and personnel committee shall recommend for common council approval the initial salary for all elective positions and any and all in-term increases for same at least 13 months prior to the election date for each office. The common council shall act on such recommendations and establish the salaries for full-time elective positions not later than the final meeting of the council year preceding the year of election.

(Code 1997, § 82-61; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-79 Starting Rates On Initial Employment

Original hires who have all the qualifications to any position shall be offered the minimum pay for that position. In the case where a potential employee has the majority of qualifications, that employee may be offered an amount less than minimum until the point that the employee achieves the qualification, at which time the employee will be brought to the minimum. In the case an employee is hired who already has advanced training or experience required for a position, the initial rate offered upon hire may be greater than minimum but no greater than the top of the salary range, subject to the approval from the city administrator for a salary that is at or over market rate/mid-point in the range. At no time will an employee receive greater than the top pay in a salary grade with the exception of those whose wage is greater than the maximum salary for that employee's classification and where the position has not been revised to another pay grade. In such a situation, the employee's salary shall be frozen until such time that an adjustment in the market rate causes the employee's salary to fall under the maximum for the classification range.

(Code 1997, § 82-62; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-80 Starting Rates On New Position

Whenever an employee is assigned a position not previously held by the employee and such change is not in the nature of a promotion, the employee shall receive the entrance rate in the range established for such position or such other rate within the applicable range as the employee may be entitled to by reason of crediting the employee in the new position with such prior service that is found to meet the following conditions:

(a) The character and nature of the duties of the position to which the employee was assigned are similar to those of the new position; and

(b) The service in the former position provided experience valuable to the performance of the new position.

(Code 1997, § 82-63; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-81 Starting Rates On Promotion

In any case where an employee is promoted to a class with a higher pay range, the entrance rates shall be at no less than the minimum base pay in the applicable range as the employee may be entitled to by reason of crediting the employee with prior experience that is directly related to the new position, except as otherwise provided for in any labor agreements approved and passed by the council.

(Code 1997, § 82-64; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-82 Starting Rates On Demotion

Whenever an employee is demoted to a position for which the employee is qualified, be

it voluntary or involuntary, the employee shall be compensated at a rate not less than the minimum pay for the new position.

(Code 1997, § 82-65; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-83 Increases In Compensation

(a) The director of human resources and labor relations has the authority to identify necessary adjustments to position descriptions. The city administrator must approve any substantive changes to the job description, including salary grade changes necessary to reflect market value.

(b) Department heads requesting consideration for modifying a salary grade must complete the appropriate reclassification request form to properly document the specific information requested for consideration and keep a record of the reasons for the justified change, if any.

(Code 1997, § 82-66; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-84 Continuity Of Service

(a) Service requirements for advancement within compensation ranges and for other purposes as specified in this article shall have the implication of continuous service, which means employment in the city service without break or interruption. Leaves of absence without pay of less than 30 workdays and leaves with pay shall not be considered interruptions of continuous service, nor shall the length of time of such leaves be deducted from the length of continuous service. However, leave of absence of greater than 30 days may reduce performance increase amounts unless that leave is protected by law, including, but not limited to, coverage by a qualified Family Medical Leave Act certification or by military leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994.

(b) Except as otherwise provided under federal or state law and regulations for covered absences for service in the armed forces of the United States, absences shall not be deducted in compiling total service, but shall not serve in the calculation of current benefits pursuant to continuous service. For example, vacation calculation is earned by actual time worked the previous year. Though the employee will receive, from the original hire date, for the vacation scheduled (total number of years served will not be deducted while serving), only the actual time worked on the city job will be used in the prorating of earned vacation upon return from active duty.

(c) Qualified family medical leave absences (FML) will not disrupt an employee's continuity of service. Any identified pay increase that would have occurred while the employee was out on FML would become effective upon the date of return

from the leave, i.e., retroactive pay would not apply.

(Code 1997, § 82-67; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-85 Overtime For Nonrepresented Employees

(a) The normal work schedule for full-time, nonexempt employees is five eight-hour periods, totaling 40 hours per week. This schedule may be revised as necessary depending on customer or city requirements, as determined by management. Each employee needs to work with their supervisor to define the expected hours of work. Employees may need to flex their schedule to maintain a 40-hour work week. The time flexed must be approved in advance by management and be contained within a two-week, 80-hour payroll cycle. If an employee flexes their schedule during the 40-hour work week, time worked in excess of eight hours a day can only be taken on an hour-for-hour basis. In other words, if an employee works ten hours on Monday, the additional two hours flexed on Monday may be taken off later in the week at straight-time hours, not time and one-half. Employees may not save (bank) additional time off for use in another pay period. If customer or city requirements prevent an employee from utilizing their flexed time, the employee will be paid overtime for hours worked in excess of 40 hours in a week. Holiday time issued in a work week is viewed as work time for the purposes of calculating overtime pay.

(b) Exempt employees are full-time employees who work a minimum of 40 hours per week. Due to the executive, administrative or professional nature of these positions, exempt employees are paid a defined salary for their position rather than an hourly rate. Therefore, if the position requires additional hours (over 40) during the work week, those who hold exempt positions are expected to perform their duties as part of their work week. The additional time worked is considered part of the position expectations and is exempt from overtime pay.

(c) Overtime compensation for nonexempt salaried and hourly full-time, part-time, seasonal and temporary employees will be paid for hours worked in excess of 40 hours per week in accordance with applicable laws. Holiday time issued during a week counts as time worked for overtime purposes.

(d) Exempt employees under the Fair Labor Standards Act and elected officials will not receive overtime pay.

(Code 1997, § 82-68; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-86 Nonrepresented, Exempt Employees

(a) The city adheres to the requirement of the federal Fair Labor Standards Act (FLSA) relating to the exempt employment status of an employee. To qualify for the executive employee exemption, all of the following tests must be met:

(1) The employee must be compensated on a salary basis (as defined in the federal regulations related to the FLSA) at a rate not less than $455.00 per week;

(2) The employee's primary duty must be managing the enterprise or managing a customarily recognized department or subdivision of the enterprise;

(3) The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and

(4) The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees must be given particular weight.

(b) The director of human resources and labor relations shall maintain and regularly update a list of each position that qualifies for the executive employee exception under the FLSA.

(Code 1997, § 82-69; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-87 Hours Of Employment

(a) Except as otherwise provided, the standard work week for regular, full-time city employees will be 40 hours, but this is not construed to mean a guarantee of minimum hours of work or a limitation of the number of hours which the city may require an employee to work.

(b) The work week, except as otherwise provided, will commence at 12:01 a.m. Sunday morning and end at 11:59 p.m. Saturday night.

(c) The workday, except as otherwise provided, shall be from 12:01 a.m. to 12:00 midnight.

(Code 1997, § 82-70)

Sec 18-88 Administration And Records

(a) In emergencies, a department head may prescribe reasonable periods of overtime work to meet operational needs. Such overtime shall be justified as required by the appointing authority concerned.

(b) All nonexempt and hourly employees in the city service are required to enter their time worked daily in an electronic timekeeping system under their personal login codes or complete a timecard and sign the card for authenticity. This may include requests for paid time off.

(Code 1997, § 82-71; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-89 Computation Generally

Overtime payment is based on the employee's regular rate of pay as defined in the federal Fair Labor Standards Act.

(Code 1997, § 82-72; Ord. No. 42-19-20, § 1, 3-2-2020)

ARTICLE 18-IV LEAVE PROGRAM

Sec 18-107 General Rules Applying To All Leaves Of Absence In This Article
Sec 18-108 Leaves Of Absence Without Pay
Sec 18-109 Training Leave
Sec 18-110 Jury Duty
Sec 18-111 Departmental Leave
Sec 18-112 Special Leave
Sec 18-113 Unauthorized Absence

Sec 18-107 General Rules Applying To All Leaves Of Absence In This Article

(a) *Restrictions on granting*. Leaves of absence shall not be granted to any employee to accept another position or engage in a business venture or to practice a profession or occupation. A leave of absence which has been granted for any other reason shall automatically be terminated should it be found that the employee on such leave has accepted another position or has engaged in a full-time business venture, profession or occupation. These restrictions shall not apply, however, in any of the following situations:

(1) If the employee affected has been appointed or elected to a position in the service of the city, county, state, or the United States.

(2) If the employee in question has been inducted into the Armed Forces of the United States.

(b) *Failure to return or revocation of leave*. Failure to report at the expiration of a leave of absence or if a leave has been disapproved or revoked shall be cause for separation from active employment (termination of employment) unless a justifiable reason is submitted within ten days after the expiration, disapproval or revocation, which is acceptable to the granting authority concerned.

(Code 1997, § 82-91; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-108 Leaves Of Absence Without Pay

The city administrator may authorize special leaves of absence without pay and fringe benefits on the prescribed form for any periods not to exceed three calendar months in

any one calendar year for purposes other than provided in this article that are deemed beneficial to the city service.

(Code 1997, § 82-92; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-109 Training Leave

(a) Leaves of absence with pay may be granted in accordance with subsection (b) of this section for attendance at a college, business school, or training institute for the purpose of training in subjects directly related to the work of the employee and which will benefit the city service.

(b) For the purposes described in subsection (a) of this section, the following time limitations and required approvals apply to training leave:

(1) For periods not to exceed three calendar weeks in any one calendar year, with the approval of the city administrator.

(2) For periods exceeding three calendar weeks, but not exceeding 12 calendar weeks, upon the recommendation of the city administrator, subject to the approval of the finance and personnel committee.

(Code 1997, § 82-93; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-110 Jury Duty

Employees who are subpoenaed and serve on jury duty on an involuntary basis on any days which are scheduled workdays for them shall be excused for the time spent in jury service and will receive pay continuation (not to exceed a total of eight hours per day or 40 hours per week) for the time they actually serve on jury duty, including any time they are required by the court to be immediately available. Employees shall only be eligible for pay continuation on days they are actually ordered to report for jury duty.

(a) The employee must present proof of jury duty service, stating the dates and hours per day served on jury duty.

(b) Other than mileage or meal money, employees shall immediately endorse their check for such jury service over to the finance director/treasurer for deposit into the proper fund.

(c) When the employee is excused for jury service, either temporarily or permanently, the employee shall report back to work within one hour to complete the shift.

(Code 1997, § 82-94; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-111 Departmental Leave

In addition to other leaves authorized by the provisions of this article, a department head may authorize an employee to be absent without pay for personal reasons for periods not to exceed ten working days in any calendar year.

(Code 1997, § 82-95; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-112 Special Leave

The council, upon the recommendation of the city administrator, may grant leaves of absence with or without pay in excess of the provisions of this article for the purpose of attending extended courses of training at a recognized university or college and for other purposes that are deemed beneficial to the city service.

(Code 1997, § 82-96; Ord. No. 42-19-20, § 1, 3-2-2020)

Sec 18-113 Unauthorized Absence

An employee who is absent from duty shall report the reason therefor to the employee's supervisor prior to the date of absence, when possible, and in no case later than 12:00 noon on the first day of absence (emergency situations aside). All unauthorized and unreported absences shall be considered absence without leave and deduction of pay shall be made for the period of absence unless the supervisor approves the absence. Unapproved absences may be made the grounds for disciplinary action, up to and including termination, even on the first offense.

(Code 1997, § 82-97; Ord. No. 42-19-20, § 1, 3-2-2020)

CHAPTER 20 EMERGENCY MANAGEMENT AND SERVICES

ARTICLE 20-I EMERGENCY MANAGEMENT AND SERVICES IN GENERAL
ARTICLE 20-II AMBULANCES
ARTICLE 20-III ALARM SYSTEM MANAGEMENT AND CONTROL

State law references—Emergency management generally, Wis. Stats. ch. 323; local government emergency authority, Wis. Stats. § 323.14; emergency medical services, Wis. Stats. § 256.15.

ARTICLE 20-I EMERGENCY MANAGEMENT AND SERVICES IN GENERAL

Sec 20-1 Declarations Of Local Emergency
Sec 20-2 Chapter Cumulative
Sec 20-3 Notice To Council
Sec 20-4 Emergency Powers; Parking Restrictions During Snow Emergency
Sec 20-5 Time Proclamation Becomes Effective
Sec 20-6 Termination
Sec 20-7 Penalty

Sec 20-1 Declarations Of Local Emergency

(a) Notwithstanding any other provision of law to the contrary, when emergency conditions exist or are likely to exist, an emergency may be declared within the city whenever conditions arise because of a heavy snowstorm, blizzard, flood, riot or other civil commotion and including conditions, without limitation because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the city.

(b) If, because of the emergency conditions, the council is unable to meet with promptness, the mayor or president of the council shall exercise by proclamation all of the powers conferred upon the council which within the discretion of the officer appear necessary and expedient. The proclamation shall be subject to ratification, alteration, modification or repeal by the council as soon as the council can meet, but the subsequent action taken by the council shall not affect the prior validity of the proclamation.

(Code 1975, § 2-370; Code 1997, § 42-101)

State law reference—Local government emergency authority, Wis. Stats. § 323.14.

Sec 20-2 Chapter Cumulative

The provisions of this chapter shall be applicable to all emergencies declared by the common council or proclamations issued by the mayor under Wis. Stats. § 323.14, in

addition to any other emergency powers available to the council and city officers or employees.

(Code 1975, § 2-371; Code 1997, § 42-102; Ord. No. 60-00-01, § 8, 10-2-2000)

Sec 20-3 Notice To Council

After proclamation of an emergency or any order thereunder, the mayor or other person authorized to do so under this article shall forthwith provide for notice thereof to be given to members of the council.

(Code 1975, § 2-373; Code 1997, § 42-103)

Sec 20-4 Emergency Powers; Parking Restrictions During Snow Emergency

(a) The emergency powers of the council or mayor conferred under this article include the general authority to order whatever is necessary and expedient for the health, safety, welfare, and good order of the city in such emergency and shall include, without limitation because of enumeration, the power to designate any public street, thoroughfare, or vehicle parking areas closed to motor vehicles and pedestrian traffic, notwithstanding any provisions of Wis. Stats. chs. 341 through 349 or other provisions of law.

(b) Whenever the powers conferred in this article are exercised because of a heavy snowstorm or blizzard, the following parking restrictions shall be in effect:

(1) All no parking restrictions relating to parking on one side of the street only shall be suspended on all streets during a snow emergency.

(2) Parking of vehicles on designated snow emergency routes, boulevards, cul-de-sacs, and dead ends is completely prohibited during the period of a snow emergency.

(3) When a snow emergency exists, where parking has not been prohibited by subsection (b)(2) of this section, between the hours of 12:00 midnight and 6:00 a.m., vehicles shall only park on the even side of the street (that is west and north sides) on even days, and vehicles shall only park on the odd side of the street (that is, east and south sides) on odd days. Vehicles must still comply with all other parking regulations as to place, other than the suspension of the one-side-parking-only provisions provided in subsection (b)(1) of this section, and time.

(Code 1975, § 2-374; Code 1997, § 42-104; Ord. No. 36-97-98, § 1, 9-3-1996; Ord. No. 31-04-05, § 1, 10-4-2004; Ord. No. 53-10-11, § 2, 3-7-2011; Ord. No. 14-11-12, § 2, 7-5-2011; Ord. No. 25-17-18, § 1, 8-20-2018; Ord. No. 25-18-19, § 1, 11-19-2018; Ord. No. 22-19-20, § 1, 10-21-2019)

Sec 20-5 Time Proclamation Becomes Effective

The proclamation of an emergency provided for by this article shall become effective upon its issuance and dissemination to the public by appropriate local news media.

(Code 1975, § 2-375; Code 1997, § 42-105)

Sec 20-6 Termination

A proclamation or order authorized by this article may be amended or rescinded in like manner by the mayor or other authorized person during the pendency of the emergency conditions but shall cease to be in effect after emergency conditions cease or upon the declaration by the mayor or the mayor's lawful designee that the emergency no longer exists or when superseded by action taken by the council under Wis. Stats. § 166.23(3).

(Code 1975, § 2-376; Code 1997, § 42-106; Ord. No. 60-00-01, § 9, 10-2-2000)

Sec 20-7 Penalty

(a) *Parking violations*. Penalty for parking violations under this article shall be as follows:

(1) The forfeiture for violation of the sections of this article pertaining to the parking restrictions set forth in section 20-4(b)(1) through (3) shall be $50.00. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.

(2) In addition to the penalties provided in subsection (a)(1) of this section, all vehicles parked in violation of section 20-4(b)(1) through (3) will be subject to being removed and disposed of pursuant to section 52-47. A towing fee representing the actual cost of towing and an administration fee of $15.00 will be assessed against each vehicle towed. A person requesting the release of a vehicle must provide proper identification and a receipt showing all outstanding parking citations are paid in full, including the snow emergency citation for which the towing occurred, as well as all towing fees and administration fees assessed.

(b) *Other offenses*. Any person who shall violate any conditions or restrictions imposed pursuant to this article, other than a violation of the parking restrictions in subsection (a) of this section, may be penalized not to exceed a forfeiture of $100.00 or, in default of payment thereof, six months' imprisonment for each separate offense.

(Code 1975, § 2-377; Code 1997, § 42-107; Ord. No. 35-02-03, § 1, 9-16-2002; Ord. No. 99-06-07, § 1, 4-4-2007)

ARTICLE 20-II AMBULANCES

DIVISION 20-II-1 AMBULANCES GENERALLY
DIVISION 20-II-2 LICENSE

State law reference—Municipal authority regarding ambulances and ambulance service generally, Wis. Stats. § 62.133.

DIVISION 20-II-1 AMBULANCES GENERALLY

Sec 20-33 Definitions
Sec 20-34 Penalties
Sec 20-35 Records
Sec 20-36 Equipment
Sec 20-37 Standards Generally
Sec 20-38 Maximum Number Of Patients
Sec 20-39 Speed Limit

Sec 20-33 Definitions

The applicable definitions of Wis. Stats. § 256.15 (except person) are adopted by reference in this section as if fully set forth. In addition, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

In or within the city means on any of the streets, avenues, highways, bridges, alleys, courts, lanes or public places within the corporate limits of the city.

(Code 1975, § 5-1; Code 1997, §§ 42-31, 42-32)

Sec 20-34 Penalties

A violation of this article shall subject the violator to section 1-15.

(Code 1975, § 5-2; Code 1997, § 42-33)

Sec 20-35 Records

Any ambulance service licensed by the city shall maintain a record of all calls made. Such records shall be open to inspection by the chief of police at reasonable times.

(Code 1975, § 5-29; Code 1997, § 42-34)

Sec 20-36 Equipment

Every ambulance shall be equipped, while in service, with those items for the proper care of the sick and injured, while in transit, as are required pursuant to regulations of the state department of transportation and department of health and social services and all

amendments thereto.

(Code 1975, § 5-4; Code 1997, § 42-35)

Sec 20-37 Standards Generally

Every operation of ambulances within the city shall be subject to the following:

(a) Each ambulance shall be kept in a heated garage during the winter months when not in service, and each ambulance operator shall make provision for adequate off-street parking facilities for the operator's vehicles.

(b) Each ambulance shall be decontaminated after transporting a person suffering from contagious diseases.

(c) Each ambulance shall be kept in a clean and sanitary condition.

(d) Each ambulance operator shall provide 24-hour-a-day, seven-day-a-week service, and each ambulance, while in service, shall be staffed by a minimum of two licensed emergency medical technicians. One of the two licensed EMTs may have a training permit issued under Wis. Stats. § 256.15. A person with an EMT license shall be in the patient compartment while transporting a patient. The EMT or a person with a training permit may be replaced by an emergency medical technician-advanced (paramedic) licensed under Wis. Stats. § 256.15, an RN, a physician's assistant or a physician.

(e) The chief of police shall have authority to inspect any ambulance operating within the city at any reasonable time.

(Code 1975, § 5-5; Code 1997, § 42-36)

Sec 20-38 Maximum Number Of Patients

No ambulance shall transport more than three patients at one time unless so directed by the police officers at the scene.

(Code 1975, § 5-7; Code 1997, § 42-37)

Sec 20-39 Speed Limit

No ambulance shall be operated at a speed in excess of 45 miles per hour upon the streets of the city.

(Code 1975, § 5-8; Code 1997, § 42-38)

DIVISION 20-II-2 LICENSE

Sec 20-67 Required
Sec 20-68 Application, Investigation

Sec 20-69 Fees
Sec 20-70 Insurance
Sec 20-71 Issuance
Sec 20-72 Duration
Sec 20-73 Display
Sec 20-74 Transfer

Sec 20-67 Required

No person or such person's agent, servant or employee shall operate, manage or maintain any ambulance within the city, without first obtaining a license from the city. No such license shall be required of the city or any of its departments.

(Code 1975, § 5-22; Code 1997, § 42-66; Ord. No. 60-07-08, § 1, 11-19-2007)

Sec 20-68 Application, Investigation

(a) Application for an ambulance operator's license shall be made to the city clerk. Within 60 days after the application is received by the clerk, the city clerk shall make a complete and thorough investigation as to whether:

(1) The public at the time is adequately served.

(2) The public convenience and necessity require the proposed ambulance service for which the application for license to operate such ambulance is made.

(3) The vehicle proposed to be licensed as an ambulance and the insurance policy furnished comply with this article.

(4) The applicant is a fit and proper person to conduct such a business and has a safe and proper place of business thereof.

(b) In determining whether public convenience and necessity require the licensing of an ambulance for which application for a license may be made, the city clerk shall take into consideration whether the demands of public convenience and necessity require additional ambulance service within the city; financial responsibility of the applicant; the number, kind and type of equipment; the schedule of rates proposed to be charged; the increased traffic congestion upon the streets of the city; the demand for increased parking space upon the streets which will result; whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such license; and such other relevant facts as the city clerk may consider advisable or necessary.

(Code 1975, § 5-23; Code 1997, § 42-67; Ord. No. 7-21-22, § 10, 6-7-2021)

Sec 20-69 Fees

When an applicant for a license required under this division has complied with this article, the city clerk shall issue a license to the applicant for the privilege of operating ambulances within the city. The license fee for the operation of an ambulance service by any person shall be $50.00, plus a $10.00 fee for the registration plate for each ambulance.

(Code 1975, § 5-25; Code 1997, § 42-68)

Sec 20-70 Insurance

(a) Before any license for any ambulance shall be issued and during all of the time such ambulance is operated in the city, the applicant shall file with the city clerk insurance policies, to cover each and every ambulance owned, operated or leased by the applicant, for injury to or death of persons in accidents or under circumstances resulting from any cause for which the owner of the vehicle would be liable on account of any liability imposed on the owner by law, including injury or death to persons arising out of rendering or omission of any professional service by the insured or any employee of the insured, regardless of whether the ambulance was being driven by the owner, owner's agent or lessee, and as against damage to the property of another, including personal property under like circumstances, in amounts at least of $500,000.00 for injury or death of any one person, $500,000.00 for injury or death in any one accident and $50,000.00 for property damage.

(b) Every such policy of insurance shall contain provisions that the liability of the insurer shall continue thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured, and the amount of the insurance shall run to the city for the benefit of any and all such judgment creditors. Every such insurance policy shall extend for the period to be covered by the license applied for and shall further provide that the insurer shall be obligated to give not less than ten days' written notice to the city clerk and to the insured before any cancellation or termination of any such policy earlier than its expiration date. The cancellation or other termination of any such policy shall automatically revoke and terminate the license issued for the ambulances covered by such policy, unless other insurance policies complying with this section shall be provided and be in effect at the time of such cancellation or termination.

(Code 1975, § 5-26; Code 1997, § 42-69)

Sec 20-71 Issuance

A license required under this division shall be issued by the city clerk when the applicant has filed with the clerk a written application under oath, stating:

(a) The make or name of the manufacturer of the ambulances to be used.

(b) The state license number of each ambulance.

(c) The name and address of the owner of each ambulance.

(d) The name and address of every driver and attendant employed by the applicant.

(e) That section 20-70 will be complied with before any ambulance is operated by the licensee.

(Code 1975, § 5-24; Code 1997, § 42-70; Ord. No. 7-21-22, § 11, 6-7-2021)

Sec 20-72 Duration

Each license issued under this division shall permit the holder thereof to operate an ambulance under the terms and provisions of this article for a period of one year, commencing on July 1 of each year.

(Code 1975, § 5-27; Code 1997, § 42-71)

Sec 20-73 Display

A license issued for an ambulance shall be conspicuously displayed thereon.

(Code 1975, § 5-28; Code 1997, § 42-72)

Sec 20-74 Transfer

A license issued under this division for any vehicle may be transferred to another vehicle belonging to the same licensee upon filing with the city clerk an application therefor, duly verified, showing that the vehicle previously licensed has become obsolete or has been sold or destroyed and that such vehicle is no longer to be used for the purposes contemplated in this article. The applicant shall also furnish all the information as to the vehicle proposed to be substituted and all certificates required as upon original licensing. If satisfied that such transfer is in good faith and not for the purpose of evasion, the city clerk shall require the surrender of the former certificate and issue a new one, charging the sum of $1.00, and shall thereupon correct the clerk's records to show such transfer.

(Code 1975, § 5-30; Code 1997, § 42-73)

ARTICLE 20-III ALARM SYSTEM MANAGEMENT AND CONTROL

DIVISION 20-III-1 ALARM SYSTEM MANAGEMENT AND CONTROL GENERALLY (RESERVED)
DIVISION 20-III-2 FIRE ALARMS AND ALARM SYSTEMS
DIVISION 20-III-3 OTHER ALARM SYSTEMS

DIVISION 20-III-1 ALARM SYSTEM MANAGEMENT AND CONTROL GENERALLY

(RESERVED)

DIVISION 20-III-2 FIRE ALARMS AND ALARM SYSTEMS

Sec 20-111 Definitions
Sec 20-112 Purpose
Sec 20-113 Permit Requirements; Code Compliance
Sec 20-114 Fire Alarm Connection Agreement
Sec 20-115 Breach Of Agreement; Cessation Of Service
Sec 20-116 Monitoring Service
Sec 20-117 Devices Prohibited

Sec 20-111 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm business means any business, other than the authorized city public safety communications center monitoring system, operated by a person for profit, which alters, installs, leases, maintains, monitors, replaces, sells, services or responds to a fire alarm or which causes any of these activities to take place.

Alarm system means an assembly of equipment, consisting of devices, single or interconnected, electrically powered and designed to signal the presence of smoke, heat, fire, water flow from a fixed protection system or hazard that requires the immediate response of the fire department.

Alarm user means any person or facility on whose premises an alarm system is maintained within the city except local alarm systems, proprietary alarm systems not directly connected to the city public safety communications center, automatic dialing device or any other system not directly monitored by the city public safety communications center personnel.

Answering service means a telephone answering service providing the service of receiving, on a continuous basis through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the city public safety communications center.

Approved alarm means an alarm system approved by the city public safety communications center supervisor to be connected to the city public safety communications center panel and monitored by a city public safety communications center telecommunicator. Subscribers requesting monitoring services by the city public safety communications center shall be generally limited to building categories and facilities involving industry, manufacturing and warehousing; medical facilities, hospitals, retirement homes, nursing homes; municipally-owned and governed residential facilities within the jurisdiction of the housing authority; municipally-owned buildings, schools and

multiuse retail (mall) facilities and multistory office buildings; and specifically to factory, office, and mercantile buildings of 100,000 cubic feet or larger or three stories or more in height; places of assembly with a building capacity of more than 750 persons or a height of greater than 60 feet or containing a stage requiring a fire curtain; schools and day care centers serving more than 20 persons; residential facilities of three or more stories in height housing more than 20 occupants, with the exception of municipally-owned housing units for the elderly; and health care and nursing home facilities of 15 beds or more without exception.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, which was activated by means other than an intentional act of the alarm user.

Calendar year means January 1 through December 31.

Central station means a system other than the city public safety communications center in which the operators of electrical protection circuits and devices are signaled automatically to, recorded in, maintained and supervised from a central station having trained operators or guards in attendance at all times.

Direct line means a telephone line leading directly from a central station to the city public safety communications center used only to report emergency signals on a person-to-person basis.

False alarm means any of the following:

(a) The accidental or intentional activation of a fire alarm system caused by malice, neglect or fault of the owner or lessee of a fire alarm system or of the owner's employees or agents.

(b) The activation of a fire alarm system through mechanical failure or malfunction because of water system surges, extreme weather conditions, power failures, storms, flooding, tornadoes, or other violent and nonpreventable conditions deemed acts of God.

(c) The activation of an alarm system because of improper design or installation or use of equipment by the alarm business or a continued lack of proper maintenance of the fixed fire protection system that results in continued false alarming.

Local alarm system means a signaling system which, when activated, causes an audible or visual signaling device to be activated in or on the premises within which the system is installed.

Proprietary system means an alarm system sounding or recording alarm and supervisory signals at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes a signal line connected directly to the city public safety communications center, it is thereby classified as an alarm system as defined in this section.

Residential alarm means every alarm system that is designed and installed to protect private living quarters or residences not covered under the definition of the term "approved alarm" in this section.

(Code 1975, § 13.6-2; Code 1997, § 50-626; Ord. No. 89-06-07, § 9, 3-5-2007)

Sec 20-112 Purpose

The primary purpose of this division is to govern the installation and set the standards of maintenance for all automatic fire sprinkler, smoke detector or rate of rise alarm systems or any other fire department approved early warning fire detection system that is monitored by the city public safety communications center.

(Code 1975, § 13.6-1; Code 1997, § 50-627)

Sec 20-113 Permit Requirements; Code Compliance

Installation of alarm systems covered under state statutes, state administrative codes and local ordinances shall be installed by licensed contractors after obtaining proper permits, and in accordance with the National Electrical Code, specifically NFPA chapters 70, 70B, 71, and chapters 72A, 72B, 72C, 72D, 72E, 72F, 72G, 72H; and design and installation codes, specifically NFPA chapters 13 and 13A, and any future amendments, revisions or modifications of such codes as prescribed by state law or rule or this Code.

(Code 1975, § 13.6-3; Code 1997, § 50-628; Ord. No. 34-04-05, § 8, 10-18-2004)

Sec 20-114 Fire Alarm Connection Agreement

(a) *Required*. Every fire alarm user who has been approved by the supervisor of the city public safety communications center for connection to the city public safety communications center panel shall be required to complete a city public safety communications center alarm agreement.

(b) *Application*. A fire alarm user shall complete a fire alarm connection agreement which shall be furnished by the supervisor of the city public safety communications center. The agreement shall be completed in quadruplicate with copies forwarded to the following:

(1) The owner or premises on which an approved alarm system is installed;

(2) The alarm company servicing the system;

(3) The city public safety communications center; and

(4) The city finance director/treasurer.

(c) *Alarm agreement contents*. Alarm agreements shall contain the following:

(1) Name, address and telephone number of the applicant/owner of the approved facility;

(2) Name, address and telephone number of the facility in which the fire alarm system has been or will be installed;

(3) Type of system, i.e., automatic sprinkler, smoke detector, rate of rise, etc.;

(4) Name, address, business telephone and emergency telephone number of the alarm business servicing the system; and

(5) The name, address, telephone and pager telephone number of three authorized persons of the facility in which a fire alarm system is installed, who will respond to a fire alarm signal and are authorized to take responsibility for the fire alarm system and the facility in which such alarm is installed if the alarm system is deemed inoperable or out of service by the shift commander of the fire department.

(d) *Separate alarm agreements*. Separate fire alarm agreements are required for each system approved for connection to the city public safety communications center.

(e) *Fees*. An annual service fee of $500.00 shall be paid to the city finance director/treasurer by the individual alarm user for the monitoring of each of the individual's fire alarm systems connected to the city's public safety communications center panel.

(f) *Term; renewal*. Each alarm agreement shall be valid for the calendar year in which issued and shall be renewed by January 1 of each year. Alarm user fees shall be prorated on a monthly basis or any portion thereof; unused portions of fees shall be refundable. Receipt of the annual payment by the city finance director/treasurer will be deemed an automatic renewal of the alarm agreement already on file.

(Code 1975, § 13.6-6; Code 1997, § 50-629)

Sec 20-115 Breach Of Agreement; Cessation Of Service

(a) *Criteria*. Acceptance of a fire alarm agreement by the city presumes that the applicant has met all criteria relative to the installation and maintenance of the automatic alarm system to be connected to the city public safety communications

panel. Criteria for an approved system shall be as follows:

(1) Proper design and installation by a licensed contractor meeting all codes governing the installation of such systems;

(2) Continued maintenance of the system to prevent false alarming; and

(3) Listing of three responsible persons as shown in section 20-114(c)(5) on the agreement.

(b) *Cessation of service*. Failure to comply with or violation of this division shall constitute a breach of agreement and may warrant a cessation of monitoring service and a disconnection order issued by the supervisor of the city public safety communications center with approval of the common council. Cessation of service may result due to any of the following:

(1) Fraudulent or false statements made on the alarm agreement.

(2) Failure to correct any deficiencies in equipment or operation within 30 days after receipt of notice of deficiency from the supervisor of the city public safety communications center or within a reasonable time if the deficiencies cannot be corrected within 30 days.

(3) Failure to pay annual fees as set forth in section 20-114(e) within 60 days after receiving notice from the city finance department.

(4) Failure of an authorized person to respond to a facility when so requested by the city public safety communications center telecommunicator.

(c) *Notice of disconnection/cessation of services*. No monitoring service shall be disconnected or agreement declared severable until a written notice sent by certified letter is received by the alarm user from the supervisor of the city public safety communications center. A person so notified shall then have 14 days to request in writing a hearing before the next meeting of the licensing, hearings, and public safety committee, who shall rule on the request by the supervisor of the city public safety communications center.

(d) *Application for agreement after disconnection*. An alarm user whose alarm system has been disconnected from the city public safety communications center shall not be precluded under this section from applying for a new agreement, but such person shall be required to meet all criteria and procedures and pay the same fee as any new applicant requesting connection to the city public safety communications center.

(e) *Change of ownership or occupant*. A change of ownership or occupant of a facility connected to the city public safety communications center requires that a certified letter of change and a new agreement be filed with the supervisor of the city public safety communications center. Monitoring services by the city public safety communications center will continue without interruption pending payment

of fees as required in this division.

(Code 1975, § 13.6-7; Code 1997, § 50-630; Ord. No. 37-17-18, § 9, 2-19-2018)

Sec 20-116 Monitoring Service

(a) Monitoring services will be extended only to alarm users within the city who have met the criteria of an approved alarm system as described in section 20-111.

(b) Installation of a fire alarm on the monitoring panel shall be done by an authorized alarm business on a panel designated by the supervisor of the city public safety communications center. Maintenance of such panel shall be done by the authorized agent selected by the city public safety communications center supervisor.

(c) Responsibility for the proper operation of a fire alarm system, including telephone lines, location of system faults or any function other than the actual monitoring of the system, shall be that of the alarm user in which such system is installed or the alarm business servicing the alarm user. The city and its agents are not responsible for, nor will they incur any liability for the installation, proper operation or maintenance of any fire alarm system.

(Code 1975, § 13.6-8; Code 1997, § 50-631)

Sec 20-117 Devices Prohibited

No person shall use, cause or permit to be used any automatic dialing device or attachment to a telephone or television cable that automatically selects, sends or dials a public telephone trunk line of the city public safety communications center and then reproduces a prerecorded message or signal to report a fire or other deemed emergency.

(Code 1975, § 13.6-9; Code 1997, § 50-632)

DIVISION 20-III-3 OTHER ALARM SYSTEMS

Subdivision 20-III-3-I Other Alarm Systems Generally
Subdivision 20-III-3-II Licenses And Permits

Subdivision 20-III-3-I Other Alarm Systems Generally

Sec 20-148 Purpose Of Article
Sec 20-149 Definitions
Sec 20-150 Penalty For Violations Of Article
Sec 20-151 Alarm Devices
Sec 20-152 Compliance With City Electrical Code; Electrical Permit Required
Sec 20-153 Maximum Signaling Time After Activation; Resetting
Sec 20-154 False Alarms; Additional Fees

Sec 20-148 Purpose Of Article

The primary purpose of this article is to reduce the incidence of false burglar and holdup alarms by eliminating those false alarms which are preventable or avoidable. It is also meant to encourage the installation of reliable emergency alarm systems in all structures within the city to provide additional protection to persons and property from fire, crime (including burglary, robbery and vandalism) and such other hazards as may constitute a danger to persons or property. This article is intended to impose standards and requirements for relief from such causes as negligence of the user of an alarm system or of the user's employees operating the system; the negligent maintenance of equipment; or the sale, installation or servicing of alarm systems by unlicensed operators. It is anticipated that such installations will provide a technique of early detection, which will permit the police and fire departments to increase the present level of protection to persons and property.

(Code 1975, § 13.5-1; Code 1997, § 30-31)

Sec 20-149 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm business means any business operated by a person for profit which alters, installs, leases, maintains, monitors, replaces, sells, services or responds to a burglar or holdup alarm system or which causes any of these activities to take place. This includes answering services, central stations, etc.

Alarm system means an assembly of equipment and devices (or a single device such as a solid-state unit which plugs directly into a 110-volt AC line) arranged to signal the presence of a hazard requiring urgent attention to which police are expected to respond. In this article, the term "alarm system" includes the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are defined in this section. Fire alarm systems and alarm systems which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this article and are governed by section 24-37.

Alarm user means any person on whose premises an alarm system is maintained within the city, except for alarm systems on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises (other than a proprietary system), the person using such system is an alarm user. Also excluded from this definition and from the coverage of this article are persons who use alarm systems to alert or signal persons within the premises of an attempted unauthorized intrusion or holdup attempt. If such system, however, employs an audible

signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of alarm system and shall be subject to this article.

Answering service means a telephone answering service providing the service of receiving, on a continuous basis through trained employees, emergency signals from alarm systems and, thereafter, immediately relaying the message by live voice to the communication center of the police department.

Automatic dialing device means an alarm system which automatically sends, over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect, which was activated by means other than an intentional act of the alarm user.

Burglar alarm system means an alarm system signaling an entry or attempted entry into the area protected by the system.

Central station system means a system in which the operator of electrical protection circuits and devices are signaled automatically to, recorded in, maintained and supervised from a central station having trained operators or guards in attendance at all times.

Commercial alarms means all alarm systems that are installed to protect business-type property, that are engaged in selling, distributing, manufacturing, warehousing or managing the property of others such as, but not limited to, banking institutions.

Direct line means a telephone line loading directly from a central station to the communication center of the police department used only to report emergency signals on a person-to-person basis.

False alarm means any of the following:

(a) The accidental or intentional activation of an alarm system caused by malice, neglect or fault of the owner or lessee of an alarm system or of the owner's employees or agents.

(b) The activation of an alarm system through mechanical failure or malfunction because of improper maintenance by the alarm user, to include failure to provide an auxiliary power source such as a battery power pack to maintain current level in event of primary power loss.

(c) The activation of an alarm system because of improper installation or use of equipment by the alarm business.

The foregoing descriptions do not include false alarms caused by hurricanes, tornadoes,

earthquakes or other violent and nonpreventable conditions deemed acts of God.

Holdup alarm system means an alarm system in which the signal transmission is initiated by the action of the robber or employee of the protected premises.

Local alarm system means a signaling system which, when activated, causes an audible or visual signaling device to be activated in or on the premises within which the system is installed.

Proprietary system means an alarm system sounding or recording alarm and supervisory signals at a control center located within the protected premises, the control center being under the supervision of the proprietor of the protected premises. If a proprietary system includes a signal line connected directly to a police service, it thereby becomes an alarm system.

Residential alarms means all alarm systems that are installed to protect the private living quarters or residence only.

(Code 1975, § 13.5-2; Code 1997, § 30-32)

Sec 20-150 Penalty For Violations Of Article

The failure of any person to do any of the following shall constitute a violation of this article punishable and shall, as provided in section 1-15:

(a) Obtain or renew an alarm business license or user permit, if required to do so, as prescribed by this article;

(b) Continue to use an alarm system after the permit has been revoked or expired;

(c) Make any reasonable correction to any alarm system, as requested by the chief of police;

(d) Obey any order of the common council for suspension or revocation of an alarm business license or an alarm user permit after such person has exhausted the person's rights to hearings;

(e) Comply with any provisions of the false alarm portion of this article. Payment of assessed fees shall be completed within 60 days after billing by the city finance director/treasurer;

(f) Comply with any portion of this article.

(Code 1975, § 13.5-13; Code 1997, § 30-33)

Sec 20-151 Alarm Devices

No person shall use, cause or permit to be used any automatic dialing device or

attachment to a telephone or television cable that automatically selects, sends or dials a public telephone trunk line of the police department or fire department emergency communication centers and then reproduces a prerecorded message or signal to report any unlawful act or other deemed emergency.

(Code 1975, § 13.5-12; Code 1997, § 30-34)

Sec 20-152 Compliance With City Electrical Code; Electrical Permit Required

Burglar and holdup alarm units that use direct or alternating current of 24 volts or less shall not come under the jurisdiction of the city electrical code. All such units requiring in excess of 24 volts AC or DC power shall conform, where applicable, to the city electrical regulations and an electrical permit shall be required before beginning any installation.

(Code 1975, § 13.5-3; Code 1997, § 30-35)

Sec 20-153 Maximum Signaling Time After Activation; Resetting

Any alarm system installed within the city that, when activated, causes an audible or visual signal externally of the premises shall signal for a maximum of 30 minutes, after which time the system shall cease all signals, resetting itself for any new activation.

(Code 1975, § 13.5-10; Code 1997, § 30-36)

Sec 20-154 False Alarms; Additional Fees

(a) *Holdup alarms*. The owner, lessee or agent of any holdup alarm device shall be assessed a fee for each false alarm transmitted by such device according to the following scale:

(1) First: $50.00.

(2) Second: $75.00.

(3) Third: $100.00.

(4) Fourth: $125.00.

(5) Fifth: $150.00.

Beginning with the sixth false holdup alarm, the fee for each false transmission shall increase by $50.00 per alarm. Such cost progression shall terminate at the end of each calendar year and then repeat itself. Such fee shall be billed by and paid to the city finance director/treasurer for deposit in the general fund.

(b) *Burglar or intrusion alarms*. After the police department has recorded four false alarms within the calendar year from any one burglar alarm permit holder, it shall notify the permit holder in writing by first class mail of such fact and require the permit holder to submit a report to the police chief within 15 days after receipt of

such notice, stating reasons for such false alarms and what efforts are being made to correct and eliminate the problem. If the permit holder fails to submit such a report within 15 days, the common council shall revoke the user's permit. After the police department has recorded four false alarms in any calendar year, unless the owner by the owner's alarm service can furnish validated, documented proof to the chief of police that corrective measures have been or are being made to rectify a problem that was prevalent due to a recurring equipment malfunction, the owner, lessee or agent of any burglar or intrusion alarm system shall be assessed a fee for each false alarm after four, according to the following scale:

(1) Fifth: $50.00.

(2) Sixth: $70.00.

(3) Seventh: $100.00.

The fee shall be increased by $25.00 for each additional false alarm. However, such repairs shall be completed with the utmost expedience, or the penalty provisions contained herein shall be enforced. Such fee shall be billed by and paid to the city finance director/treasurer for deposit in the general fund.

(c) *Assessment of additional fees*. The additional fees provided for in this section shall be assessed by the city police department upon giving written notice of such fees to the alarm user at the user's last-known address.

(d) *Maximum number of false alarms permitted per year*. Any alarm user for which a permit has been issued shall be allowed a maximum of 12 false alarms in any calendar year. Any alarms in excess of this number may constitute grounds for revocation of such permit by the council.

(Code 1975, § 13.5-11; Code 1997, § 30-37; Ord. No. 29-03-04, § 1, 10-6-2003)

Subdivision 20-III-3-II Licenses And Permits

Sec 20-177 Alarm Business License
Sec 20-178 Transient Merchant Registration Required
Sec 20-179 Alarm User Permit
Sec 20-180 Revocation
Sec 20-181 Monitoring Service For High-Risk Businesses
Sec 20-182 Response Of Permit Holder Required Upon Activation Of Alarm

Sec 20-177 Alarm Business License

(a) *Required*. Any person engaged in an alarm business in the city shall apply to the city clerk's office, on a form to be furnished by the city clerk, for a license to do business and shall not commence doing business until the application is approved and the license is issued.

(b) *Qualifications generally*. Licenses under this section shall be issued only to a United States citizen over 18 years of age of good character, or to duly incorporated organizations, firms or companies.

(c) *Application; contents; fee*. The principal owner, agent or operator of the business shall apply for the alarm business license. Applicants for licenses under this section shall file a sworn application in writing (in duplicate) with the city clerk on a form furnished by the city clerk, which shall give the following information:

(1) Name and complete description of the applicant or officers of a corporation;

(2) Date of birth and date of incorporation;

(3) Where born and where incorporated;

(4) Address (home and business) and name and address of registered agent;

(5) Statement as to whether the applicant has ever been convicted of any felony or crime involving moral turpitude or if the applicant is presently involved in any pending criminal court litigation and, if so, shall fully disclose the nature of the offense, the status or disposition of the matter and the jurisdiction location;

(6) The name, address and telephone number of at least one other person (for a corporate alarm user, at least two persons shall be listed) who can be reached at any time and who is authorized by the corporation or individual to respond to an alarm signal and who can open the premises in which the system is installed.

License applications shall be accompanied by a nonrefundable fee of $50.00 to cover the costs to the city of processing the application and investigating the applicant.

(d) *Investigation by chief of police; issuance*. Except in those instances where an application is made by an incorporated organization, firm or company, upon completion of the application, the city clerk shall furnish the applicant with the original copy of the application. The chief of police shall cause such investigation of the applicant's business and moral character to be made as the chief of police deems necessary for the protection of the public good. If, as a result of such investigation, the applicant's character or business responsibility is found to be questionable, the chief of police shall report the same to the common council, which shall determine whether the application shall be approved or disapproved and return such application to the city clerk, who shall notify the applicant if the application is disapproved.

(e) *Expiration; renewal and fee*. All alarm business licenses shall expire on December 31 in the year issued. The city clerk, upon receiving payment of $25.00 for renewal of any such alarm business license, shall automatically renew the license. No refunds of license fees shall be made. Any application for license

renewal not made by January 15 shall result in the applicant's paying a $50.00 fee, the same as new license applicants, before being granted a license renewal.

(f) *Display upon request*. An alarm business license shall be presented to any police officer or the city clerk upon demand for examination.

(Code 1975, § 13.5-4; Code 1997, § 30-61; Ord. No. 83-97-98, § 1, 11-3-1997)

Sec 20-178 Transient Merchant Registration Required

Any person who intends to pursue the distribution of or sale of alarm systems to businesses or residential locations by direct sales shall register as a transient merchant for each individual so employed in accordance with chapter 14, article VI, division 1.

(Code 1975, § 13.5-5; Code 1997, § 30-62; Ord. No. 78-95-96, § 1, 11-6-1995)

Sec 20-179 Alarm User Permit

(a) *Required*. All alarm users, including local installations, shall be required to have an alarm user's permit. Any alarm system user who operates an alarm system without first obtaining a user's permit as required by this section, who continues to use an alarm system after the permit has been revoked, or who fails to comply with any part of this article shall be subject to the penalty provided in section 20-150.

(b) *Application; contents; duplicate to be filed with police chief*. The alarm user applying for a permit required by this article shall state on the application form, which shall be furnished in duplicate by the city clerk's office, the following:

(1) Name, address and telephone number, and the address of the residence or business in or upon which the alarm system has been or will be installed;

(2) Number of systems for that address;

(3) Type of systems, i.e., burglar or armed robbery;

(4) Terminating point of system:

a. Answering service;

b. Central station, etc.;

c. Direct connection;

d. Local;

e. Proprietary system;

(5) The alarm business selling, installing, monitoring, inspecting, responding

to or maintaining the alarm system;

(6) The name, address and telephone number of at least one other person (for a corporate alarm user, at least two persons shall be listed) who can be reached at any time and who is authorized by the corporation or individual to respond to an alarm signal and who can open the premises in which the system is installed;

(7) The duplicate copy of the application, including all information, shall be furnished by the city clerk's office to the police chief, where it shall be kept on file in the shift commander's office.

(c) *Separate permit required for each type of alarm; limitation on number issued*. Alarm users who install a burglar and a holdup alarm system at the same location shall be required to obtain a permit for each type of system installed. No more than one burglar and one holdup alarm permit shall be issued for any one commercial location or address. No more than one burglar alarm permit shall be issued for any one residential location or address.

(d) *Types of permits; fees*. There shall be a permit fee paid to the city clerk at the time of filing an application, as follows:

(1) *Commercial permits*. Twenty-five dollars for one alarm permit issued or renewed and $10.00 for the second burglar or holdup alarm permit issued or renewed for the same location or address. Sister or branch organizations of the parent company shall obtain the permit under this section and shall be assessed $15.00 for each permit issued (applicable only to those within the city limits). Automatic teller machines equipped with alarms shall be assessed $15.00 for each permit issued (applicable only to those within the city limits).

(2) *Residential or private property permits*. Ten dollars for the initial permit and $10.00 each time it is renewed. No permit fees shall be refunded.

(e) *Display upon request*. Permits shall be presented by the holder for examination whenever requested by a police officer or the city clerk.

(Code 1975, § 13.5-6; Code 1997, § 30-63; Ord. No. 78-95-96, § 2, 11-6-1995; Ord. No. 73-99-00, § 1, 12-20-1999)

Sec 20-180 Revocation

(a) *Refusal to grant and grounds for revocation*. In addition to any penalties which may be imposed for the violation of certain provisions of this article, the common council may, pursuant to the provisions of this section, refuse to grant or may revoke the license of an alarm business or an alarm user's permit on any of the following grounds:

(1) Fraud or willful, knowing misrepresentation or false statements made on the application for such license or user's permit.

(2) Fraud or willful, knowing misrepresentation or false statements made in the conduct of an alarm business.

(3) Failure to correct any deficiencies in the equipment or operation within 30 days after receipt of notice of such deficiencies from the chief of police, or within a reasonable time, if the deficiencies cannot be corrected within 30 days.

(4) Failure to pay any fees assessed or penalties set forth in section 20-150 or 20-154, for a period of 60 days after receiving notice of the same or from the date assessed by the court, whichever comes first.

(5) Any system which fails to comply with section 20-153 shall be subject to the revocation of the user permit by the council.

(6) Two separate convictions for violations of any portion of this article in any one calendar year; date of violation, and not the date of conviction, shall be the determining criterion used.

Any revocation of an alarm user's permit that would be in conflict with the Federal Bank Protection Act of 1968, as amended, shall not apply to those permit holders.

(b) *Notification of licensee or permit holder; right of hearing*. No license or user's permit shall be revoked until a written notice is received by the licensee or permit holder from the chief of police. Those so notified shall then have ten days to request, in writing, a hearing before the next meeting of the licensing, hearings, and public safety committee, who shall then rule on the revocation request by the chief of police or the chief's authorized representative.

(c) *Application for new permit or license after revocation*. An alarm business or user whose license or permit has been revoked shall not be precluded under this section from applying for a new permit or license but shall be required to follow the same procedures and pay the same fees as any new applicant for a license or permit.

(Code 1975, § 13.5-7; Code 1997, § 30-64; Ord. No. 69-03-04, § 2, 3-15-2004; Ord. No. 37-17-18, § 8, 2-19-2018)

Sec 20-181 Monitoring Service For High-Risk Businesses

(a) *Maintenance of monitoring board; responsibility for costs*. The city police department may monitor alarm services installed primarily in lending institutions and high-risk business establishments within the city. Such alarms and monitoring boards are installed in the city police department and shall be

maintained by the installing agent. All arrangements, installation and maintenance expenses incurred for such installation are the responsibility of the establishment seeking such services.

(b) *Application for placement on board*. A formal application for placement onto the city police department monitor board must be obtained in the office of the chief of police. The form shall be completed and returned to the office of the chief of police for acceptance or rejection of the monitor service. If the application is approved and the necessary fee paid, monitor service will begin upon completion of installation service. Automatic renewals for the monitor board are made upon payment of the total annual fee.

(c) *Annual fee; payment*. Costs for such monitor service to the individual establishment shall be $500.00 per year, payable to the city on January 1 of each year. If, five days after written notice is given by the city or any of its departments that the annual fee remains unpaid, the city police department shall disconnect the establishment from the monitoring board.

(Code 1975, § 13.5-8; Code 1997, § 30-65; Ord. No. 36-98-99, § 1, 8-3-1998)

Sec 20-182 Response Of Permit Holder Required Upon Activation Of Alarm

Each time an alarm is activated, the permit holder or permit holder's agent shall respond at once to the scene of the activation when so requested by the police or be subject to the penalty provided in section 20-150.

(Code 1975, § 13.5-9; Code 1997, § 30-66)

CHAPTER 22 ENVIRONMENT

ARTICLE 22-I ENVIRONMENT IN GENERAL (RESERVED)
ARTICLE 22-II CONSTRUCTION SITE EROSION CONTROL
ARTICLE 22-III POST-CONSTRUCTION STORMWATER MANAGEMENT

ARTICLE 22-I ENVIRONMENT IN GENERAL (RESERVED)

ARTICLE 22-II CONSTRUCTION SITE EROSION CONTROL

DIVISION 22-II-1 CONSTRUCTION SITE EROSION CONTROL GENERALLY
DIVISION 22-II-2 PERMITS
DIVISION 22-II-3 ADMINISTRATION AND ENFORCEMENT

DIVISION 22-II-1 CONSTRUCTION SITE EROSION CONTROL GENERALLY

Sec 22-19 Authority
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Sec 22-28 Maintenance Of Control Measures
Sec 22-29 Erosion And Pollutant Control During Construction And Development; Erosion And Sediment Control Requirements
Sec 22-30 Control Plans, Statements And Amendments

Sec 22-19 Authority

This article is adopted under the authority granted by Wis. Stats. § 62.234 and applies to land disturbing construction activities and land developing activities on land within the boundaries and jurisdiction of the city. The state department of natural resources' Construction Site Best Management Practice Handbook is adopted by reference and shall become a part of this article, a copy of which shall be kept on file in the offices of the city building inspector and public works/engineering.

(Ord. No. 39-03-04, § 1(1.1), 10-20-2003)

Sec 22-20 Findings

The city finds runoff and erosion from land developing activities and land disturbing construction activities greatly impacts the amount of sediment and other pollutants that enter the waters and rights-of-way of the state and the city.

(Ord. No. 39-03-04, § 1(1.2), 10-20-2003)

Sec 22-21 Purpose

It is the purpose of this article to preserve the natural resources; to protect the quality of the waters of the state and the city; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land developing activities and land disturbing construction activities to lakes, streams and wetlands.

(Ord. No. 39-03-04, § 1(1.3), 10-20-2003)

Sec 22-22 Applicability

(a) This article applies to the following land developing or land disturbing construction activities within the boundaries and jurisdiction of the city, except as provided under subsection (b) of this section:

(1) A construction site which has one or more acres of land disturbing construction activity;

(2) Those activities requiring a subdivision plat approval;

(3) Those activities requiring a certified survey map approval;

(4) Those activities involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing construction activity affecting surface area of 4,000 square feet or more;

(5) Those activities involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation of fill material;

(6) Those activities involving street, highway, road or bridge construction, enlargement, relocation or reconstruction;

(7) Those activities involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

(b) This article does not apply to the following:

(1) Land disturbing construction activity that includes the construction of a building;

(2) A construction project that is exempted by federal statutes or regulations from the requirement to have a National Pollutant Discharge Elimination System (NPDES) permit issued under 40 CFR, part 122, for land disturbing construction activity;

(3) Nonpoint discharges from agricultural facilities and practices;

(4) Nonpoint discharges from silviculture activities;

(5) Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility;

(6) Activities conducted by a state agency, as defined under Wis. Stats. § 227.01, but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33.

(c) Notwithstanding the applicability requirements in subsection (a) of this section, this article applies to construction sites of any size that, in the opinion of the city engineer are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(Ord. No. 39-03-04, § 1(2.1), 10-20-2003)

Sec 22-23 Interpretation

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(Ord. No. 39-03-04, § 1(2.2), 10-20-2003)

Sec 22-24 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural land use means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

BMPH means the Construction Site Best Management Practice Handbook, WDNR Pub. WR-222, November 1993 Revision.

Best management practice or BMP means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Commercial land use means use of land for the retail or wholesale sale of goods or services.

Construction site control measure means a control measure used to meet the requirements of section 22-29.

Control measure means a practice or combination of practices to control soil erosion and attendant pollution.

Erosion means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

Erosion and sediment control plan means a written plan of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this article submitted by the applicant for review and approval by the department of public works/engineering for development of greater than one acre or multiple lots.

Erosion control plan statement means a written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this article submitted by the applicant for review and approval by the department of public works/engineering, for developments of up to one acre or single lot, except for one- and two-family dwelling units.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Land developing activity means the construction of utilities, roads, parking lots, paved storage areas and similar facilities.

Land disturbing construction activity means any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including, agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

Land user means any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of the land.

Landowner means any person holding title to or having an interest in land.

Responsible party means any entity holding fee title to the property or performing services to meet the performance standards of this article through a contract or other agreement.

Runoff means the rainfall, snowmelt or irrigation water flowing over the round surface.

Sediment means settleable solid material that is transported by runoff, suspended within

runoff or deposited by runoff away from its original location.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity or land developing activity is proposed in the permit application.

Stop work order means an order issued by the city engineer or building inspector which requires that all construction activity on the site be stopped.

Ten-year 24-hour design storms means the rain intensities and rain volumes as described in the BMPH.

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

(Ord. No. 39-03-04, § 1(3.0), 10-20-2003)

Sec 22-25 Erosion, Sediment And Other Pollutant Control Standards

(a) BMPs that, by design, achieve to the maximum extent practicable a reduction of 80 percent of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80 percent sediment reduction to meet the requirements of this subsection. Erosion and sediment control BMPs may be used alone or in combination to meet the requirements of this subsection. Credit toward meeting the sediment reduction shall be given for limiting the duration or area, or both, of land disturbing construction activity, or other appropriate mechanism.

(b) Notwithstanding subsection (a) of this section, if BMPs cannot be designed and implemented to reduce the sediment load by 80 percent, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80 percent reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

(c) Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

(1) Prevent tracking of sediment from the construction site onto roads and other paved surfaces.

(2) Prevent the discharge of sediment as part of site dewatering.

(3) Protect the separate storm drain inlet structure from receiving sediment.

(4) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed to prevent their entrance into waters of the state. However, projects that require the placement of these materials in waters of the state, such as

constructing bridge footings or BMP installations, are not prohibited by this section.

(Ord. No. 39-03-04, § 1(4.1), 10-20-2003)

Sec 22-26 Control Measures And Standards

All control measures required to comply with this article shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the BMPH and the city.

(Ord. No. 39-03-04, § 1(4.2), 10-20-2003)

Sec 22-27 Other Standards

Other technical standards not identified or developed in section 22-25, may be used, provided that the methods have been approved by the department of public works/engineering.

(Ord. No. 39-03-04, § 1(4.3), 10-20-2003)

Sec 22-28 Maintenance Of Control Measures

All sedimentation basins and other control measures necessary to meet the requirements of this article shall be maintained by the applicant or subsequent landowner during the period of the land disturbing construction activity or land developing activity of the site up until the site has undergone final stabilization in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions (identified in the BMPH). The standards for maintenance of control measures shall be as set forth in the BMPH as adopted by reference by the city.

(Ord. No. 39-03-04, § 1(5.0), 10-20-2003)

Sec 22-29 Erosion And Pollutant Control During Construction And Development; Erosion And Sediment Control Requirements

The following requirements shall be met on all sites described in section 22-22:

(a) *Site dewatering*. Water pumped from the site shall be treated by control measures specified in the BMPH. Water may not be discharged in a manner that causes erosion of the site, adjacent sites or receiving channels. Untreated water may not be pumped directly into a sewer which drains directly to a receiving body of water.

(b) *Waste and material disposal*. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous

materials) shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.

(c) *Tracking*. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways, as specified in BMPH. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.

(d) *Drain inlet protection*. All storm drain inlets downstream shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.

(e) *Site erosion control*. The criteria set out in subsections (a) through (d) of this section apply only to land developing or land disturbing construction activities that result in runoff leaving the site:

(1) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described in subsection (e)(3)c of this section. Sheet flow runoff from adjacent areas greater than 19,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 feet per second across the disturbed area for the ten-year 24-hour design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels (note: U.S. Department of Agriculture Soil Conservation Service guidelines for allowable velocities in different types of channels shall be followed).

(2) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

(3) Runoff from the entire disturbed area on the site shall be controlled by meeting either subsection (e)(3)a and b or (e)(3)a and c of this section:

a. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding (required from April 15 to September 15) or by mulching or covering or other equivalent control measure;

b. For sites with ten or more acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall be designed and constructed as specified in the BMPH;

c. For sites with less than ten acres disturbed at one time, filter fences, straw bales and sediment traps or equivalent control measures shall be placed along all sideslope and downslope

sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

(4) Runoff from sites with slopes of 12 percent or more may require additional or different controls than listed in subsection (e)(3) of this section. Requirements for such slopes shall be as specified by the department of public works/engineering.

(5) Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps, filter fabric fences or straw bale fences. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or filter fence barriers around the pile. In-street utility repair or construction soil or dirt storage located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable filter alternative control, if exposed for more than seven days, and downstream storm drain inlets must be protected with straw bale or other appropriate filtering barriers.

(Ord. No. 39-03-04, § 1(6.0), 10-20-2003)

Sec 22-30 Control Plans, Statements And Amendments

(a) *Approval of an erosion and sediment control plan and permit required*. No landowner or land user may commence a land disturbing construction activity or land developing activity subject to this article without receiving prior approval of an erosion and sediment control plan for the site and a permit from the department of public works/engineering. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing construction activity or land developing activity subject to this article shall submit an application for a permit and control plan and pay an application fee to the city. By submitting an application, the applicant is authorizing the city building inspector's office and department of public works/engineering personnel to enter the site to obtain information required for the review of the control plan.

(b) *Content of the erosion and sediment control plan for land disturbing construction activities and land development activities covering one or more acres*. The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The plan shall include, at minimum, the following items:

(1) *Existing site map*. A map of existing site conditions on a scale of at least one inch equals 100 feet and at a contour interval not to exceed five feet

showing the site and an immediately adjacent area extending a minimum of 200 feet in each direction, including:

a. Site boundaries and adjacent lands which accurately identify the site location;

b. Lakes, streams, wetlands, channels, ditches and other watercourses on the site or within 1,000 feet;

c. 100-year floodplain, flood fringes and floodway;

d. Location of the predominant soil types;

e. Vegetative cover;

f. Location and dimensions of stormwater drainage systems and natural drainage patterns on the site;

g. Locations and dimensions of utilities, structures, roads, highways and paving;

h. Site topography at a contour interval not to exceed five feet; and

i. Primary or secondary environment corridors or other areas of significance.

(2) *Plan of final site conditions*. A plan of final site conditions on the same scale as the existing site map showing the site changes.

(3) *Site construction plan*. A site construction plan, including:

a. Locations and dimensions of all proposed land disturbing construction activity and land developing activity;

b. Locations and dimensions of all temporary soil or dirt stockpiles;

c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this article;

d. Schedule of anticipated starting and completion date of each land disturbing construction activity or land developing activity including the installation of construction site control measures needed to meet the requirements of this article;

e. The sequence of construction of the development site, including stripping and clearing, rough grading, utility installation, construction of infrastructure and buildings and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent

vegetation; and

f. Provisions for maintenance of the construction site control measures during construction.

(4) *Plan performance standards*. The plan shall include the control measures that will be used to achieve the performance standards set forth in section four of this article.

(5) *Runoff coefficient estimates*. Estimates including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed.

(6) *Runoff coefficient calculations*. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.

(7) *Soil report*. Existing data describing the surface soil as well as subsoils.

(8) *Controls and measures*. Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

a. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

b. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the director, structural measures shall be installed on upland soils.

c. Trapping of sediment in channelized flow.

d. Staging construction to limit bare areas subject to erosion.

e. Protection of downslope drainage inlets where they occur.

f. Minimize tracking at all sites.

g. Clean up of off-site sediment deposits.

h. Proper disposal of building and waste materials in all sites.

i. Stabilization of drainageways.

j. Control of soil erosion from dirt stockpiles.

k. Installation of permanent stabilization practices as soon as possible after final grading.

l. Minimization of dust to the maximum extent practicable.

(c) *Content of erosion control plan statement for land disturbing construction activities and land developing activities covering up to one acre*. An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of this article. The plan statement shall be filed at the time of building permit application.

(d) *Amendments*. The applicant shall amend the plan if any of the following occur:

(1) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan;

(2) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff;

(3) The department of public works/engineering notifies the applicant of changes needed in the plan.

(e) *Fees*.

(1) *One- and two-family residential*. The appropriate fees as set forth in section 12-32 shall be submitted at the time of permit issuance.

(2) *Commercial, industrial and multifamily*. The appropriate fees as established by the common council by resolution shall be submitted at the time of permit issuance.

(Ord. No. 39-03-04, § 1(7.0), 10-20-2003; Ord. No. 60-04-05, § 1, 2-21-2005)

DIVISION 22-II-2 PERMITS

Sec 22-49 Permit Required
Sec 22-50 Permit Application And Fees
Sec 22-51 Review Of Plans
Sec 22-52 Permits
Sec 22-53 Fees

Sec 22-49 Permit Required

No responsible party may commence a land disturbing construction activity subject to this article without receiving prior approval of an erosion and sediment control plan for the site and a permit from the department of public works/engineering.

(Ord. No. 39-03-04, § 1(8.1), 10-20-2003)

Sec 22-50 Permit Application And Fees

At least one responsible party desiring to undertake a land disturbing construction activity subject to this division shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 22-30. By submitting an application, the applicant is authorizing the department of public works/engineering to enter the site to obtain information required for the review of the erosion and sediment control plan.

(Ord. No. 39-03-04, § 1(8.2), 10-20-2003)

Sec 22-51 Review Of Plans

Within 45 days of receipt of the application, erosion and sediment control plan (or erosion control plan statement) and fee, the department of public works/engineering shall review the application and control plan to determine if the requirements of this article are met. The city engineer shall review all erosion and sediment control plans for compliance with this article. If the requirements of this article are met and the city engineer has approved the erosion and sediment control plan, the city engineer shall approve the plan, inform the applicant and issue a permit. If the requirements of this article are not met, the city engineer shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the city engineer shall again determine if the plan meets the requirements of this article. If the plan is disapproved, the city engineer shall inform the applicant in writing of the reasons for the disapproval.

(Ord. No. 39-03-04, § 1(8.3), 10-20-2003)

Sec 22-52 Permits

(a) *Duration*. Permits shall be valid for a period of 180 days from the date of issuance, or the length of the building permit or other construction authorizations, whichever is longer. The city engineer may extend the period one or more times for up to an additional 180 days. The city engineer may require additional control measures as a condition of extension if they are necessary to meet the requirements of this article.

(b) *Surety bond*. As a condition of approval and issuance of the permit, the city engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any

permit conditions, in the amount necessary to implement the approved control plan.

(c) *Permit conditions*. All permits shall require the permitted to:

(1) Notify the building inspector or city engineer within 48 hours of commencing any land disturbing construction activity or land developing activity;

(2) Notify the building inspector or city engineer of completion of any control measures within 14 days after their installation;

(3) Obtain permission in writing from the city engineer prior to modifying the control plan;

(4) Install all control measures as identified in the approved control plan;

(5) Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan;

(6) Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or land disturbing construction activities;

(7) Inspect the construction control measures within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week make needed repairs;

(8) Allow the building inspector or city engineer to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan; and

(9) Keep a copy of the control plan on the site.

(d) *Conditions on permits*. Permits issued under this section may include conditions established by the department of public works/engineering in addition to the requirements set forth in subsection (c) of this section where needed to ensure compliance with the performance standards in sections 22-25 through 22-30.

(e) *Maintenance*. The responsible party throughout the duration of the construction activities shall maintain the BMPs necessary to meet the requirements of this article until the site has undergone final stabilization.

(Ord. No. 39-03-04, § 1(8.4), 10-20-2003)

Sec 22-53 Fees

The appropriate fees as set forth in section 12-32 shall be submitted at the time of permit issuance.

(Ord. No. 39-03-04, § 1(8.5), 10-20-2003)

DIVISION 22-II-3 ADMINISTRATION AND ENFORCEMENT

Sec 22-80 Inspection Of Erosion Control
Sec 22-81 Inspection Of Construction Sites
Sec 22-82 Stop Work And Cease-And-Desist Orders
Sec 22-83 Appeals

Sec 22-80 Inspection Of Erosion Control

The department of public works/engineering shall be responsible for permitting and inspection of erosion control on public projects and work in the public right-of-way. The building inspection department shall be responsible for inspection and erosion control on private lands.

(Ord. No. 39-03-04, § 1(9.1), 10-20-2003)

Sec 22-81 Inspection Of Construction Sites

The building inspector or city engineer shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least two times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing construction activities or land developing activities are being carried out without a permit, the building inspector shall enter the land pursuant to the provisions of Wis. Stats. § 66.0119(1) through (3).

(Ord. No. 39-03-04, § 1(9.2), 10-20-2003)

Sec 22-82 Stop Work And Cease-And-Desist Orders

(a) The building inspector or city engineer may post a stop work order if:

(1) Any land disturbing construction activity or land developing activity regulated under this article is being undertaken without a permit;

(2) The control plan is not being implemented in a good faith manner; or

(3) The conditions of the permit are not being met.

(b) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the control plan or permit conditions within 24 hours, the building inspector or city engineer may revoke the permit.

(c) If the landowner or land user where no permit has been issued does not cease the activity within 24 hours, or if a responsible party violates a stop work order posted under subsection (a) of this section, the building inspector or city engineer may request the city attorney to obtain a cease-and-desist order in any court with

jurisdiction.

(d) Forty-eight hours after posting a stop work order, the building inspector may issue a notice to the responsible party or landowner or land user of the city's intent to perform work necessary to comply with this article. The city engineer may go on the land and commence the work 48 hours after issuing the notice of intent. The costs of the work performed under the supervision of the city engineer, plus interest at the rate authorized by the city shall be billed to the responsible party or the landowner. In the event a responsible party or landowner fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Wis. Stats. § 66.0627.

(e) In the event of emergency conditions, as deemed by the building inspector or city engineer, whatever measures are necessary to bring the site into compliance shall be taken and all costs involved shall be paid by the responsible party.

(f) Compliance with the provisions of this article may also be enforced by injunction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunction proceedings.

(g) Any person violating any of the provisions of this article shall be subject to a forfeiture of not less than $50.00 nor more than $1,000.00, together with the costs of prosecution for each violation and, in default of payment of such forfeiture and costs, to imprisonment in the county jail until the forfeiture and costs are paid, but not in excess of 40 days for each offense. Each day a violation exists shall constitute a separate offense.

(Ord. No. 39-03-04, § 1(10.0), 10-20-2003)

Sec 22-83 Appeals

(a) *Board of zoning appeals*. Pursuant to Wis. Stats. § 62.234(4)(b), the board of zoning appeals established under section 105-1011:

(1) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the building inspector or city engineer in administering this article, except for cease-and-desist orders obtained under section 22-82(c);

(2) Upon appeal may authorize variances from the provisions of this article which are not contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and

(3) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(b) *Who may appeal*. Appeals to the board of zoning appeals may be taken by any

aggrieved person or by any officer, department, board or bureau of the city affected by a decision of the building inspector or city engineer within 20 days of such decision.

(Ord. No. 39-03-04, § 1(11.0), 10-20-2003)

ARTICLE 22-III POST-CONSTRUCTION STORMWATER MANAGEMENT

Sec 22-110 Authority
Sec 22-111 Findings Of Fact
Sec 22-112 Purpose And Intent
Sec 22-113 Applicability And Jurisdiction
Sec 22-114 Definitions
Sec 22-115 Technical Standards
Sec 22-116 Performance Standards
Sec 22-117 Permitting Requirements
Sec 22-118 Stormwater Management Plan
Sec 22-119 Maintenance Agreement
Sec 22-120 Financial Guarantee
Sec 22-121 Fee Schedule
Sec 22-122 Enforcement
Sec 22-123 Appeals

Sec 22-110 Authority

(a) This article is adopted by the city under the authority granted by Wis. Stats. § 62.234. Except as otherwise specified in Wis. Stats. §§ 62.234 and 62.23, applies to this article and to any amendments to this article.

(b) The provisions of this article are deemed not to limit any other lawful regulatory powers of the city.

(c) The common council hereby designates the director of public works, or the director's designee, as the administering authority to administer and enforce the provisions of this article.

(d) The requirements of this article do not preempt more stringent stormwater management requirements that may be imposed by any of the following:

(1) State department of natural resources administrative rules, permits or approvals including those authorized under Wis. Stats. §§ 281.16 and 283.33.

(2) Targeted nonagricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004.

(Ord. No. 45-04-05, § 1(1), 11-15-2004)

Sec 22-111 Findings Of Fact

The common council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(d) Reduce the quality of groundwater by increasing pollutant loading.

(e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainageways and other minor drainage facilities.

(f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

(g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

(Ord. No. 45-04-05, § 1(2), 11-15-2004)

Sec 22-112 Purpose And Intent

(a) *Purpose*. The general purpose of this article is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases

in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(b) *Intent*.

(1) It is the intent of the common council that this zoning ordinance regulates post-construction stormwater discharges to waters of the state. This article may be applied on a site-by-site basis. The common council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this article is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale.

(2) Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Wis. Stats. § 281.16, for regional stormwater management measures and have been approved by the common council, it is the intent of this article that the approved plan be used to identify post-construction management measures acceptable for the community.

(Ord. No. 45-04-05, § 1(3), 11-15-2004)

Sec 22-113 Applicability And Jurisdiction

(a) *Applicability*.

(1) Where not otherwise limited by law, this article applies after final stabilization to a site of land disturbing construction activity meeting any of the criteria in this subsection, unless the site is otherwise exempt under subsection (b) of this section:

a. A post construction site that had five or more acres of land disturbing construction activity.

b. A post-development construction site that had one or more acres of land disturbing construction activity after March 10, 2003.

c. A post-construction site that had more than 1,000 square feet but less than one acre of land disturbing activity shall be required to obtain a permit under this article but shall only be required to comply with the performance standards contained in section 22-116(c)(2) regarding peak discharges unless otherwise required by the administering authority.

(2) A site that meets any of the criteria in this subsection is exempt from the requirements of this article:

a. A redevelopment post-construction site with no increase in exposed parking lots or roads.

b. A post-construction site with less than ten percent connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.

c. Nonpoint discharges from agricultural facilities and practices.

d. Nonpoint discharges from silviculture activities.

e. Routine maintenance for project sites under five acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

f. Underground utility construction such as water, sewer and fiberoptic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.

(3) Notwithstanding the applicability requirements in subsection (a)(1) of this section, this article applies to post-construction sites of any size that, in the opinion of the public works director, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(b) *Jurisdiction.* This article applies to post construction sites within the boundaries and jurisdiction of the city, as well as all lands located within the extraterritorial zoning jurisdiction of the city, even if plat approval is not involved.

(c) *Exclusions*. This article is not applicable to activities conducted by a state agency, as defined under Wis. Stats. § 227.01(1), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Wis. Stats. § 281.33(2).

(Ord. No. 45-04-05, § 1(4), 11-15-2004)

Sec 22-114 Definitions

The following words and phrases when used in this article shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Administering authority means the public works director, or designee, that is designated by the common council to administer this article.

Agricultural facilities and practices has the meaning given in Wis. Stats. § 281.16.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical.

Best management practice or BMP means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

Business day means a day the office of the administering authority is routinely and customarily open for business.

Cease-and-desist order means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

Combined sewer system means a system for conveying both sanitary sewage and stormwater runoff.

Connected imperviousness means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

Construction site means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

Development means residential, commercial, industrial or institutional land uses and associated roads.

Division of land has the meaning given in section 103-4.

Effective infiltration area means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

Exceptional resource waters means waters listed in Wis. Admin. Code § NR 102.11.

Extraterritorial means the unincorporated area within three miles of the corporate limits of the city.

Final stabilization means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.

Financial guarantee means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the administering authority by the responsible party to ensure that requirements of this chapter are carried out in compliance with the stormwater management plan.

Impervious surface means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

In-fill area means an undeveloped area of land located within existing development.

Infiltration means the entry of precipitation or runoff into or through the soil.

Infiltration system means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or roadside channels signed for conveyance and pollutant removal only.

Karst feature means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Land disturbing construction activity means any manmade alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

Maintenance agreement means a legal document that provides for long-term maintenance of stormwater management practices.

Maximum extent practicable (MEP) means a level of implementing best management practices in order to achieve a performance standard specified in this article which takes

into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

New development means development resulting from the conversion of previously undeveloped land or agricultural land uses.

Off-site means located outside the property boundary described in the permit application.

On-site means located within the property boundary described in the permit application.

Ordinary high-water mark has the meaning given in Wis. Admin. Code § NR 115.03(6).

Outstanding resource waters means waters listed in Wis. Admin. Code § NR 102.10.

Percent fines means the percentage of a given sample of soil, which passes through a No. 200 sieve.

Performance standard means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit means a written authorization made by the administering authority to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Permit administration fee means a sum of money paid to the administering authority by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

Pervious surface means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that are typically pervious.

Pollutant has the meaning given in Wis. Stats. § 283.01(13).

Pollution has the meaning given in Wis. Stats. § 281.01(10).

Post-construction site means a construction site following the completion of land disturbing construction activity and final site stabilization.

Pre-development condition means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Preventive action limit has the meaning given in Wis. Admin. Code § NR 140.05(17).

Redevelopment means areas where development is replacing older development.

Responsible party means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction stormwater BMPs.

Runoff means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

Separate storm sewer means a conveyance or system of conveyances, including roads with drainage systems, streets, catchbasins, curbs, gutters, ditches, constructed channels or storm drains, which meet all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.

(b) Is not part of a combined sewer system.

(c) Is not draining to a stormwater treatment device or system.

(d) Discharges directly or indirectly to waters of the state.

Site means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

Stop work order means an order issued by the administering authority which requires that all construction activity on the site be stopped.

Stormwater management plan means a comprehensive plan designed to reduce the discharge of pollutants from stormwater after the site has undergone final stabilization following completion of the construction activity.

Stormwater management system plan is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Technical standard means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

Top of the channel means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

TR-55 means the federal department of agriculture's Urban Hydrology for Small Watersheds, second edition, technical release 55, June 1986.

Type II distribution means a rainfall type curve as established in the United States

Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973. The Type II curve is applicable to all of the state and represents the most intense storm pattern.

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

(Ord. No. 45-04-05, § 1(5), 11-15-2004)

Sec 22-115 Technical Standards

The following methods shall be used in designing the water quality, peak flow shaving, and infiltration components of stormwater practices needed to meet the water quality standards of this article:

(a) Technical standards identified, developed or disseminated by the state department of natural resources under Wis. Admin. Code ch. NR 151, subch. V.

(b) Where technical standards have not been identified or developed by the state department of natural resources, other technical standards may be used, provided that the methods have been approved by the administering authority.

(c) In this article, the following year and location has been selected as average annual rainfall: Milwaukee, 1969 (March 28 through December 6).

(Ord. No. 45-04-05, § 1(6), 11-15-2004)

Sec 22-116 Performance Standards

(a) *Responsible party*. The responsible party shall implement a post-construction stormwater management plan that incorporates the requirements of this section.

(b) *Plan*. A written stormwater management plan in accordance with section 22-118 shall be developed and implemented for each post-construction site.

(c) *Requirements*. The plan required under subsection (b) of this section shall include the following:

(1) *Total suspended solids*. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

a. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80 percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80 percent total suspended solids reduction to meet the requirements of this article.

b. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40 percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40 percent total suspended solids reduction to meet the requirements of this article.

c. For in-fill development under five acres that occurs within ten years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 40 percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40 percent total suspended solids reduction to meet the requirements of this article.

d. For in-fill development that occurs ten or more years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 80 percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80 percent total suspended solids reduction to meet the requirements of this article.

e. Notwithstanding subsections (c)(1)a to d of this section, if the design cannot achieve the applicable total suspended solids reduction specified, the stormwater management plan shall include a written and site-specific explanation why that level of reduction is not attained, and the total suspended solids load shall be reduced to the maximum extent practicable.

(2) *Peak discharge*.

a. By design, BMPs shall be employed to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to predevelopment conditions for the two-year, 24-hour design storm applicable to the post-construction site. At a minimum, the post-construction site shall detain the ten-year, 24-hour design storm released at the two-year, 24-hour predevelopment peak discharge rate. Rainfall data applicable to this section shall be taken from The Rainfall Frequency Atlas of the Midwest, by Floyd A. Huff and James R. Angel, Bulletin 71 of the Midwestern Climate Center, 1992, section 9, table 9. Predevelopment conditions shall assume good hydrologic conditions for appropriate land covers as identified in TR-55 or an equivalent methodology, such as modified rational or rational method Q/Qp. The terms "hydrologic soil group" and "runoff curve number" shall have the meanings as are determined in TR-55.

However, when predevelopment land cover is cropland, rather than using TR-55 values for cropland, the runoff curve numbers in Table 1 of this section shall be used. The administrative authority may require additional retention up to and including the 100-year post development storm frequency due to downstream threats to life and property resulting from the additional drainage. The grading plan shall pass the 100-year storm around or through the development without causing harm to life or property.

Table 1. Maximum Predevelopment Runoff Curve Numbers for Cropland Areas

Hydrologic soil group	A	B	C	D
Runoff curve number	56	70	79	83

b. Subsection (c)(2)a of this section does not apply to any of the following: A post-construction site where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving water by more than 0.01 foot for the two-year, 24-hour storm event.

(3) *Infiltration*. BMPs shall be designed, installed and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in subsections (c)(3)e through h of this section:

a. For residential developments, one of the following shall be met:

1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the project site is required as an effective infiltration area.

2. Infiltrate 25 percent of the post-development runoff from the two-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the project site is required as an effective infiltration area.

b. For nonresidential development, including commercial, industrial and institutional development, one of the following shall be met:

    1. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the project site is required as an effective infiltration area.

    2. Infiltrate ten percent of the runoff from the two-year, 24-hour design storm with a Type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than two percent of the project site is required as an effective infiltration area.

    3. Pre-development condition shall be the same as in subsections (c)(3)a.2 and (c)(3)b.2 of this section.

    4. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subsection (c)(3)c of this section. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

c. *Exclusions*. The runoff from the following areas are prohibited from meeting the requirements of this section:

    1. Areas associated with tier one industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(a), including storage, loading, rooftop and parking.

    2. Storage and loading areas of tier two industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(b).

    3. Fueling and vehicle maintenance areas.

    4. Areas within 1,000 feet upgradient or within 100 feet downgradient of karst features.

5. Areas with less than three feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subsection does not prohibit infiltration of roof runoff.
6. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
7. Areas within 400 feet of a community water system well as specified in Wis. Admin. Code § NR 811.16(4) or within 100 feet of a private well as specified in Wis. Admin. Code § NR 812.08(4) for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
8. Areas where contaminants of concern, as defined in Wis. Admin. Code § NR 720.03(2) are present in the soil through which infiltration will occur.
9. Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a three-foot soil layer with 20 percent fines or greater; or at least a five-foot soil layer with ten percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subsection does not prohibit infiltration of roof runoff.

d. *Exemptions*. The following are not required to meet the requirements of this subsection (c):

1. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
2. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.
3. Redevelopment post-construction sites.
4. In-fill development areas less than five acres.
5. Infiltration areas during periods when the soil on the site is frozen.
6. Roads in commercial, industrial and institutional land uses, and arterial residential roads.

7. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this subsection (c).
8. Infiltration systems designed in accordance with this subsection (c) shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with Wis. Admin. Code ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.
9. Notwithstanding subsection (c)(3)f.8 of this section, the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(4) *Protective areas*.

a. The term "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this subsection, the term "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
b. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest, as specified in Wis. Admin. Code § NR 103.04, 75 feet.
c. For perennial and intermittent streams identified on a United States geological survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
d. For lakes, 50 feet.
e. For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes

and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with Wis. Admin. Code § NR 103.08(1m). This subsection does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.

f. For less susceptible wetlands, ten percent of the average wetland width, but no less than ten feet nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.

g. In subsections (c)(4)a through e of this section, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Wis. Admin. Code § NR 103.03.

h. For concentrated flow channels with drainage areas greater than 130 acres, ten feet.

i. This subsection applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (c)(6)d of this section.

j. The following requirements shall be met:

    1. Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The stormwater management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.

    2. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

    3. Best management practices such as filter strips, swales or

wet detention basins, that are designed to control pollutants from non-point sources may be located in the protective area.

k. This subsection (c)(4) does not apply to:

1. Redevelopment post-construction sites.
2. In-fill development areas less than five acres.
3. Structures that cross or access surface waters such as boat landings, bridges and culverts.
4. Structures constructed in accordance with Wis. Stats. § 59.692(1v).
5. Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(5) *Fueling and vehicle maintenance areas*. Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

(6) *Swale treatment for transportation facilities*.

a. *Applicability.* Except as provided in subsection (c)(6)b of this section, transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:

1. Be vegetated. However, where appropriate, nonvegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.
2. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a two-year, 24-hour design storm or a two-year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

b. *Exemptions*. The administering authority may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2,500 and where the initial surface water of the state that the runoff directly enters is any of the following:

1. An outstanding resource water.
2. An exceptional resource water.
3. Waters listed in section 303(d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to nonpoint source impacts.
4. Waters where targeted performance standards are developed under Wis. Admin. Code § NR 151.004 to meet water quality standards.

(7) *General considerations for on-site and off-site stormwater management measures*. The following considerations shall be observed in managing runoff:

a. Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

b. Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(8) *Location and regional treatment option*.

a. The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.

b. Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performances standards of this article. Post-construction BMPs may be located in non-navigable surface waters.

c. Except as allowed under section 22-114, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

d. Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this article if:

1. The BMP was constructed prior to the effective date of the ordinance from which this article is derived and the BMP, either received a permit issued under Wis. Stats. ch. 30, or the BMP did not require a Wis. Stats. ch. 30 permit; and
2. The BMP is designed to provide runoff treatment from future upland development.

e. Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this section.
    1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
    2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as Wis. Admin. Code ch. NR 103 and Wis. Stats. ch. 30.

f. The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

g. The administering authority may approve off-site management measures, provided that all of the following conditions are met:
    1. The administrating authority determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the city and that contains management requirements consistent with the purpose and intent of this article.
    2. The off-site facility meets all of the following conditions:
        i. The facility is in place.
        ii. The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this article.
        iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

h. Where a regional treatment option exists such that the

administering authority exempts the applicant from all or part of the minimum on-site stormwater management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the administering authority. In determining the fee for post-construction runoff, the administering authority shall consider an equitable distribution of the cost for land, engineering design, construction and maintenance of the regional treatment option.

i. *Alternate requirements*. The administering authority may establish stormwater management requirements more stringent than those set forth in this section if the administering authority determines that an added level of protection is needed to protect sensitive resources.

(Ord. No. 45-04-05, § 1(7), 11-15-2004; Ord. No. 3-05-06, § 1, 6-6-2005)

Sec 22-117 Permitting Requirements

(a) *Permit required*. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the administering authority prior to commencing the proposed activity.

(b) *Permit application and fees*. Unless specifically excluded by this article, any responsible party desiring a permit shall submit to the administering authority a permit application made on a form provided by the administering authority for that purpose.

(1) Unless otherwise excepted by this article, or as provided in subsection (b)(3) of this section, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a nonrefundable permit administration fee.

(2) The stormwater management plan shall be prepared to meet the requirements of sections 22-116 and 22-118, the maintenance agreement shall be prepared to meet the requirements of section 22-119, the financial guarantee shall meet the requirements of section 22-120, and fees shall be those established by the common council as set forth in section 22-121.

(3) A permit application for those sites referenced in section 22-113(a)(1)c need not be accompanied by a maintenance agreement.

(c) *Review and approval of permit application*. The administering authority shall review any permit application that is submitted with a stormwater management plan, maintenance agreement and the required fee. The following approval

procedure shall be used:

(1) Within 30 business days of the receipt of a complete permit application, including all items as required by subsection (b) of this section, the administering authority shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this article.

(2) If the stormwater permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the administering authority shall issue the permit.

(3) If the stormwater permit application, plan or maintenance agreement is disapproved, the administering authority shall detail in writing the reasons for disapproval.

(4) The administering authority may request additional information from the applicant. If additional information is submitted, the administering authority shall have ten business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(d) *Permit requirements*. All permits issued under this article shall be subject to the following conditions, and holders of permits issued under this article shall be deemed to have accepted these conditions. The administering authority may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the administering authority to suspend or revoke this permit may be appealed in accordance with section 22-123.

(1) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state and local laws and regulations.

(2) The responsible party shall design and install all structural and nonstructural stormwater management measures in accordance with the approved stormwater management plan and this permit.

(3) The responsible party shall notify the administering authority at least two business days before commencing any work in conjunction with the stormwater management plan and within two business days upon completion of the stormwater management practices. If required as a special condition under subsection (e) of this section, the responsible party shall make additional notification according to a schedule set forth by the administering authority so that practice installations can be inspected during construction.

(4) Practice installations required as part of this article shall be certified as-

built by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the administering authority or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The administering authority or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(5) The responsible party shall notify the administering authority of any significant modifications it intends to make to an approved stormwater management plan. The administering authority may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.

(6) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the city or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(7) The responsible party authorizes the administering authority to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under Wis. Stats. ch. 66, subch. VII or to charging such costs against the financial guarantee posted under section 22-120.

(8) If so directed by the administering authority, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainageways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(9) The responsible party shall permit property access to the administering authority or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

(10) Where site development or redevelopment involves changes in direction, increases in peak rate or total volume of runoff from a site, the administering authority may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(11) The responsible party is subject to the enforcement actions and penalties detailed in section 22-122 if the responsible party fails to comply with the terms of this permit.

(e) *Permit conditions*. Permits issued under this subsection may include conditions established by the administering authority in addition to the requirements needed to meet the performance standards in section seven or a financial guarantee, as provided for in section 22-120.

(f) *Permit duration*. Permits issued under this section shall be valid from the date of issuance through the date the administering authority notifies the responsible party that all stormwater management practices have passed the final inspection required under section 22-113.

(Ord. No. 45-04-05, § 1(8), 11-15-2004)

Sec 22-118 Stormwater Management Plan

(a) *Plan requirements*. The stormwater management plan required under section 22-117(b) shall contain at a minimum the following information:

(1) Name, address and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; persons responsible for installation of stormwater management practices; and persons responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

(2) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(3) Pre-development site conditions, including:

a. One or more site maps at a scale of not less than one inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 100 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site; limits of the 100-year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to Wis. Admin. Code § NR 811.16.

b. Hydrology and pollutant loading computations as needed to show

compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross referenced to the required maps.

(4) Post-development site conditions, including:

a. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

b. Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.

c. One or more site maps at a scale of not less than one inch equals 100 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures and pavement; post-construction topographic contours of the site at a scale not to exceed 100 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain or natural drainageway; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.

d. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross referenced to the required maps.

e. Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross sections and profiles of all permanent stormwater conveyance and treatment practices.

(5) A description and installation schedule for the stormwater management

practices needed to meet the performance standards in section 22-116.

(6) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

(7) Cost estimates for the construction, operation and maintenance of each stormwater management practice.

(8) Other information requested in writing by the administering authority to determine compliance of the proposed stormwater management measures with the provisions of this article.

(9) All site investigations, plans, designs, computations and drawings shall be certified by a license professional engineer to be prepared in accordance with accepted engineering practice and requirements of this article.

(b) *Alternate requirements*. The administering authority may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under section 22-116(c)(5).

(Ord. No. 45-04-05, § 1(9), 11-15-2004)

Sec 22-119 Maintenance Agreement

(a) *Maintenance agreement required*. The maintenance agreement required under section 22-117(b) for stormwater management practices shall be an agreement between the administering authority and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the county register of deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices.

(b) *Agreement provisions*. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by section 22-118(a)(6):

(1) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(2) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under section 22-117(b).

(3) Identification of the responsible party, organization or city, county, town or village responsible for long-term maintenance of the stormwater management practices identified in the stormwater management plan

required under section 22-117(b).

(4) Requirement that the responsible party, organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in subsection (b)(2) of this section.

(5) Authorization for the administering authority to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(6) A requirement on the administering authority to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the stormwater management practice into proper working condition.

(7) Agreement that the party designated under subsection (b)(3) of this section, as responsible for long-term maintenance of the stormwater management practices, shall be notified by the administering authority of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the administering authority.

(8) Authorization of the administering authority to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (b)(3) of this section does not make the required corrections in the specified time period. The administering authority shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to Wis. Stats. ch. 66, subch. VII.

(Ord. No. 45-04-05, § 1(10), 11-15-2004)

Sec 22-120 Financial Guarantee

(a) *Establishment of the guarantee*. The administering authority may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the administering authority. The financial guarantee shall be in an amount determined by the administering authority to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period for which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the administering authority the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the administering authority that the

requirements of this article have not been met.

(b) *Conditions for release*. Conditions for the release of the financial guarantee are as follows:

(1) The administering authority shall release the portion of the financial guarantee established under this section, less any costs incurred by the administering authority to complete installation of practices, upon submission of as built plans by a licensed professional engineer. The administering authority may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(2) The administering authority shall release the portion of the financial guarantee established under this section to ensure maintenance of stormwater practices, less any costs incurred by the administering authority at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(Ord. No. 45-04-05, § 1(11), 11-15-2004)

Sec 22-121 Fee Schedule

The fees referred to in this article shall be established by the common council and may from time to time be modified by resolution. A schedule of the fees established shall be available for review in the office of the administering authority.

(Ord. No. 45-04-05, § 1(12), 11-15-2004)

Sec 22-122 Enforcement

(a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of the ordinance from which this article is derived by any person, firm, association or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this article.

(b) The administering authority shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action and additional enforcement action which may be taken.

(c) Upon receipt of written notification from the administering authority under subsection (b) of this section, the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the

specifications and schedule set forth by the administering authority in the notice.

(d) If the violations to a permit issued pursuant to this article are likely to result in damage to properties, public facilities or waters of the state, the administering authority may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the administering authority, plus interest and legal costs shall be billed to the responsible party.

(e) The administering authority is authorized to post a stop work order on all land disturbing construction activity that is in violation of this article, or to request the city attorney to obtain a cease-and-desist order in any court with jurisdiction.

(f) The administering authority may revoke a permit issued under this article for noncompliance with ordinance provisions.

(g) Any permit revocation, stop work order or cease-and-desist order shall remain in effect unless retracted by the administering authority or by a court with jurisdiction.

(h) The administering authority is authorized to refer any violation of this article, or of a stop work order or cease-and-desist order issued pursuant to this article, to the city attorney for the commencement of further legal proceedings in any court with jurisdiction.

(i) Any person, firm, association or corporation who does not comply with the provisions of this article shall be subject to a forfeiture of not less than $50.00 and not more than $1,000.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(j) Compliance with the provisions of this article may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease-and-desist order before resorting to injunctional proceedings.

(k) When the administering authority determines that the holder of a permit issued pursuant to this article has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in the stormwater management plan, the administering authority or a party designated by the administering authority may enter upon the land and perform the work or other operations necessary to bring the condition of the lands into conformance with requirements of the approved plan. The administering authority shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to section 22-121. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

(Ord. No. 45-04-05, § 1(13), 11-15-2004)

Sec 22-123 Appeals

(a) *Zoning board of appeals*. The zoning board of appeals created pursuant to section 105-1011, pursuant to Wis. Stats. § 62.23(7)(e), shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the administering authority in administering this article. The board shall also use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this article that are not contrary to the public interest, and, where owing to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship.

(b) *Who may appeal*. Appeals to the zoning board of appeals may be taken by any aggrieved person or by an officer, department, board or bureau of the city affected by any decision of the administering authority.

(Ord. No. 45-04-05, § 1(14), 11-15-2004)

CHAPTER 24 FIRE PREVENTION, PROTECTION AND CONTROL
ARTICLE 24-I FIRE PREVENTION, PROTECTION AND CONTROL IN GENERAL
ARTICLE 24-II FIRE REGULATIONS
ARTICLE 24-III FIRE DEPARTMENT

ARTICLE 24-I FIRE PREVENTION, PROTECTION AND CONTROL IN GENERAL

Sec 24-1 Penalties

Sec 24-1 Penalties

(a) Any violation of section 24-37 shall subject the violator to a forfeiture of not less than $200.00 nor more than $500.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 90 days. Upon a second or subsequent violation of such section by the same violator within a one-year period, the forfeiture imposed shall be increased to not less than $300.00 nor more than $500.00, together with the costs of prosecution and, in default of payment thereof, the violator shall be imprisoned until such forfeiture and costs are paid, but not to exceed six months.

(b) Failure to comply with any orders issued pursuant to this chapter by the chief of the fire department or the chief inspector of the bureau or their duly authorized representatives shall constitute a violation, and any person found guilty of such violation shall, upon conviction, be fined not less than $100.00 nor more than $200.00, together with the costs of the prosecution and, in default of payment thereof, shall be imprisoned until such forfeiture and costs are paid, but not to exceed 30 days. Except as otherwise provided in this chapter, each and every 24 hours such violation shall continue shall constitute a separate offense.

(c) Any person found guilty of a violation of any section of this chapter for which a specific penalty is not provided shall, upon conviction, be fined the sum of not less than $100.00 nor more than $200.00, together with the costs of the prosecution and, in default of payment thereof, shall be imprisoned until such forfeiture and costs are paid, but not to exceed 30 days. Each and every 24 hours such violation shall continue, except as otherwise provided in this chapter, shall constitute a separate offense.

(Code 1975, §§ 15-1, 26-1; Code 1997, § 50-1; Ord. No. 34-04-05, § 1, 10-18-2004)

ARTICLE 24-II FIRE REGULATIONS

DIVISION 24-II-1 FIRE REGULATIONS GENERALLY
DIVISION 24-II-2 FIRE HYDRANTS ON PRIVATE PROPERTY
DIVISION 24-II-3 OBSTRUCTION OF EXITS, AISLES, PASSAGEWAYS
DIVISION 24-II-4 LIGHTING OF EXIT WAYS

DIVISION 24-II-5 OPEN BURNING
DIVISION 24-II-6 TORCHES AND METAL CUTTING DEVICES
DIVISION 24-II-7 OILY WASTES, RAGS, AND CHEMICALLY SOILED WASTES
DIVISION 24-II-8 LIQUID PETROLEUM GAS SERVICE STATIONS
DIVISION 24-II-9 EXPLOSIVES
DIVISION 24-II-10 FLAMMABLE OR COMBUSTIBLE LIQUIDS
DIVISION 24-II-11 SMOKE DETECTORS
DIVISION 24-II-12 FIREWORKS

State law reference—One- and two-family dwelling code, Wis. Stats. §§ 66.1019 and 101.61 et seq.

DIVISION 24-II-1 FIRE REGULATIONS GENERALLY

Sec 24-21 Definitions
Sec 24-22 Composition
Sec 24-23 Conflicts
Sec 24-24 Intent
Sec 24-25 Buildings And Premises Affected
Sec 24-26 Entry On Premises
Sec 24-27 Closing And Vacating Of Building
Sec 24-28 Inspections Authorized
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Sec 24-34 Appeals
Sec 24-35 Designation Of Fire Extinguishing Equipment
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Sec 24-37 False Alarms; Tampering With Alarm System
Sec 24-38 Combustible Waste
Sec 24-39 Sparks From Chimneys Or Smokestacks
Sec 24-40 Noncombustible Containers For Ashes, Cinders
Sec 24-41 Christmas Trees

Sec 24-21 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approve means approval granted by the chief of the fire department or the chief inspector of the bureau under the regulations of this article.

Bureau means the city bureau of fire prevention as established in division 4 of article III

of this chapter.

(Code 1975, § 15-68; Code 1997, § 50-40)

Sec 24-22 Composition

The fire prevention regulations of the city shall consist of the following:

(a) This chapter.

(b) All ordinances and lawful orders of the city relating to fire prevention; the safeguarding of life and property from the hazards of fire and explosion; the handling, storage, sale and use of hazardous substances, materials and devices; conditions hazardous to life and property in the use of occupancy of buildings, structures or premises; and the safety of firefighters in the performance of their duties.

(c) All laws and lawful orders of the state and the state administrative code relating to fires and fire prevention; any codes and provisions adopted in the state administrative code relating to fires and fire prevention; and any future amendments, revisions or modifications of such laws, lawful orders or administrative codes.

(Code 1975, § 15-67; Code 1997, § 50-41; Ord. No. 34-04-05, § 3, 10-18-2004)

Sec 24-23 Conflicts

Where the requirements of the state fire code and the express provisions of this article conflict, the stricter requirements shall govern.

(Code 1975, § 15-69; Code 1997, § 50-42)

Sec 24-24 Intent

It is the intent of this fire prevention code to preserve regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazard of fire and explosion arising from the storage, handling, sale and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(Code 1975, § 15-70; Code 1997, § 50-43)

Sec 24-25 Buildings And Premises Affected

(a) Except when otherwise specifically provided in this chapter, the regulations contained in this chapter on fire protection and prevention shall apply to all buildings, structures and premises covered under Wis. Admin. Code chs. Comm

61-65 and 76-79, except the following:

(1) One- and two-family dwellings and accessory buildings.

(2) Temporary buildings or sheds used for construction purposes only.

(b) However, if any building, structure or premises, whether excepted in subsection (a) of this section or not, is especially liable to fire or is so situated as to endanger other buildings or property or contains any combustible or explosive material dangerous to the safety of any building, structure or premises or the occupants thereof or endangers or hinders firefighters in case of fire, such building, structure or premises shall not be exempt.

(Code 1975, § 15-71; Code 1997, § 50-44; Ord. No. 89-06-07, § 1, 3-5-2007)

Sec 24-26 Entry On Premises

(a) The chief of the fire department, the chief of the bureau, any inspector of the bureau or any authorized member of the fire department may, at all reasonable hours, enter any building or premises governed by this article for the purpose of making any inspection or investigation which, under this article, such person deems necessary to be made.

(b) Any person who refuses to permit or prevents or interferes with any entry into or upon the premises by any such inspector or who interferes with any such inspection shall be deemed guilty of violating this section and shall be punished, as provided in this chapter.

(Code 1975, § 15-72; Code 1997, § 50-45)

Sec 24-27 Closing And Vacating Of Building

(a) The chief of the fire department may order the compliance with the regulations of this article and all other laws and lawful orders relating to fire protection and fire prevention in all existing buildings and structures governed by this Code.

(b) The chief of the fire department may close any building or structure and order it vacated, wherein violation of any section of this article is found and not corrected within a reasonable time as stipulated by the chief of the fire department or by the chief inspector of the bureau.

(c) Where the public is exposed to immediate danger, the chief of the fire department may order the closing and vacating of the building, structure or premises at once.

(Code 1975, § 15-73; Code 1997, § 50-46)

Sec 24-28 Inspections Authorized

(a) The chief of the fire department shall inspect or cause to be inspected by the bureau or by officers and personnel of the fire department all buildings, structures and premises, except as otherwise provided in this article, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of any law or lawful order relating to conditions or circumstances defined in section 24-22(b).

(b) Such inspections shall be conducted at least once per calendar year, provided that the interval between those inspections does not exceed 15 months. The fire chief may require more frequent inspections for buildings which, in the fire chief's discretion, are deemed as being high risk. Those occupancies deemed high risk may include, but are not limited to, places of assembly with occupant loads of more than 100; schools; hospitals; day care centers; nursing homes; congregate care facilities (with or without nursing staff); jails or treatment facilities; or any facility required to be inspected that has reoccurring noncompliant fire code violations.

(Code 1975, § 15-74; Code 1997, § 50-47; Ord. No. 54-09-10, § 1, 2-1-2010)

Sec 24-29 Order To Remove, Remedy Hazardous Conditions

Whenever any inspector shall find in any building or structure or upon any premises combustible waste materials or explosive matter which is so situated or used so as to endanger life or property or shall find in any building or structure obstructions of exits or storage of material on or in fire escapes, stairs, passageways, doors or windows, which obstruction or storage would interfere with the operations of the fire department or interfere with the safe egress of occupants in case of emergency, the inspector may order such removed or remedied.

(Code 1975, § 15-75; Code 1997, § 50-48)

Sec 24-30 Discontinuance Of Violations

Whenever any inspector shall find any building or structure which, for lack of repairs or required exits or required fire alarm systems or required fire extinguishing equipment, appliances or devices or maintenance thereof or which is especially liable to fire from any cause whatsoever and which is so situated as to endanger the occupants thereof or endanger adjacent property and whenever any inspector shall find in any building or structure or upon any premises any violation of this article, the inspector may order such violation discontinued at once and order the removal of conditions dangerous to the safety of any such building, structure or premises or the occupants thereof.

(Code 1975, § 15-76; Code 1997, § 50-49)

Sec 24-31 Non-Fire Violations

Whenever any inspector shall find any existing building or structure, because of its occupancy or use, that additional exits are required or repairs to existing exits are necessary or where it appears that any building or structure or part thereof is unsafe or unsanitary or is occupied or used in violation of this article, the bureau shall notify the building inspector, heating inspector, health officer, chief of police or the common council, as the circumstances may require, of such conditions.

(Code 1975, § 15-77; Code 1997, § 50-50)

Sec 24-32 Notices

(a) Any orders issued for the correction of violations of this article shall be served upon the owner, occupant or other person responsible for the conditions.

(b) Whenever it may be necessary to serve an order upon the owner of premises, such order may be served either by delivery to and leaving with the person a copy of the order or, if such person cannot be found, the order may be mailed to the owner's last-known post office address.

(c) If buildings, structures or other premises are owned by one person and occupied by another, under lease or otherwise, the orders issued in connection with the enforcing of the fire prevention code shall apply to the occupant thereof. However, where the order requires the making of additions to or changes in the buildings, structures or premises themselves, such would immediately become real estate and be the property of the owner of the premises; in such cases the orders shall affect the owner only.

(Code 1975, § 15-78; Code 1997, § 50-51)

Sec 24-33 Time For Compliance

Any order issued under this article shall be complied with by the owner and occupant of the building, structure or premises concerned within the time prescribed in such order.

(Code 1975, § 15-79; Code 1997, § 50-52)

Sec 24-34 Appeals

(a) The owner or occupant of any building, structure or premises coming under this article may, within five days, appeal to the chief of the fire department for a review of any order issued under this article, who shall thereafter make the necessary investigation and decision. Unless the order is revoked or modified by the chief of the fire department in writing, within three days after the appeal is received by the chief, it shall remain in force and be complied with within the time prescribed.

(b) The applicant for a permit or the owner, agent, or occupant of any building, structure or premises affected may appeal to the chief of the fire department the

decision of the bureau or the chief inspector of the bureau to disapprove an application or refuse to grant a permit applied for or when it is claimed that any provision of this article has been misconstrued or wrongly interpreted. Such appeal shall be filed within ten days from the date of such decision or of an order properly issued by the bureau or the chief inspector of the bureau.

(Code 1975, §§ 15-80, 15-84; Code 1997, § 50-53)

Sec 24-35 Designation Of Fire Extinguishing Equipment

The chief of the bureau is empowered to designate the number, type and location of fire extinguishers and other fire protection equipment as may be deemed necessary in any building or structure or any building or structure under construction.

(Code 1975, § 15-85; Code 1997, § 50-54)

Sec 24-36 Assistance At Fires

If any person shall refuse to obey any reasonable order of the fire chief or other executive officer of the fire department or police officer at any fire given to assist in the extinguishment of any fire or to maintain order in the vicinity of such fire, it shall be the duty of any police officer to arrest such person. Any person who shall refuse to obey such order shall forfeit and pay for such offense a penalty, as provided in section 24-1(a).

(Code 1975, § 15-3; Code 1997, § 50-2)

Sec 24-37 False Alarms; Tampering With Alarm System

It shall be unlawful for any person to give or cause to be given a false fire alarm with intent to deceive any public official or employee or to tamper, meddle or interfere in any way with any fire alarm system or device or any part thereof or to make any connection therewith so as to interfere with the proper working of the system or with intent to injure, break or destroy any machinery or fixtures connected with such system.

(Code 1975, § 15-2; Code 1997, § 50-3)

Sec 24-38 Combustible Waste

(a) No owner, agent or occupant of any building, structure or premises shall allow daily accumulation of waste or shredded paper, hay, straw, shavings, sawdust, rags or other waste materials of combustible nature to remain in any building or structure or part thereof or on any premises more than 24 hours, unless stored in an isolated building or in a metal or metal-lined room, vault or bin with a metal or metal-lined door or in a metal or metal-lined box with self-closing cover.

(b) Combustible cuttings of cloth, paper or other materials shall be cleaned up and removed from the building at the close of each day's work or shall be stored in a

fireproof vault or room or in a metal-lined box with a cover.

(c) It shall be unlawful for any owner, agent, manager or occupant of any public building to permit the accumulation of combustible waste material in or upon any area of such building, except in approved noncombustible waste containers, equipped with self-closing or swing covers.

(d) Every person who violates this section shall be deemed guilty of a separate offense for every 24 hours such violation continues and shall be subject to a separate penalty for each and every offense.

(e) This section shall not apply to licensed junk dealers, except that such licensee shall comply with applicable regulations of chapter 42, article III.

(Code 1975, § 15-86; Code 1997, § 50-4)

Sec 24-39 Sparks From Chimneys Or Smokestacks

The owner of any chimney or smokestack used in connection with heating or power boilers or furnaces or for burning waste or refuse, from which there are emitted sparks or burning embers, shall provide on such chimney or smokestack an approved arrestor, screen or other device that will prevent such emission.

(Code 1975, § 15-87; Code 1997, § 50-5)

Sec 24-40 Noncombustible Containers For Ashes, Cinders

No person shall place or store ashes or cinders or greasy or oily substances liable to spontaneous ignition in any combustible receptacle or place such within ten feet of any combustible materials, except in an approved metal or other noncombustible receptacle. Such receptacle, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on a noncombustible stand and in every case shall be kept at least two feet away from any combustible wall, partition, fence or post or exterior window opening.

(Code 1975, § 15-89; Code 1997, § 50-6)

Sec 24-41 Christmas Trees

For the purposes of this section, the following minimum standards shall apply to the storage, handling or sale of natural Christmas trees and foliage:

(a) Trees and foliage shall be stacked not closer than three feet from any building and not closer than ten feet from any gasoline pump or other device for the transfer of petroleum products.

(b) Aisles or clear spaces of not less than three feet shall be maintained at all times.

(c) No Christmas tree or foliage shall contact any electric wires.

(d) Antifreeze type extinguishers or the equivalent of not less than 2 1/2-gallon capacity shall be provided.

(e) No smoking signs shall be displayed in the manner provided by section 26-22.

(f) Trees and foliage shall be removed from the premises not later than five days following Christmas Day.

(Code 1975, § 15-90; Code 1997, § 50-7)

DIVISION 24-II-2 FIRE HYDRANTS ON PRIVATE PROPERTY

Sec 24-71 Definitions
Sec 24-72 Intent
Sec 24-73 Approval
Sec 24-74 Installation
Sec 24-75 Connecting Water Line
Sec 24-76 Required Locations
Sec 24-77 Hydrant Maintenance
Sec 24-78 Retroactivity

Sec 24-71 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved fire hydrant means a fire hydrant connected to a city water main with one 4 1/2-inch and 2 1/2-inch fire department connections.

(Code 1975, § 15-134; Code 1997, § 50-81)

Sec 24-72 Intent

The intent of this division is to ensure adequate water supply for firefighting purposes to existing or new structures, buildings, tank farms, lumberyards, commercial or industrial complexes located at extended distances from city fire hydrants on private property.

(Code 1975, § 15-133; Code 1997, § 50-82)

Sec 24-73 Approval

All fire hydrants shall be approved by the chief of the fire department and the city water department.

(Code 1975, § 15-135; Code 1997, § 50-83)

Sec 24-74 Installation

(a) All fire hydrants shall be installed in compliance with the standards of the city water department and in such a manner and location so as to be accessible and visible at all times to the fire department. The center of the 4 1/2-inch hose outlet shall be not less than 18 inches, nor more than 36 inches above the final finished property grade. The 4 1/2-inch hose outlet on the hydrant shall be positioned to face the nearest hard-surfaced roadway. Hydrants shall be protected if subject to mechanical damage. The means of protection shall be arranged in a manner that will not interfere with the connection to, or operation of, hydrants.

(b) Required hydrants shall be installed and operational prior to construction progress beyond the footing and foundation stages.

(Code 1975, § 15-136; Code 1997, § 50-84; Ord. No. 103-97-98, § 1, 12-15-1997)

Sec 24-75 Connecting Water Line

The connecting water line between the city water main and the approved fire hydrant shall be not less than six inches and need not be more than eight-inch-diameter pipe. Where the city water main is eight inches or larger, the connecting line shall be not less than eight inches in size.

(Code 1975, § 15-137; Code 1997, § 50-85)

Sec 24-76 Required Locations

(a) Any tank farm, lumberyard, commercial or industrial complex, any structure or building erected or structurally altered shall have provided at the owner's expense an approved fire hydrant when such building is set back 250 feet or more from any street or highway or is located more than 300 feet by normal access routes from a city fire hydrant. Required hydrants shall be freestanding. One hydrant shall be located not more than 100 feet or less than 75 feet from the main entrance to such building. Additional hydrants shall be provided around the perimeter of the building so that no fire hydrant is more than 300 feet from any other approved hydrant by normal access routes. In addition thereto, all hydrant installations on private property shall provide sufficient water supplies to meet the standards set by Wis. Admin. Code § NR 111.72. All pipe used for water main installation shall meet the standards set in Wis. Admin. Code § NR 111.71.

(b) Any new manufactured home or trailer park or any manufactured home or trailer park which expands by adding additional trailers or area to the present court site shall provide an approved fire hydrant when any trailer or building located in such park is more than 300 feet from a city fire hydrant. Fire hydrants shall be provided so that no trailer or building is more than 300 feet from any hydrant.

(c) Variances may be granted by the chief of the fire department when access or lack

of exposures preclude the placement of a usable hydrant.

(Code 1975, § 15-138; Code 1997, § 50-86)

Sec 24-77 Hydrant Maintenance

All fire hydrants shall be maintained by the owner to ensure there are no encumbrances that may hinder a safe and quick operation. Hydrants shall be checked each fall to ensure the barrel is clear of water to prevent freezing and damage to the hydrant. Hydrants shall be kept clear of snow and shall be clearly marked for easy location.

(Code 1975, § 15-139; Code 1997, § 50-87)

Sec 24-78 Retroactivity

The provisions of this division shall apply to all hydrants installed on or after the effective date of the ordinance from which this section is derived and to those hydrants previously installed.

(Code 1997, § 50-88; Ord. No. 103-97-98, § 2, 12-15-1997)

DIVISION 24-II-3 OBSTRUCTION OF EXITS, AISLES, PASSAGEWAYS

Sec 24-100 Interference With Egress
Sec 24-101 Violations Of Division
Sec 24-102 Passageways Required
Sec 24-103 Width Of Passageways
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Sec 24-105 Obstruction Of Aisles
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Sec 24-100 Interference With Egress

It shall be unlawful for any person owning, leasing or otherwise in charge of any building or structure to obstruct any exit, stairway, passageway, door or window either by storage of material or by barricade or in any other manner which blocks free access thereto so as to interfere with the safe egress of occupants in case of fire or other emergency.

(Code 1975, § 15-145; Code 1997, § 50-116)

Sec 24-101 Violations Of Division

(a) All persons in charge of or directly in any way interested in the management of any performance, program, service or entertainment violating this division shall, upon conviction, be subject to a penalty as provided in this chapter.

(b) Anyone who shall stand or situate oneself in such a position as to interfere with or impede pedestrian traffic on any street, sidewalk, alley, public way or in an

entrance to any building shall be subject to penalty as provided in this chapter.

(Code 1975, §§ 15-146, 26-16(c), 26-17; Code 1997, § 50-117)

Sec 24-102 Passageways Required

It shall be unlawful for any person to store any combustible or noncombustible materials, in bulk or in containers, in any room or area in any building or structure, except grain elevators, unless passageways are provided at intervals of 20 feet or less for combustible and 40 feet from noncombustible materials. Passageways shall further be provided in every such storage room or area at all outside walls having a window or other opening, and one continuous passageway shall extend from the entrance to such storage room or area to the wall opposite such entrance; such passageway shall lead to an exit way or to windows in an exterior wall.

(Code 1975, § 15-147; Code 1997, § 50-118)

Sec 24-103 Width Of Passageways

All passageways shall be at least 30 inches in width. Where materials are stored on a floor or on shelving more than seven feet in height, such passageway shall be increased in width by two inches for every foot such materials are stored above seven feet to a maximum of 42 inches.

(Code 1975, § 15-148; Code 1997, § 50-119)

Sec 24-104 Aisle Specifications

In each room or area where chairs, tables or tables and chairs are used, the arrangement shall be such as will provide for ready access by aisles to each exit way. Aisles leading directly to exit ways shall have not less than 36 inches clear width which shall not be obstructed by chairs, tables or other objects. There shall be a cross aisle leading to each required exit. Cross aisles shall be not less than six feet, eight inches from back-to-back of seats at each side of the aisle.

(Code 1975, § 15-149; Code 1997, § 50-120)

Sec 24-105 Obstruction Of Aisles

No chair, seat or other obstruction shall be placed in the aisles of any public hall, theater, opera house, schoolhouse, church, place of assemblage or place of public resort or place of public assembly during a public performance, program, service or entertainment in such a building or place of assemblage, and no person, other than an employee or person assisting at such performance, program, service or entertainment, shall be allowed to stand or sit in such aisle.

(Code 1975, §§ 15-150, 26-16(a); Code 1997, § 50-121)

Sec 24-106 Congregating At Exits

No persons shall be allowed to congregate in or about an exit way in any public hall, theater, opera house, schoolhouse, church, place of assemblage or place of public resort during a public performance, program, service or entertainment so as in any way to interfere with the free use of such exit way in case of dismissal of the persons in attendance.

(Code 1975, §§ 15-151, 26-16(b); Code 1997, § 50-122)

DIVISION 24-II-4 LIGHTING OF EXIT WAYS

Sec 24-126 Required
Sec 24-127 Apartment Buildings, Transient Lodging

Sec 24-126 Required

Required stairways, hallways and other means of egress, including exterior open spaces to or through which exit ways lead, shall be kept adequately lighted at all times the building served thereby is occupied.

(Code 1975, § 15-158; Code 1997, § 50-151)

Sec 24-127 Apartment Buildings, Transient Lodging

In every building which accommodates more than four families or 30 persons and in every building which accommodates transients, the public passageways, stairways and exit ways shall be adequately illuminated at all times. This illumination shall include lights at all intersections of passageways, at all exits and at the head, foot and on each landing of every stairway.

(Code 1975, § 15-159; Code 1997, § 50-152)

DIVISION 24-II-5 OPEN BURNING

Sec 24-153 Prohibited
Sec 24-154 Exceptions
Sec 24-155 Open Flame Candles, Fixtures

Sec 24-153 Prohibited

(a) No person shall burn any wood, grass, leaves or rubbish or other combustible or flammable materials upon the streets or alleys in the corporate city limits at any time.

(b) No person shall kindle, start or maintain a fire in the open air within the corporate city limits, except as provided in section 24-154.

(Code 1975, § 15-182; Code 1997, § 50-181)

Sec 24-154 Exceptions

Open burning is prohibited with the following exceptions:

(a) Fires set by the fire department for practice or instruction of firefighters, instructing the public or testing firefighting equipment.

(b) Practice fires, set by fire brigades, as defined by 29 CFR 1910.155(18), that satisfy all of the requirements of 29 CFR 1910.156 or hazardous materials response teams that satisfy all of the requirements of 29 CFR 1910.120, subject to the following:

(1) Fires may be set for hand fire extinguisher training only.

(2) The fire must be set on the property of the fire brigade or hazardous materials response team, in a container constructed of a noncombustible material, not exceeding one foot in height or eight cubic feet in volume, and the fire may be located no closer than 20 feet from any building, structure or combustible material.

(3) No fire under this subsection (b) may be set between the hours of 5:00 p.m. and 7:00 a.m.

(4) Notification of the proposed training fire shall be made to the chief of the fire department at least 24 hours in advance on a form prescribed by the department.

(c) Fires set for the purpose of burning leaves at cemeteries. A cemetery employee must be in constant attendance from the time the fire is ignited until it is totally extinguished.

(d) Fires set by fire or law enforcement personnel for the purpose of burning explosives or dangerous material for which there is no other safe means of disposal.

(e) Fires set for outdoor cooking with the following exceptions:

(1) Wood or other nonexplosive fuel may be burned for the purpose of cooking or preparing foods, only under constant supervision, not nearer than ten feet to any building, in a substantial burner built of metal, concrete or brick as approved by the chief inspector of the bureau.

(2) Propane-fueled appliances and burners shall not be used above the first-floor level of any porch or deck attached to a building or structure. Approved propane appliances and burners shall be installed in accordance with the manufacturer's specifications.

(3) Natural gas outdoor cooking appliances shall be approved, mounted on a

noncombustible post and shall be installed in accordance with the manufacturer's specifications.

(f) Recreational bonfires may be set with the following conditions:

(1) Small bonfires shall be used for recreation and roasting. The fire shall be contained in a fire ring constructed of brick, stone or metal, no larger than 36 inches outside diameter. This shall not be closer than ten feet to any building, structure, lumber, wooden fence or woodpile. The time limit shall be between 12:00 noon and 10:00 p.m., except that on Fridays and Saturdays, and Sundays preceding a Monday on which falls a federal or state holiday, the time limit shall be between 12:00 noon and 12:00 midnight. Such fire shall be under constant supervision.

(2) The fire ring shall extend upward a minimum of six inches above the landscaped ground level.

(3) Fuel for bonfires shall consist of dry wood only and shall not be ignited with flammable or combustible liquids.

(4) Material for bonfires may not include rubbish, garbage, trash, any material made or coated with rubber, plastic, leather or petroleum-based materials and may not contain any flammable or combustible liquids.

(5) The maximum height of the wood fuel load for bonfires shall not exceed 18 inches above grade or the landscape.

(6) At no time shall the smoke or heat created by such burning be an annoyance or discomfort to the neighborhood or the traveling public.

(7) Any pre-manufactured portable device or burner used to contain a bonfire or simulate a bonfire must be UL approved, operated as designed by the manufacturer, and operated in accordance with the regulations in this subsection (f).

(g) Open burning will be allowed for small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

(h) Open burning when allowed under subsection (c) of this section requires a permit from the state department of natural resources (DNR) and a permit from the city fire department bureau of fire prevention.

(i) At no time shall the smoke or heat created by burning under subsections (b), (c) and (f) of this section be an annoyance or discomfort to the neighborhood or the traveling public, and the fire shall be ordered extinguished upon any complaint.

(j) A bonfire may be allowed at officially sponsored activities of civic, educational and religious organizations located within the city, subject to the following conditions:

(1) The site of the bonfire shall be at the Deland Park beach or the King Park beach.

(2) Four responsible adult employees, officers or officials of the sponsoring organizations must be present at all times to supervise the bonfire.

(3) The location of the bonfire on the beach shall be no closer than 50 feet to any structure, tree or shrub.

(4) A bonfire shall be in a pit at least two feet deep and no more than ten feet in diameter.

(5) The fuel load for the bonfire shall consist of clean, nontreated lumber or firewood.

(6) The height of the fuel load shall not exceed ten feet from the bottom of the pit.

(7) The bonfire shall be properly extinguished at the end of the activities, but in any event, not later than 10:00 p.m.

(8) After the bonfire is extinguished, but before the supervisors leave the area, a snow fence or other similar obstacle shall be installed around the bonfire pit, enclosing the pit. The fence or other protective device shall be removed upon final cleanup of the bonfire site, as set forth in subsection (j)(9) of this section.

(9) The site of the bonfire shall be restored to its pre-bonfire condition within 24 hours of extinguishing the fire.

(10) The sponsor shall obtain a local burning permit from the city fire prevention bureau at least 24 hours prior to starting the bonfire.

(k) Fires in metal containers on the ice at the Harbor Centre Marina, during the winter season, provided the container is in good condition and located no closer than ten feet from any building, pier, dock or other structure.

(Code 1975, § 15-183; Code 1997, § 50-182; Ord. No. 94-99-00, § 1, 3-6-2000; Ord. No. 21-04-05, § 1, 7-6-2004; Ord. No. 89-06-07, § 3, 3-5-2007; Ord. No. 4-09-10, § 1, 6-15-2009)

Sec 24-155 Open Flame Candles, Fixtures

(a) No open flame candles or other flame fixtures shall be used in any public building or structure, except within churches or fraternal lodges.

(b) Hurricane-type fixtures with a flame or chimneys used in conjunction with candles shall be the only acceptable method for lighting or decorative purposes in any building or structure used for public amusement, recreation or dining purposes.

(c) No airborne open flame device, i.e., a sky lantern, may be launched or used, free floating or tethered, in the city. Airborne open flame devices from neighboring jurisdictions that enter into the city are also prohibited.

(d) As used in this division, the term "sky lantern" means any airborne lantern typically constructed from paper with a wood frame containing a candle or fuel cell composed of a waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. The term "sky lantern" means and includes sky candles, fire balloons and airborne paper lanterns.

(Code 1975, § 15-184; Code 1997, § 50-183; Ord. No. 12-14-15, § 1, 7-7-2014)

DIVISION 24-II-6 TORCHES AND METAL CUTTING DEVICES

Sec 24-179 Applicability
Sec 24-180 Areas To Be Made Fire Safe
Sec 24-181 Extinguishing Equipment
Sec 24-182 Fire Watchers

Sec 24-179 Applicability

This division applies to uses of torches, welding and cutting devices, but shall not apply to business or manufacturing establishments when such flame- or arc-producing devices are used in connection with regular business or manufacturing operations or for maintenance or repair work performed by their employees on the employer's own premises.

(Code 1975, § 15-194; Code 1997, § 50-211)

Sec 24-180 Areas To Be Made Fire Safe

Cutting and welding shall be conducted only in areas that are or have been made fire safe through the use of fire-resistive materials, metal shields or other accepted industrial practices. All work is to be performed in accordance with accepted industrial standards.

(Code 1975, § 15-195; Code 1997, § 50-212)

Sec 24-181 Extinguishing Equipment

Under this division, portable fire extinguishers, appropriate for the type of possible fire, shall be concentrated at the work area. Where hose lines are available, they shall be connected and ready for service.

(Code 1975, § 15-196; Code 1997, § 50-213)

Sec 24-182 Fire Watchers

(a) Fire watchers shall be required by the individual responsible for authorizing cutting and welding whenever cutting or welding is performed in locations other than those defined in section 24-180.

(b) Fire watchers shall have fire extinguishing equipment readily available and shall be familiar in its use.

(c) Fire watchers shall be familiar with facilities for sounding an alarm if a fire occurs.

(d) The fire watcher and the fire watcher's employer shall be responsible for declaring the work area free of any smoldering or hidden fires that may have resulted from the cutting or welding process.

(Code 1975, § 15-197; Code 1997, § 50-214)

DIVISION 24-II-7 OILY WASTES, RAGS, AND CHEMICALLY SOILED WASTES

Sec 24-203 Receptacles
Sec 24-204 Oily Clothing

Sec 24-203 Receptacles

(a) *Oily wastes and rags*. Requirements for receptacles for oily wastes and rags shall be as follows:

(1) Oily wastes and oily rags, when not in actual use, shall be kept in approved, standard, self-closing metal waste cans, set firmly on three-inch legs.

(2) A sufficient number of containers shall be provided to handle all generated waste or rags produced in a single work shift.

(3) The contents of all such waste cans shall be removed from the building at least once daily and at the end of each work shift.

(4) All such waste shall be recycled in accordance with applicable governmental regulations.

(b) *Chemically soiled wastes*.

(1) *Cloth towels and rags*. All chemically soiled linen towels and rags within all laboratories, beauty salons, beautician schools, barbershops and similar occupancies shall be kept in approved, listed self-closing metal waste cans, set firmly on three-inch legs, until removed from the building.

(2) *Paper products*. All chemically soiled paper products within all laboratories, beauty shops, beautician schools, barbershops, and similar occupancies shall be kept in approved, listed self-closing metal waste cans set firmly on three-inch legs. The contents of the can shall be removed from the building at the close of each day's work.

(Code 1975, § 15-211; Code 1997, § 50-241)

Sec 24-204 Oily Clothing

Oily or greasy clothing shall be stored in well-ventilated metal lockers.

(Code 1975, § 15-212; Code 1997, § 50-242)

DIVISION 24-II-8 LIQUID PETROLEUM GAS SERVICE STATIONS

Sec 24-232 State Code Adopted
Sec 24-233 Plans Required

Sec 24-232 State Code Adopted

The provisions of the Wis. Admin. Code, ch. Comm 40, shall be a part of this section, and shall have the force and effect as though fully set forth in this section.

(Code 1975, § 15-222; Code 1997, § 50-271; Ord. No. 89-06-07, § 4, 3-5-2007)

Sec 24-233 Plans Required

A plot plan for a proposed installation of a liquefied petroleum gas station shall be filed with the bureau for approval, and a copy thereof shall be retained in the bureau files. No permit for the installation of a liquefied petroleum gas service station shall be issued until such plan has been fully approved by the chief inspector of the bureau.

(Code 1975, § 15-223; Code 1997, § 50-272)

DIVISION 24-II-9 EXPLOSIVES

Sec 24-260 State Regulations Adopted

Sec 24-260 State Regulations Adopted

The provisions of the Wis. Admin. Code ch. Comm 7, shall be a part of this section, and shall have the force and effect as though fully set forth in this section.

(Code 1975, § 15-237; Code 1997, § 50-301; Ord. No. 89-06-07, § 5, 3-5-2007)

DIVISION 24-II-10 FLAMMABLE OR COMBUSTIBLE LIQUIDS

Sec 24-284 Tank Vehicles And General Filling Procedures
Sec 24-285 Underground Fuel Storage Tanks
Sec 24-286 Compliance With State Regulations
Sec 24-287 Penalty

Sec 24-284 Tank Vehicles And General Filling Procedures

(a) *Position of attendant during loading and unloading*. The driver, operator or attendant of any flammable or combustible liquid tank vehicle shall not remain in the cab of a vehicle being loaded or unloaded and shall not leave the valves controlling the flow of the product until the operation is completed. When the valves are partially or totally open, it is considered in the operative position.

(b) *Shut off of trucks and tractors*. Motors of tank trucks or tractors shall be shut off during making and breaking hose connections. If loading or unloading is done without the use of a power pump, the tank truck or tractor motor shall be shut off throughout the operations.

(c) *Bonding of cargo tank; exceptions*. The cargo tank shall be bonded to the fill stem or some part of the rack structure which is electrically interconnected with the fill stem piping. Exceptions to this are tank vehicles handling asphalt, tank vehicles loading any flammable liquid through bottom connections, and the tank vehicles used exclusively for transporting Class II and Class III liquids when loaded at locations where no Class I liquids are handled. Neither an external bond wire connection nor a bond wire integral with a hose is required for the unloading of flammable or combustible liquids into underground tanks.

(d) *Bond wire connection*. The bond wire connection shall be made prior to opening the dome covers. It shall be maintained in place during the entire filling operation, and the dome covers shall be securely closed before the bond wire is disconnected from the cargo tank.

(e) *Fill level*. No cargo tank or compartment thereof used for the transportation of any flammable or combustible liquids or asphalt shall be loaded liquid full. Sufficient space (outage) shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to a rise in temperature in transit and in no case less than one percent.

(f) *Simultaneous delivery to multiple tanks*. Simultaneous delivery to underground tanks from two or more hoses shall be made by means of tight connections between the hose and the fill pipe.

(g) *Ignition sources*. Under this division, smoking by tank vehicle driver's helpers, repair personnel, or other personnel is prohibited while they are driving, making deliveries, filling or making any repairs to tank vehicles. Open flames shall not be used near manholes or vents.

(h) *Penalty*. Any violation of or noncompliance with this division shall subject the violator to a forfeiture of not less than $100.00 nor more than $200.00, together with the costs of prosecution for the first offense and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days. Second and subsequent offenses within a one-year period shall subject the violator to a forfeiture of not less than $200.00 nor more than $500.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid,

but not to exceed 90 days.

(Code 1975, § 15-265; Code 1997, §§ 50-331—50-333; Ord. No. 34-04-05, § 4, 10-18-2004)

Sec 24-285 Underground Fuel Storage Tanks

All underground fuel storage tanks and dispensing units supplying fuel to motorized vehicles shall be installed in compliance with Wis. Admin. Code ch. Comm 10 except as follows:

(a) The temporary use of movable tanks in conjunction with the dispensing of flammable or combustible liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public:

(1) The temporary use of movable tanks shall be approved in writing by the department or authorized deputy for a time period not to exceed 30 days.

(2) Extensions of time beyond the 30 days may be granted in writing by the department or authorized deputy.

(b) The dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle under the following conditions:

(1) The tank vehicle conforms to the requirements of NFPA No. 385 and other applicable requirements of this article.

(2) The dispensing is done on premises not open to the public.

(3) The motor vehicles are owned or operated by a commercial, industrial or governmental agency.

(4) The dispensing hose does not exceed 150 feet in length.

(5) The dispensing nozzle is a listed automatic closing type without latch open device.

(6) An inspection of the premises and operations has been made and approval granted by a deputy of the department.

(Code 1975, § 15-270; Code 1997, § 50-361; Ord. No. 89-06-07, § 6, 3-5-2007)

Sec 24-286 Compliance With State Regulations

No person, distributor or supplier of flammable or combustible liquids having a flash point below 200 degrees Fahrenheit shall dispense or store such liquids into any tank or container unless such tank or container and its on-site installation complies with the standards set forth in Wis. Admin. Code ch. Comm 10.

(Code 1975, § 15-271; Code 1997, § 50-391; Ord. No. 89-06-07, § 7, 3-5-2007)

Sec 24-287 Penalty

Any violation of or noncompliance with this division shall subject the violator to a forfeiture of not less than $100.00 nor more than $200.00, together with the costs of prosecution for the first offense and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not exceeding 30 days. Second and subsequent offenses shall subject the violator to a forfeiture of not less than $200.00 nor more than $500.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(Code 1975, § 15-272; Code 1997, § 50-392; Ord. No. 34-04-05, § 5, 10-18-2004)

DIVISION 24-II-11 SMOKE DETECTORS

Sec 24-308 Definitions
Sec 24-309 Penalty
Sec 24-310 Buildings Affected
Sec 24-311 Installation Requirements
Sec 24-312 Owner/Tenant Responsibilities
Sec 24-313 Equipment
Sec 24-314 Prohibited Equipment
Sec 24-315 Inspection, Testing And Maintenance Of Fire Alarm Systems
Sec 24-316 Tampering

Sec 24-308 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central alarm station means any facility operated by a business that owns or leases a system of fire alarm devices, which facility is manned by operators who receive, record or validate alarm signals and relay information about such validated signals to the fire department when appropriate.

Dwelling means any building that contains one or two dwelling units.

Dwelling unit means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

Emergency communications center means the communications center located within the police department headquarters which handles the emergency phone calls and radio communications for the police and fire departments.

Fire department means the city fire headquarters and other locations housing privately- or publicly-owned equipment serving the fire department.

Interconnected system means two or more smoke detectors interconnected by electrical conductors.

Multifamily dwelling means an apartment building, row house, townhouse, condominium, or manufactured building as defined in Wis. Stats. § 101.71(6), that does not exceed 60 feet in height or six stories and that consists of three or more attached dwelling units. The term "multifamily dwelling" does not include a facility licensed under Wis. Stats. ch. 50.

Police department means the city police headquarters and other locations housing privately- or publicly-owned equipment serving the police department.

Premises or local alarm means any alarm which produces an audible or visible signal designed to notify persons within audible or visual range of the signal.

Private alarm system means any system which, when actuated by an unlawful act, fire or other emergency requiring police or fire department response, transmits a prerecorded message or other signal by telephone, radio or other means to a central alarm system.

Sleeping area means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

Smoke detector means a device which detects particles or products of combustion other than heat.

Telephone or electronic device means any device which is a telephone device or telephone attachment that automatically or electronically selects a telephone line connected to a central alarm station.

(Code 1975, § 15-255; Code 1997, § 50-661)

Sec 24-309 Penalty

(a) Any violation of or noncompliance with this division shall subject the violator to a forfeiture of not less than $200.00 nor more than $500.00, together with the costs of prosecution and, in default of payment thereof, imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 15 days. Each day of violation or noncompliance shall constitute a separate offense.

(b) Any person or entity convicted of a violation under this division may be required by the chief fire inspector or the inspector's designee to install smoke detectors

operated by a lithium battery or a hard-wired smoke detector system. Any such requirement shall be made via a written order mailed to the violator's last-known address. Any person who objects to such an order may appeal to the chief of the fire department. Such appeal shall be filed within ten days from the date of the date of the written order.

(Code 1975, § 15-262.1; Code 1997, § 50-662; Ord. No. 34-04-05, § 9, 10-18-2004)

Sec 24-310 Buildings Affected

Any building, regardless of date of construction, which is used for sleeping or lodging purposes is subject to the rules and regulations contained in this division and includes, but is not limited to, the following:

(a) A building, all or part of which contains dwelling units;

(b) Hotels and motels;

(c) Mobile homes;

(d) Manufactured housing;

(e) Nursing homes and convalescent homes;

(f) Halfway houses;

(g) Roominghouses; and

(h) Community-based residential facilities (CBRFs).

(Code 1975, § 15-256; Code 1997, § 50-663)

Sec 24-311 Installation Requirements

(a) Owner-occupied single-family dwellings shall be in compliance with Wis. Admin. Code ch. ILHR 28 and the uniform dwelling code, as adopted by the city, and in compliance with the following:

(1) The owner of a dwelling shall install and maintain a minimum of one functional smoke detector in the basement and on each floor level of the dwelling, so located as to protect sleeping areas.

(2) Smoke detectors required by this subsection shall be continuously powered by the house electrical service and shall be interconnected so that activation of one detector will cause activation of all detectors.

(3) Smoke detectors shall not be installed in kitchens.

(b) The owner of a multifamily dwelling constructed after April 1, 1995, or an addition thereto, including remodeling, alterations which affect the structural strength, fire

hazard, exits, required natural lighting or the replacement of major equipment other than minor repairs necessary for the maintenance of any building, shall be in compliance with Wis. Admin. Code ch. ILHR 66, as adopted by the city, and the following:

(1) All buildings within the scope of this subsection shall be provided with approved smoke detectors as specified.

(2) A smoke detector shall be provided at all of the following locations:

a. In the basement.

b. At the head of every open stairway.

c. At the door on each floor level leading to every enclosed stairway.

d. Either in each sleeping area of each dwelling unit or elsewhere in the unit within six feet from the doorway of each sleeping area, but not within a kitchen.

(3) All smoke detectors shall be directly and permanently wired to a proper unswitched circuit and shall be provided with a backup power source.

(4) Where an emergency electrical power system is installed, detectors in stairways, corridors and other public places shall be connected thereto.

(5) All detectors, except those located within individual dwelling units, shall be electrically interconnected to any required manual fire alarm system. All detectors that are electrically interconnected to the manual fire alarm system shall be latching-type system detectors intended for use with a control panel and shall utilize a supervised circuit.

(6) Smoke detectors shall be installed and maintained in accordance with Wis. Stats. § 101.145(3).

Note: Wis. Stats. § 101.145(3) reads:

"The owner of a residential building shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector and maintain any smoke detector which is located in a common area of that residential building. The occupant of a unit in a residential building shall maintain any smoke detector in that unit, except that if an occupant who is not an owner or a state, county, city, village or town officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner, the owner shall provide, within five days after receipt of that notice, any maintenance necessary to make that smoke detector functional."

(c) The owner of a building as described in section 24-310, other than owner-occupied single-family dwellings under subsection (a) of this section and multifamily dwellings under subsection (b) of this section, shall install and maintain functional smoke detectors in the following locations:

(1) A minimum of one smoke detector on each floor level including the basement, so located as to protect sleeping areas on each floor level. When a bedroom is located directly off of a kitchen, a smoke detector shall be installed on the ceiling of that bedroom, within five feet of the door.

(2) Smoke detectors shall not be installed in kitchens.

(3) All stairways in the building shall have a smoke detector at the head (top) of that stairway. If stairways are enclosed with doors, each level must have a detector at its head (top).

(4) In buildings with a common hallway (a hallway serving as an exit for more than one living unit per level), smoke detectors in hallways, stairways and basements shall be installed as part of an interconnected system. Detectors in hallways shall be spaced not more than 30 feet apart, with no smoke detector installed more than 15 feet from any wall. In buildings where the basement is served by two or more required exits, the area between the exits shall be considered as a common hallway, and smoke detectors shall be spaced not more than 30 feet apart.

(5) One- and two-family units having a single exit shall have the basement and all stairway detectors on an interconnected system. In such buildings with exit areas or stairways not heated to allow proper operation of smoke detectors, a smoke detector shall be maintained at an alternate location on each level as part of the interconnected system.

(Code 1975, § 15-257; Code 1997, § 50-664)

Sec 24-312 Owner/Tenant Responsibilities

(a) *Owners*. Under this division, the owner is responsible to notify the tenant of the tenant's responsibility to replace batteries, if so equipped, in the tenant's living unit. Upon occupancy, the owner must notify the tenant in writing that the smoke detectors in the living unit are operable and shall make the tenant aware of the manufacturer's recommended testing procedures. The tenant must acknowledge this written notification by written signature. The written notice shall be made available within 24 hours upon request by the fire department.

(b) *Tenants*. Under this division, a tenant is responsible for testing smoke detectors according to the manufacturer's recommended procedures. The tenant is responsible for replacement of batteries, if so equipped, in the tenant's living unit.

Periodic testing of all smoke detectors inside of each living unit is the responsibility of the tenant occupying that living unit. If the tenant finds that a smoke detector in the unit is not functional, for reasons other than battery replacement, the tenant shall give written notice to the owner. The owner shall, within five days of such notification, provide any maintenance necessary to make that smoke detector functional.

(Code 1975, § 15-258; Code 1997, § 50-665)

Sec 24-313 Equipment

(a) Smoke detectors shall be of the ionization or photoelectric type. AC or DC power may be used; if AC-powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of AC-powered detectors shall conform to all electrical standards adopted by the city. A smoke detector required under this division shall be installed according to the directions and specifications of the manufacturer, but, if in conflict with the city electrical code, the city electrical code shall take precedence.

(b) Smoke detectors and smoke detector system components required under this division shall be approved by Underwriters' Laboratories, Inc. or other comparable testing firm.

(Code 1975, § 15-259; Code 1997, § 50-666)

Sec 24-314 Prohibited Equipment

Under this division, no person shall use or cause to permit to be used any telephone, television cable or electronic device or attachment that automatically selects, sends or dials a public telephone trunk line of the public safety communications center and then reproduces a prerecorded message or signal to report any unlawful act, fire or other deemed emergency.

(Code 1975, § 15-260; Code 1997, § 50-667)

Sec 24-315 Inspection, Testing And Maintenance Of Fire Alarm Systems

(a) The fire department or other municipal authority may inspect all buildings as described in section 24-310 and may issue orders as may be necessary to ensure compliance with this division.

(b) The fire department may be contacted for recommendation when an owner is concerned about installation and the number of required detectors.

(c) All fire alarm systems and components, including manual fire alarm systems and single- or multiple-stream smoke and heat detectors shall be inspected and maintained in accordance with Wisconsin Admin. Code chapter SPS 314 and

the National Fire Protection Association standards, both of which are hereby adopted and incorporated by reference. All reports from all required inspections of fire alarm systems and components shall be submitted to the fire department in the form required by the fire chief.

(Code 1975, § 15-261; Code 1997, § 50-668; Ord. No. 89-06-07, § 10, 3-5-2007; Ord. No. 11-20-21, § 1, 7-20-2020)

Sec 24-316 Tampering

(a) No person shall tamper with a smoke detector or its electrical supply nor shall any person remove or disconnect the battery or power supply of a smoke detector so as to render the smoke detector inoperable.

(b) If the fire department responds to a smoke detector alarm and no cause for the system or detector to be activated is found, the possibility exists that batteries must be removed or other measures taken to silence the detector or system. Such action shall in no way place liability on the fire department. The owner or manager of the building will be notified immediately by the officer in command concerning the condition, and the owner or manager shall have the system or detector operable within five calendar days thereafter.

(Code 1975, § 15-262; Code 1997, § 50-669)

DIVISION 24-II-12 FIREWORKS

Sec 24-336 Definitions
Sec 24-337 Violations
Sec 24-338 Sale, Use Or Discharge
Sec 24-339 Model Rockets

State law reference—Fireworks regulated, Wis. Stats. § 167.10.

Sec 24-336 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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:

(a) Fuel or a lubricant.

(b) A firearm cartridge or shotgun shell.

(c) 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.

(d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.

(e) A model rocket engine.

(f) Tobacco and tobacco products.

(Code 1975, § 26-18(a); Code 1997, § 50-696)

Sec 24-337 Violations

(a) Any violation of this division shall subject the violator to a forfeiture of not less than $100.00 nor more than $1,000.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days. Each day of violation of this division shall constitute a separate offense.

(b) A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall be subject to a forfeiture of not less than $100.00 nor more than $1,000.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days.

(Code 1975, § 26-18(m); Code 1997, § 50-697; Ord. No. 34-04-05, § 10, 10-18-2004; Ord. No. 1-12-13, § 1, 5-21-2012)

Sec 24-338 Sale, Use Or Discharge

(a) No person may sell, possess, use or discharge any fireworks within the city, except that the possession, use, and discharge of fireworks is permitted in conjunction with a fireworks display as follows:

(1) A fireworks display sponsored and specifically approved by the common council, and conducted by or on behalf of the city; or

(2) Upon the granting of a fireworks display permit issued by the fire chief. Such permit may be issued by the fire chief at the fire chief's discretion, but only if the applicant meets the following requirements:

a. Every application shall be made no less than 45 days prior to the proposed display, except this provision shall not apply to any display taking place fewer than 45 after passage of this section by the common council.

b. Each applicant shall provide a certificate of liability insurance with the certificate holder designated as the city and the property owner of the property on which the proposed display will take place. The

certificate shall be provided by the fireworks company or the license applicant conducting the display in an amount not less than $1,000,000.00 coverage per person for personal injury and not less than $1,000,000.00 for property damage. Such certificate shall be issued by an insurance company approved and licensed by the state office of the commissioner of insurance to do business in the state.

c. Each applicant shall submit a clear and readable copy of a valid and current department of the treasury, bureau of alcohol, tobacco and firearms license/permit (issued under 18 USC ch. 40) held by the fireworks company or the license applicant conducting the display.

d. Each application shall include a clear description of the intended site and plan for the display including:

    1. The name of the property owner;
    2. The sponsor of the display;
    3. The mailing address and telephone number of applicant;
    4. The name of person in charge of the display;
    5. The name of the fireworks company conducting the display;
    6. The date and time storage and possession of fireworks will begin and end;
    7. The name and telephone number of person responsible for the site while fireworks are present;
    8. A site layout pursuant to NFPA 1123;
    9. A current color site map with an overlay of the exact location planned of the grounds on which the display is to be held showing the exact point at which the fireworks are to be discharged, the locations of all buildings, streets, trees, overhead public utility lines or overhead obstructions within 500 yards of the point of discharge and an adequate clear area indicating the lines behind which the public will be restrained;
    10. Specification of the date and time the display will begin and end; and
    11. A complete listing of the number and type of all fireworks to be in possession at the site and the number and type to be discharged on the date and time specified in the permit

application.

e. Each application shall be accompanied by payment of a permit fee in the amount $150.00 and an agreement to pay the actual cost of public safety services provided by the city as determined by the fire chief and the police chief. The chiefs shall provide an estimate of the costs within 14 days of receipt of a completed fireworks display permit application.

(b) Subsection (a) of this section does not apply to:

(1) The possession or use of explosives in accordance with rules or general orders of the state department of commerce.

(2) The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.

(3) The possession or use of explosive or combustible materials in any manufacturing process.

(4) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.

(5) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 through 848 if the possession of the fireworks is authorized under the license or permit.

(6) The possession of fireworks while directly transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.

(Code 1975, § 26-18(b), (c)(2); Code 1997, § 50-698; Ord. No. 34-04-05, § 11, 10-18-2004; Ord. No. 48-06-07, § 1, 11-20-2006; Ord. No. 10-12-13, § 1, 6-4-2012)

Sec 24-339 Model Rockets

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Model rocket is a rocket that is propelled by a solid propellant or pressurized-liquid model rocket motor. It has structural parts made of paper, wood and breakable plastic; it has a means for its return to the ground so it can be flown again; and its primary use is for the purposes of education, recreation and sporting competition.

(b) *Launch site requirements*.

(1) A model rocket shall be launched outdoors in a cleared area, free of tall trees, power lines, buildings and dry grass and brush.

(2) The size of the launch site shall be no less than one-half of maximum altitude as stated by the manufacturer for the model rocket and motor combination being flown.

(c) *Prohibited activities*. The following activities shall be prohibited:

(1) Launch of a model rocket in violation of the launch site requirements.

(2) Use of a model rocket as a weapon against a target or launch on a flight path aimed at a target.

(3) Launch of a model rocket carrying a payload that is intended to be flammable, explosive or harmful to persons or property.

(4) Except as expressly provide in this section, the manufacture, building, sale, possession, or launch of any model rocket, except in compliance with the provisions of chapters 1, 2, 3, 5 and 6 of the National Fire Protection Association (NFPA) 1122, Code for Model Rocketry, which is hereby adopted and incorporated by reference.

(d) *Exception*. This section shall not apply to model or toy rockets propelled by pressurized-liquid rocket motors containing less than 250 milliliters (8.45 fluid ounces) of water.

(e) *Requirements for educational activities*.

(1) The launch site requirements contained in subsection (b) of this section shall not apply to any person officially participating in the "Rockets for Schools Program" at the lakefront on the date of the program.

(2) The launch site size requirements contained in subsection (b)(2) of this section shall not apply to persons participating in bona fide educational activities sponsored by a school or other generally recognized educational organization supervised by one or more adults. However, launches conducted as part of such an educational activity shall be launched only from the grounds of a school or park, and the rocket launched shall not land in any location other than the property from which it was launched.

(Code 1997, § 50-701; Ord. No. 84-97-98, § 1, 2-2-1998; Ord. No. 17-98-99, § 1, 6-15-1998)

ARTICLE 24-III FIRE DEPARTMENT

DIVISION 24-III-1 FIRE DEPARTMENT GENERALLY

DIVISION 24-III-2 CHIEF

DIVISION 24-III-3 FIREFIGHTERS
DIVISION 24-III-4 BUREAU OF FIRE PREVENTION

State law reference—Fire departments generally, Wis. Stats. § 62.13.

DIVISION 24-III-1 FIRE DEPARTMENT GENERALLY

Sec 24-367 Composition
Sec 24-368 Special Service Charges

Sec 24-367 Composition

The fire department shall consist of one chief, to be known as the chief of the fire department, and such other officers and personnel as shall be authorized by the common council from time to time.

(Code 1975, § 15-15; Code 1997, § 50-461)

Sec 24-368 Special Service Charges

(a) The fire department shall, upon reasonable request, supply printed and nonprinted records to the public under the fee schedule provided in section 2-801.

(b) Whenever it is necessary for the fire department to contain, remove or dispose of any hazardous substance, the fire department shall render to any party possessing, controlling or causing the discharge of such hazardous substance a bill for the immediate payment of costs of the containment, removal or disposal. For the purposes of this subsection, the term "hazardous substance" means any substance which may pose a substantial present or potential hazard to human health, safety or the environment because of the quantity, concentration or physical, chemical or infectious characteristics. The term "hazardous substance" includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers, or explosives.

(Code 1975, § 15-4; Code 1997, § 50-462; Ord. No. 25-99-00, § 1, 8-16-1999)

DIVISION 24-III-2 CHIEF

Sec 24-395 Appointment; Term
Sec 24-396 Appointment Of Subordinates
Sec 24-397 Rules And Regulations
Sec 24-398 Duties Generally
Sec 24-399 Emergency Destruction Of Property
Sec 24-400 Reports

Sec 24-401 Other Duties

Sec 24-395 Appointment; Term

The chief of the fire department shall be appointed by the police and fire commission and shall hold office during good behavior, subject to suspension or removal by such commission.

(Code 1975, § 15-23; Code 1997, § 50-491)

Sec 24-396 Appointment Of Subordinates

The chief of the fire department shall appoint subordinates subject to the approval of the board of police and fire commissioners. Appointment shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approved by the board and kept on file with the city clerk.

(Code 1975, § 15-24; Code 1997, § 50-492)

Sec 24-397 Rules And Regulations

The chief of the fire department may make such rules and regulations for the good government and operation of the fire department as the chief of the fire department may deem necessary or expedient, but such rules and regulations shall not be inconsistent with this article.

(Code 1975, § 15-25; Code 1997, § 50-493)

Sec 24-398 Duties Generally

(a) The chief of the fire department shall have command of the firefighters and apparatus of the department. It shall be the duty of the chief of the fire department to keep all appliances belonging to the city and used for the purpose of the department in good repair and ready for immediate and efficient service and to make a yearly report to the common council, on or before the first regular meeting in February, as to:

(1) The condition of all fire apparatus and the need for additional equipment.

(2) The organizational status of the fire department.

(3) The number of fires attended; the date, cause, origin and location of each fire; the number and description of the premises and property damaged or destroyed; the amount, as near as can be ascertained, of the damages; and the names of owners and occupants of the premises or property.

(4) The number of fire alarms and the number thereof which were false.

(b) The chief of the fire department shall keep exact rolls of the respective companies, specifying the time of admission and discharge of each firefighter. The chief of the fire department shall also report all accidents by fire which may occur within the city, together with the causes thereof, as accurately as can be ascertained.

(Code 1975, § 15-27; Code 1997, § 50-494)

Sec 24-399 Emergency Destruction Of Property

The chief of the fire department and the chief of the fire department's assistants may direct the firefighters to remove, tear down or otherwise dispose of any building or other structure when it shall become absolutely necessary so to do for the purpose of stopping or checking the progress of a fire.

(Code 1975, § 15-26; Code 1997, § 50-495)

Sec 24-400 Reports

The chief of the fire department shall make comprehensive annual reports to the council of the condition of the fire department.

(Code 1975, § 15-28; Code 1997, § 50-496; Ord. No. 29-09-10, § 1, 12-7-2009)

Sec 24-401 Other Duties

The chief of the fire department shall perform all duties delegated to that office by the state law, city ordinance and such other duties that the council may prescribe.

(Code 1975, § 15-29; Code 1997, § 50-497)

DIVISION 24-III-3 FIREFIGHTERS

Sec 24-431 Duties Generally
Sec 24-432 Statutory Authority
Sec 24-433 Officer In Charge
Sec 24-434 Absence From City
Sec 24-435 Disciplinary Actions
Sec 24-436 Clothing And Equipment

Sec 24-431 Duties Generally

Firefighters shall obey and conform to the rules and regulations prescribed by the chief of the fire department and the common council.

(Code 1975, § 15-36; Code 1997, § 50-526)

Sec 24-432 Statutory Authority

The officers of the fire department, when on duty at a fire or in response to an alarm for a fire, shall have the authority and powers granted them by Wis. Stats. § 213.095.

(Code 1975, § 15-37; Code 1997, § 50-527)

Sec 24-433 Officer In Charge

It shall be the duty of the captain or other officer in charge of each fire company to see that the apparatus committed to that officer's care and the several buildings in which the apparatus are situated and all things in and belonging to the company are kept neat and clean and in order for immediate use. It shall also be that officer's duty to preserve order and discipline at all times in the company and require and enforce a strict compliance with the city ordinances and the rules and regulations pertaining to the fire department.

(Code 1975, § 15-38; Code 1997, § 50-528)

Sec 24-434 Absence From City

No firefighter shall be absent from duty or leave the city without the permission of the chief of the fire department.

(Code 1975, § 15-39; Code 1997, § 50-529)

Sec 24-435 Disciplinary Actions

(a) A firefighter may be suspended as provided in this section as a penalty. The firefighter may also be suspended by the police and fire commission pending the disposition of charges filed against the firefighter.

(b) Charges may be filed against a firefighter by the chief of the fire department, by a member of the police and fire commission, by the commission as a body or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the commission. Pending disposition of such charges, the commission or chief may suspend such firefighter.

(c) A firefighter may be suspended for just cause, as described in subsection (f) of this section, by the chief or the commission as a penalty. The chief shall file a report of such suspension with the commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended firefighter. If the firefighter suspended by the chief requests a hearing before the board, the chief shall be required to file charges with the commission upon which such suspension was based.

(d) Following the filing of charges in any case, a copy of the charges shall be served upon the firefighter charged. The commission shall set a date for a hearing not less than ten days or more than 30 days following service of the charges. The hearing on the charges shall be public, and both the accused and the

complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas, which shall be issued by the president of the commission on request and shall be served as are subpoenas under Wis. Stats. ch. 885.

(e) If the commission determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost pay restored. If the commission determines that the charges are sustained, the accused, by order of the commission, may be suspended or reduced in rank or suspended and reduced in rank or removed, as the good of the service may require.

(f) No firefighter may be suspended, reduced in rank, suspended and reduced in rank or removed by the commission under subsection (e) of this section, based on charges filed by the commission, members of the commission, an aggrieved person or the chief under subsection (b) of this section, unless the commission determines there is just cause, as described in this subsection, to sustain the charges. In making its determination, the commission shall apply the following standards, to the extent applicable, as to whether:

(1) The firefighter could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

(2) The rule or order that the firefighter allegedly violated is reasonable.

(3) The chief, before filing the charge against the firefighter, made a reasonable effort to discover whether the firefighter did, in fact, violate a rule or order.

(4) The effort described under subsection (f)(3) of this section was fair and objective.

(5) The chief discovered substantial evidence that the firefighter violated the rule or order as described in the charges filed against the firefighter.

(6) The chief is applying the rule or order fairly and without discrimination against the firefighter.

(7) The proposed discipline reasonably relates to the seriousness of the alleged violation and to the firefighter's record of service with the chief's department.

(g) Findings and determinations under this section and orders of suspension, reduction, suspension and reduction or removal shall be in writing and, if they follow a hearing, shall be filed within three days thereof with the secretary of the commission.

(h) Further rules for the administration of this section may be made by the commission.

(i) No person shall be deprived of compensation while suspended pending

disposition of the charges.

(j) Any person suspended, reduced, suspended and reduced or removed by the commission may appeal from the order of the commission to the circuit court by serving written notice of the appeal on the secretary of the commission within ten days after the order is filed. Within five days after receiving written notice of the appeal, the commission shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall, upon application of the accused or of the commission, fix a date or trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon return of the commission, except that the court may require further return or the taking and return of further evidence by the commission. The question to be determined by the court shall be: "Upon the evidence is there just cause, as described under subsection (f) of this section, to sustain the charges against the accused?" No costs shall be allowed either party, and the clerk's fees shall be paid by the city. If the order of the commission is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the commission is sustained, it shall be final and conclusive.

(k) Subsections (a) through (j) of this section shall apply to disciplinary actions against the chief, where applicable. In addition thereto, the commission may suspend the chief pending disposition of charges filed by the commission or by the mayor.

(Code 1975, § 15-40; Code 1997, § 50-530)

State law reference—Similar provisions, Wis. Stats. § 62.13(5).

Sec 24-436 Clothing And Equipment

The fire department shall supply protective clothing to firefighters, including helmets, coats, boots and gloves. The standards of equipment furnished shall be established by the chief of the fire department and outdated and obsolete equipment must be turned in before replacement and when employment with the fire department is discontinued.

(Code 1975, § 15-41; Code 1997, § 50-531)

DIVISION 24-III-4 BUREAU OF FIRE PREVENTION

Sec 24-456 Supervision
Sec 24-457 Appointment Of Chief Inspector
Sec 24-458 Scope Of Duties
Sec 24-459 Reports
Sec 24-460 Investigation Of Fires

Sec 24-461 Occupancy And Profile Inspections
Sec 24-462 Modification Of Fire Code

Sec 24-456 Supervision

The bureau of fire prevention shall be operated under the supervision of the chief of the fire department.

(Code 1975, § 15-52; Code 1997, § 50-561)

Sec 24-457 Appointment Of Chief Inspector

The chief of the fire department shall appoint a chief inspector of the bureau of fire prevention.

(Code 1975, § 15-53; Code 1997, § 50-562)

Sec 24-458 Scope Of Duties

(a) The chief of the fire department and personnel of the bureau of fire prevention shall enforce the regulations of this chapter and all other laws, lawful orders and ordinances relating to the following:

(1) The prevention of fires.

(2) The storage, sale, use and handling of combustibles and explosives.

(3) The installation and maintenance of fire alarm systems and fire protection equipment, appliances and devices.

(4) The maintenance of fire escapes as means of egress.

(5) The means, adequacy and maintenance of exits from all buildings, structures or other places in which numbers of persons live, sleep, work or congregate from time to time for any purpose.

(b) The bureau shall perform such other duties as are set forth in this division, the state statutes, the city ordinances and directives and all additional duties prescribed by the chief of the fire department.

(Code 1975, § 15-54; Code 1997, § 50-563)

Sec 24-459 Reports

(a) A quarterly report of the activities of the bureau of fire prevention shall be made and transmitted to the chief of the fire department and shall contain statistics and such other information as may be required by said fire chief.

(b) An annual report containing all information on matters regulated by this chapter, together with statistics and such other information as may be required, shall be made and transmitted by the bureau to the chief of the fire department.

(c) The bureau shall make such reports as may be required by the state department of commerce.

(Code 1975, § 15-55; Code 1997, § 50-564; Ord. No. 89-06-07, § 8, 3-5-2007)

Sec 24-460 Investigation Of Fires

(a) The bureau of fire prevention or any authorized officer of the fire department shall investigate the origin, cause and circumstances of every fire occurring within the city which is of suspicious nature, or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigation shall begin immediately upon the occurrence of such fire and, so far as possible, shall determine whether the fire is the result of accident, carelessness or design. If it appears to the bureau or the authorized officer of the fire department making the investigation that the fire is of suspicious origin, the chief of the fire department shall be immediately notified of such findings. Thereupon, the bureau or the authorized officer shall take charge immediately of the physical evidence and may notify the proper state authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case, if necessary.

(b) Every fire shall be reported in writing to the bureau within 24 hours after the occurrence of the fire by the officer in charge at such fire. The report shall be in such form as shall be prescribed by the chief of the fire department and shall contain a statement of all facts relating to the cause, origin and circumstances of such fire; the injury to persons; the extent of the damage to property; the insurance upon such property; and such other information as may be required.

(c) The district attorney and any city department may assist in the investigation of any fire, upon request of the chief of the fire department or the bureau, when, in their opinion, such fire is of suspicious origin.

(Code 1975, § 15-81; Code 1997, § 50-565)

Sec 24-461 Occupancy And Profile Inspections

(a) The bureau of fire prevention shall inspect all buildings covered under Wis. Admin. Code § Comm 14.002 in accordance with all laws and lawful orders of the state and all state statutes, administrative code provisions, and codes and provisions adopted in the state administrative code, and considering building classification, usage, capacity, age of building, date of issuance of the building

permit and date of final inspection by the building inspection department.

(b) If any building, structure or premises, whether excepted from inspection by the provisions in subsection (a) of this section or not, is especially liable to fire, is so situated as to endanger other buildings or property, contains any combustible or explosive material dangerous to the safety of any building, structure, premises or the occupants thereof, or endangers or hinders firefighters in case of fire, then such building, structure or premises shall not be exempt from inspection.

(Code 1975, § 15-82; Code 1997, § 50-566; Ord. No. 34-04-05, § 7, 10-18-2004)

Sec 24-462 Modification Of Fire Code

The chief of the bureau of fire prevention shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner, lessee, or duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the chief of the bureau of fire prevention thereon shall be entered upon the records of the fire department, and a signed copy shall be furnished the applicant.

(Code 1975, § 15-83; Code 1997, § 50-567)

CHAPTER 26 HEALTH AND PUBLIC WELFARE

ARTICLE 26-I HEALTH AND PUBLIC WELFARE IN GENERAL (RESERVED)
ARTICLE 26-II SMOKING

ARTICLE 26-I HEALTH AND PUBLIC WELFARE IN GENERAL (RESERVED)

ARTICLE 26-II SMOKING

Sec 26-19 Negligence Of Smokers
Sec 26-20 Smoking Prohibited; Exceptions
Sec 26-21 Inspection Bureau Chief Authority To Designate Additional Prohibited And Safe Areas
Sec 26-22 Prohibited Near Certain Combustible Materials; Signage

Sec 26-19 Negligence Of Smokers

(a) Any person who, by smoking or attempting to light or smoke cigarettes, cigars, pipes, tobacco, or any matter for which lighters or matches are employed, shall, in a careless, reckless or negligent manner, set fire to any bedding, furniture, curtains, drapes, house, any household fittings, or any part of any building whatsoever, so as to endanger life or property in any way or to any extent, shall be required to pay a forfeiture of not less than $100.00 nor more than $500.00, together with costs, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(b) In each sleeping room of all hotels, roominghouses, lodginghouses and other places of public abode, a plainly printed notice shall be kept posted in a conspicuous place advising tenants of the provisions of this section.

(Code 1975, § 15-175; Code 1997, § 50-429; Ord. No. 34-04-05, § 6, 10-18-2004; Ord. No. 101-05-06, § 14, 3-20-2006)

Sec 26-20 Smoking Prohibited; Exceptions

(a) *State law adopted*. The provisions of Wis. Stats. § 101.123(1), (2), (2m), (3), (6) and (9), and all acts amendatory thereof, to the extent applicable within the city, are adopted by reference in this section as if fully set forth herein.

(b) *Designated outdoor smoking areas*. The person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to this section may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

(c) *Prohibited in public buildings*. No person shall smoke in any city-owned or -leased public building or within 25 feet of a main entrance thereof at any time, including, but not limited to, the following:

(1) City Hall, 828 Center Avenue.

(2) Public Works Building, 833 Center Avenue.

(3) Sheboygan Transit Building, 608 South Commerce.

(4) Bus Transfer Terminal, across from 828 Pennsylvania Avenue.

(5) Municipal Service Building, 2026 New Jersey Avenue.

(6) Fire stations:

a. Station No. 1, 833 New York Avenue.

b. Station No. 2, 2413 South 18th Street.

c. Station No. 3, 1326 North 15th Street.

d. Station No. 4, 2622 North 8th Street.

e. Station No. 5, 4504 South 18th Street.

(7) Mead Public Library, 710 North 8th Street.

(8) Senior Activity Center, 428 Wisconsin Avenue.

(9) Marina Administration Building, 821 Broughton Drive.

(10) Youth Boating Center, 619 Broughton Drive.

(11) Deland Park Community Center, 901 Broughton Drive.

(12) Wastewater Treatment Facility, 3333 Lakeshore Drive.

(13) Water Utility Building, 72 Park Avenue.

(14) Any other city-owned or -rented office.

(15) All city-owned or -leased motor vehicles.

(d) *Prohibited in council meetings*. No person shall smoke while in attendance at any public meeting of the common council or in any of its authorized committees regardless of the location of the meeting.

(e) *Removal of signs prohibited*. It shall be unlawful for any person to remove, deface or destroy any legally required no smoking sign.

(f) *Penalties*. The following penalties shall apply to violations of this section as indicated:

(1) Any person who violates the provisions of Wis. Stats. § 101.123(2), as

incorporated herein in subsection (a) or (b) of this section, shall be subject to a forfeiture of not less than $100.00 nor more than $250.00 for each violation, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 80 days.

(2) Except as provided in subsection (c)(3) or (4) of this section, any person in charge who violates Wis. Stats. § 101.123(2m)(b) through (d), as incorporated herein in subsection (a) of this section shall be subject to a forfeiture of $100.00 for each violation, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 80 days.

(3) For violations subject to the forfeiture under subsection (c)(2) of this section, if the person in charge has not previously received a warning notice for a violation of Wis. Stats. § 101.123(2m)(b) through (d), as incorporated herein in subsection (a) of this section, the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

(4) No person in charge may be required under subsection (c)(2) of this section to forfeit more than $100.00 in total, plus costs of prosecution, for all violations of Wis. Stats. § 101.123(2m)(b) through (d), as incorporated in subsection (a) of this section, occurring on a single day.

(Code 1997, § 70-6; Ord. No. 136-96-97, § 1, 4-14-1997; Ord. No. 9-10-11, § 1, 6-21-2010; Ord. No. 61-10-11, § 1, 4-18-2011; Ord. No. 13-11-12, § 1, 7-5-2011)

Sec 26-21 Inspection Bureau Chief Authority To Designate Additional Prohibited And Safe Areas

(a) Where conditions are such as to make smoking a hazard in any area of a pier, a wharf, a warehouse, a store, an industrial plant, an institution, a place of assembly and in open spaces where combustible materials are stored or handled, the chief inspector of the bureau is empowered and authorized to order the owner or occupant, in writing, to post no smoking signs in each building, structure, room or place in which smoking shall be prohibited.

(b) The chief inspector of the bureau shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

(Code 1975, §§ 15-168, 15-169; Code 1997, §§ 50-422, 50-423)

Sec 26-22 Prohibited Near Certain Combustible Materials; Signage

(a) Notwithstanding any other provision of this article:

(1) *Retail establishments*. Smoking shall not be permitted in retail establishments where combustible materials are handled or sold. Approved signs bearing, in plainly legible letters, the words "no smoking" shall be erected.

(2) *Theaters*. The lighting of matches or other flame-producing devices and smoking in any theater or motion picture theater shall be unlawful except in areas approved by the chief inspector of the bureau, provided such areas are free from all combustible floors, walls, furniture and decorations. This section shall not be construed to prohibit the use of a cigar, cigarette or pipe upon the stage of such theater when used in connection with any theatrical performance.

(3) *Vehicle service stations*. There shall be no smoking on the premises of any service station dispensing flammable liquids or liquefied petroleum gas or in any garage in the areas used for fueling motor vehicles, dispensing flammable antifreeze or the receipt of flammable products by tank vehicle or in those portions of the building used for servicing automobiles, trucks, buses, tractors or internal combustion engines. The motor of every vehicle being fueled shall be shut off during the fueling operation. Conspicuous signs bearing the words no smoking and stop motor while filling shall be posted within sight of the customer being served. Letters on such signs shall be plainly legible and shall be not less than two inches in height.

(b) No smoking signs required by this division shall be of approved-size lettering and shall contain the phrase "by order of the fire department." It shall be unlawful for any person to remove, deface or destroy any legally required no smoking sign or to smoke in any place where any such sign is posted.

(Code 1975, §§ 15-170—174; Code 1997, §§ 50-424—50-428)

CHAPTER 28 HUMAN RELATIONS AND SOCIAL SERVICES

ARTICLE 28-I HUMAN RELATIONS AND SOCIAL SERVICES IN GENERAL, (RESERVED)
ARTICLE 28-II FAIR HOUSING

ARTICLE 28-I HUMAN RELATIONS AND SOCIAL SERVICES IN GENERAL, (RESERVED)

ARTICLE 28-II FAIR HOUSING

DIVISION 28-II-1 FAIR HOUSING GENERALLY
DIVISION 28-II-2 ADMINISTRATION AND ENFORCEMENT

State law reference—Open housing, Wis. Stats. §106.50.

DIVISION 28-II-1 FAIR HOUSING GENERALLY

Sec 28-19 Definitions
Sec 28-20 Declaration Of Policy
Sec 28-21 Discrimination Prohibited
Sec 28-22 Discrimination Against Persons With Disabilities Prohibited
Sec 28-23 Exemptions And Exclusions

Sec 28-19 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Age means an individual's status as having obtained 40 or more years of age.

Board means the city plan commission.

Committee means the city licensing, hearing, and public safety committee.

Complainant means a person who files a complaint alleging discrimination in housing.

Disability means a physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. The term "disability" does not include the current illegal use of a controlled substance, as defined in Wis. Stats. § 961.01(4), or a controlled substance analog, as defined in Wis. Stats. § 961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.

Discriminate, discrimination, or discriminatory means any act, policy or practice that, regardless of intent, has the effect of segregating, excluding, treating a person or class of persons unequally in a manner described in section 22-21 or 22-22, or subjecting any person to differential treatment as a result of that person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.

Dwelling unit means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons who are maintaining a common household, to the exclusion of all others.

Family includes one natural person.

Family status means any of the following conditions that apply to a person seeking to rent or purchase housing or to a member or prospective member of the person's household regardless of the person's marital status:

(a) A person is pregnant.

(b) A person has a past, current, or prospective status as parent or legal guardian to a child or children below the age of 18 years who may or may not reside with that person.

(c) A person is in the process of securing sole or joint legal custody, periods of physical placement or visitation rights of a minor child.

(d) A person's household includes one or more minor or adult relatives.

(e) A person's household includes one or more adults or minor children in the person's legal custody or physical placement or with whom the person has visitation rights.

(f) A person's household includes one or more adults or minor children placed in the person's care under a court order, under a guardianship or with the written permission of a parent or other person having legal custody of the adult or minor child.

Gender identity means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

Hearing means a hearing under the jurisdiction of the board, except where otherwise indicated.

Housing means any improved property, or any portion thereof, including a manufactured or mobile home as defined in Wis. Stats. § 101.91(10) or condominium, that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence. The term "housing" includes any vacant land that is offered for sale or rent for

the construction or location thereon of any building, structure or portion thereof that is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.

Housing for older persons has the meaning as defined by federal or state law.

Marital status means a person's past, current, or prospective status as single, married, domestically partnered, in a civil union, divorced, or widowed.

National origin means a person's or the person's ancestral place of origin.

Place of public resort, accommodation, assemblage, or amusement means any place, store, or other establishment that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds.

Probable cause means reasonable grounds to believe that one or more persons has, may have, or may be violating one or more provisions of this article.

Religion means all aspects of world view, ground motive, philosophical presupposition, commitment, faith, belief, religious observance, and religious practice.

Respondent means the person accused in a complaint of discrimination in housing filed with the board.

Sexual orientation has the meaning given in Wis. Stats. § 111.32(13m).

Status as a victim of domestic abuse, sexual assault, or stalking means the status of a person who is seeking to rent or purchase housing or of a member or prospective member of the person's household having been or being believed by the lessor or seller of housing to be, a victim of domestic abuse, as defined in Wis. Stats. § 813.12(1)(am), sexual assault under Wis. Stats. § 940.225, 948.02, or 948.025, or stalking under Wis. Stats. § 940.32.

Veteran status means an individual's status as one who served in the active military, naval, or air service of any current or former sovereign nation.

(Code 1997, § 46-1; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 28, 4-5-2017; Ord. No. 25-20-21, § 1, 12-7-2020)

Sec 28-20 Declaration Of Policy

It is declared to be the policy of the city, pursuant to the state and federal constitutions and state law and also its power to protect the public health, safety and general welfare that all persons are entitled to fair and equal access to housing and to be free of all forms of discrimination, regardless of their actual or perceived sex, gender identity, race, color,

religion, age, ancestry, marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation. To that end the city enacts this chapter, which prohibits any person, not exempted in this chapter, from discriminating against any other person by impairing to any degree access to any housing or housing accommodations on the basis of their actual or perceived sex, gender identity, race, color, religion, age, ancestry, marital status, family status, veteran status, status as a victim of domestic abuse, sexual assault, or stalking, lawful source of income, national origin, disability, or sexual orientation and creates a board with the power and duty to enforce equal opportunity in housing for all city citizens.

(Code 1997, § 46-2; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 25-20-21, § 2, 12-7-2020)

Sec 28-21 Discrimination Prohibited

(a) It is unlawful for any person to discriminate:

(1) By refusing to sell, rent, finance or contract to construct housing or by refusing to negotiate or discuss the terms thereof.

(2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.

(3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.

(4) By advertising in a manner that indicates discrimination by a preference or limitation.

(5) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.

(6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

(7) In providing the privileges, services or facilities that are available in connection with housing.

(8) By falsely representing that housing is unavailable for inspection, rental or sale.

(9) By denying access to, or membership or participation in, a multiple listing service or other real estate service.

(10) By coercing, intimidating, threatening or interfering with a person in the exercise or enjoyment of, or on account of the person having exercised or enjoyed, a right granted or protected under this section, or with a person

who has aided or encouraged another person in the exercise or enjoyment of a right granted or protected under this section.

(11) In making available any of the following transactions, or in the terms or conditions of such transactions, for a person whose business includes engaging in residential real estate-related transaction:

a. The making or purchasing of loans or the provision of other financial assistance for purchasing, constructing, improving, repairing or maintaining housing or the making or purchasing of loans or the provision of other financial assistance secured by residential real estate.

b. Selling, brokering or appraising residential real property.

(12) By otherwise making unavailable or denying housing.

(b) No person may induce or attempt to induce a person to sell or rent housing by representations regarding the present or prospective entry into the neighborhood of a person of a particular economic status or a member of a protected class, or by representations to the effect that such present or prospective entry will or may result in any of the following:

(1) The lowering of real estate values in the area concerned.

(2) A deterioration in the character of the area concerned.

(3) An increase in criminal or antisocial behavior in the area concerned.

(4) A decline in the quality of the schools or other public facilities serving the area.

(Code 1997, § 46-3; Ord. No. 50-12-13, § 1, 3-18-2013)

Sec 28-22 Discrimination Against Persons With Disabilities Prohibited

(a) *Types of discrimination prohibited*. In addition to discrimination prohibited under section 28-21, no person may do any of the following:

(1) Segregate, separate, exclude or treat unequally in the sale or rental of, or otherwise make unavailable or deny, housing to a buyer or renter because of a disability of that buyer or renter, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available, or a disability of a person associated with that buyer or renter.

(2) Segregate, separate, exclude or treat unequally a person in the terms, conditions or privileges of sale or rental of housing, or in the provision of

services or facilities in connection with such housing, because of a disability of that person, a disability of a person residing in or intending to reside in that housing after it is sold, rented or made available, or a disability of a person associated with that person.

(3) Refuse to permit, at the expense of a person with a disability, reasonable modification of existing housing that is occupied, or is to be occupied, by such a person if the modifications may be necessary to afford the person full enjoyment of the housing, except that, in the case of rental housing, the landlord may, where it is reasonable to do so, condition permission for a modification on the tenant's agreement to restore the interior of the housing to the condition that existed before the modification, other than reasonable wear and tear. The landlord may not increase any customarily required security deposit. Where it is necessary to ensure that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of a restoration agreement a requirement that the tenant pay into an interest-bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. If escrowed funds are not used by the landlord for restorations, they shall be returned to the tenant.

(4) Refuse to make reasonable accommodations in rules, policies, practices or services that are associated with the housing, when such accommodations may be necessary to afford the person equal opportunity to use and enjoy housing, unless the accommodation would impose an undue hardship on the owner of the housing.

(b) *Animals assisting persons with disabilities*.

(1) If an individual's vision, hearing or mobility is impaired, it is discrimination for a person to refuse to rent or sell housing to the individual, cause the eviction of the individual from housing, require extra compensation from an individual as a condition of continued residence in housing or engage in the harassment of the individual because the individual keeps an animal that is specially trained to lead or assist the individual with impaired vision, hearing or mobility if all of the following apply:

a. Upon request, the individual shows to the lessor, seller or representative of the condominium association credentials issued by a school recognized by the department as accredited to train animals for individuals with impaired vision, hearing or mobility.

b. The individual accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.

(2) Subsection (b)(1) of this section does not apply in the case of the rental of

owner-occupied housing if the owner or a member of the owner's immediate family occupying the housing possesses and, upon request, presents to the individual a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the individual possesses.

(c) *Design and construction of covered multifamily housing*. In addition to discrimination prohibited under subsections (a) and (b) of this section and section 28-21, no person may design or construct covered multifamily housing, as defined in Wis. Stats. § 101.132(1)(d), unless it meets the standards specified in Wis. Stats. § 101.132(2)(a)1 through 4. In addition, no person may remodel, as defined in Wis. Stats. § 101.132(1)(h), housing with three or more dwelling units unless the remodeled housing meets the standards specified in Wis. Stats. § 101.132(2)(a)1 through 4 as required under Wis. Stats. § 101.132(2)(b)1, 2 or 3, whichever is applicable.

(Code 1997, § 46-4; Ord. No. 50-12-13, § 1, 3-18-2013)

Sec 28-23 Exemptions And Exclusions

(a) Nothing in this article shall prohibit discrimination based on age or family status with respect to housing for older persons.

(b) Nothing in this article shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

(c) Nothing in this article shall prohibit the development of housing designed specifically for persons with disabilities and preference in favor of persons with disabilities in relation to such housing.

(d) Nothing in this article requires that housing be made available to an individual whose tenancy would constitute a direct threat to the safety of other tenants or persons employed on the property or whose tenancy would result in substantial physical damage to the property of others if the risk of direct threat or damage cannot be eliminated or sufficiently reduced through reasonable accommodations. A claim that an individual's tenancy poses a direct threat or a substantial risk of harm or damage must be evidenced by behavior by the individual that caused harm or damage, that directly threatened harm or damage, or that caused a reasonable fear of harm or damage to other tenants, persons employed on the property, or the property. No claim that an individual's tenancy would constitute a direct threat to the safety of other persons or would result in substantial damage to property may be based on the tenant's status as a victim of domestic abuse, sexual assault, or stalking.

(e) It is not discrimination based on status as a victim of domestic abuse, sexual

assault, or stalking for a landlord to bring an action for eviction of a tenant based on a violation of the rental agreement or of a statute that entitles the landlord to possession of the premises, unless subsection (e)(1) or (2) of this section applies. A tenant has a defense to an action for eviction brought by a landlord if the tenant proves by a preponderance of the evidence that the landlord knew or should have known any of the following:

(1) That the tenant is a victim of domestic abuse, sexual assault, or stalking and that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was not the invited guest of the tenant.

(2) That the tenant is a victim of domestic abuse, sexual assault, or stalking, that the basis for the action for eviction is conduct that related to the commission of domestic abuse, sexual assault, or stalking by a person who was the invited guest of the tenant, and that the tenant has done one of the following:

a. Sought an injunction under Wis. Stats. § 813.12, 813.122, 813.123, or 813.125 enjoining the person from appearing on the premises.

b. Upon receiving notice under Wis. Stats. § 704.17, provided a written statement to the landlord indicating that the person will no longer be an invited guest of the tenant and has not subsequently invited the person to be a guest of the tenant.

(f) It is not discrimination based on family status to comply with any reasonable federal, state or local government restrictions relating to the maximum number of occupants permitted to occupy a dwelling unit.

(g) Subject to subsection (e)(2) of this section, nothing in this article applies to a decision by an individual as to the person with whom a dwelling unit will be or continues to be share, as defined in Wis. Stats. § 101.71(2) except that dwelling unit does not include any residence occupied by more than five persons.

(h) Any advertisement or written notice published, posted or mailed in connection with the rental or lease of a dwelling unit under subsection (e)(1) of this section may not violate 42 USC 3604(c)(2)(d), or any rules or regulations promulgated under this article or 42 USC 3601 through 3619, except that such an advertisement or written notice may be for a person of the same sex as the individual who seeks a person to share the dwelling unit for which the advertisement or written notice is placed.

(i) Nothing in this article prohibits an owner or agent from requiring that a person who seeks to buy or rent housing supply information concerning family status, and marital, financial, and business status but not concerning race, color, disability, sexual orientation, gender identity, ancestry, national origin, religion,

creed, status as a victim of domestic abuse, sexual assault, or stalking.

(j) A person may not be held personally liable for monetary damages for a violation of section 28-21 or 28-22 if the person reasonably relied, in good faith, on the application of the exemption under this section relating to housing for older persons. For the purposes of this section, a person may show reasonable reliance, in good faith, on the application of the exemption under this section relating to housing for older persons only if the person shows all of the following:

(1) That the person has no actual knowledge that the housing is not or will not be eligible for the exemption.

(2) That the owner of the housing has stated formally, in writing, that the housing complies with the requirements for the exemption.

(k) Nothing in this article prohibits any religious or denominational institution or organization, or any charitable or educational organization which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission or giving preference to persons of the same religion or denomination, or from making such selection as is reasonably necessary for such organizations to promote the religious principles for which it is established or maintained.

(l) Nothing in this article shall limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling, structure, unit, or property.

(m) Nothing in this article shall apply to a single occupancy room, provided that the owner permanently resides in the same structure.

(Code 1997, § 46-5; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 25-20-21, § 3, 12-7-2020)

DIVISION 28-II-2 ADMINISTRATION AND ENFORCEMENT

Sec 28-50 Administration; Powers And Duties
Sec 28-51 Complaint
Sec 28-52 Investigation And Finding Of Probable Cause
Sec 28-53 Hearing On Failure To Settle
Sec 28-54 Findings Of Examiner
Sec 28-55 Appeal From Examiner's Findings
Sec 28-56 Transfer Of Proceedings
Sec 28-57 Judicial Enforcement
Sec 28-58 Remedies

Sec 28-50 Administration; Powers And Duties

(a) The purposes and provisions of this article shall be administered by the plan

commission and, where necessary, the city attorney.

(b) In administering this article, the plan commission shall have the power and duty to:

(1) Adopt, amend, publish and modify any and all administrative policies and procedures as may, from time to time, be necessary, useful, helpful, or desirable in the administration or enforcement of this article;

(2) Appoint such number and types of employees, agents and staff, subject to a table of organization and budget approval by the common council, as are necessary to promote the purposes of this article or the administration or enforcement of this article, and prescribe their duties;

(3) Receive, initiate and investigate complaints alleging any discrimination or discriminatory practice prohibited by this article if the complaint is filed with the board not later than one year after the alleged discrimination occurred or terminated;

(4) Appoint, from time to time, subject to a table of organization or budget approval by the common council, one or more investigators to gather facts, evidence and information, and otherwise investigate complaints, or one or more mediators who initially shall seek a settlement agreeable to both the complainant and the respondent by means of information conferences or other meetings or means;

(5) Refer settlement agreements to the city attorney for approval as to form;

(6) If necessary, hold hearings after efforts at settlement, based on complaints made against any person and a determination of probable cause; administer oaths and take testimony; compel the production of books, papers and any other documents relating to any matters involved in the complaint; and subpoena witnesses and compel their attendance. If a witness either fails or refuses to obey a subpoena issued by the board, the board may order attendance. At any time after it has issued such an order, the board may petition a court of competent jurisdiction for its enforcement;

(7) Issue, after hearing, such final orders as are necessary to promote the purpose of this article;

(8) Issue temporary orders effective for a maximum of 20 days, absent extraordinary circumstances, restraining the respondent from taking any action that would tend to render ineffective or unenforceable any order which the board might issue;

(9) Refer orders to the city attorney to be enforced by the city attorney in the name of the city;

(10) Except as provided in Wis. Stats. § 19.31 et seq. or 106.50, make

available to the public, in writing, copies of:

a. Transcripts of all of its proceedings except initial settlement efforts by its mediators;

b. All temporary and final orders; and

c. All decisions and opinions rendered.

No publicity, however, shall be given a complaint in those cases where the board obtains compliance with this article, or the board finds that the complaint is without foundation;

(11) Require a written report of the manner of compliance with any final order it may issue; and

(12) Recommend to the mayor and common council any legislation necessary to further promote the purposes of this article and file annual written reports of its work to the mayor and common council.

(Code 1997, § 46-41; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 29, 4-5-2017)

Sec 28-51 Complaint

(a) The board may receive and investigate a complaint charging a violation of section 28-21 or 28-22 if the complaint is filed with the board not later than one year after the alleged discrimination occurred or terminated.

(b) The complaint shall include a written statement of the essential facts constituting the discrimination that is charged and shall be signed by the complainant.

(c) A complaint filed under this article may be amended or withdrawn at any time with and subject to the approval of the board or its designated agent and under such terms as the board or agent shall direct.

(d) Upon the filing of a lawful, timely, and otherwise proper complaint, the board of its designated agent shall serve a copy of the complaint upon the respondent. The copy of the complaint, together with a notice directing the respondent to respond in writing to the allegations in the complaint within 20 days after the date of the notice shall be served upon the respondent by certified mail, return receipt requested. The notice will further state that, if the respondent fails to answer the complaint in writing, the board will make an initial determination as to whether the discrimination has occurred based only on the board's investigation and the information supplied by the complainant.

(e) The board may dismiss the complaint if the complainant fails to respond to the board within 20 days from the date of mailing of any correspondence from the board concerning the complaint, if the board's correspondence requests a

response and if the correspondence is sent by certified mail, return receipt requested, to the last-known address of the complainant.

(Code 1997, § 46-66; Ord. No. 50-12-13, § 1, 3-18-2013)

Sec 28-52 Investigation And Finding Of Probable Cause

(a) The board or its designated agent shall investigate all complaints that allege a violation of this article and that are timely filed. The board or its designated agent may subpoena persons or documents for the purpose of investigation.

(b) At the conclusion of the investigation of the allegations, the board or its designated agent shall make a determination as to whether probable cause exists to believe that discrimination has occurred or is about to occur.

(c) If a determination is made that there is no probable cause to believe discrimination in violation of this article has been or is being committed, the complainant shall be afforded an opportunity to appeal such decision to the full plan commission. If the full board decides there is no probable cause, the complainant may appeal to either:

(1) A court of competent jurisdiction for the county in which the alleged discrimination took place; or

(2) A court of competent jurisdiction for the county in which the property or property interest in question is located.

(d) If a determination is made that there is probable cause to believe discrimination in violation of this article has been or is being committed, an agent designated by the plan commission shall endeavor, by means of conference, conciliation or persuasion, to eliminate the alleged discrimination or discriminatory practice.

(Code 1997, § 46-67; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 30, 4-5-2017)

Sec 28-53 Hearing On Failure To Settle

When efforts at settlement have failed to eliminate the discrimination or discriminatory practice alleged by the complainant under this article, the plan commission shall promptly cause to be issued a notice of a hearing before a hearing examiner, acting as an agent of the board, to determine the merits of the complaint.

(Code 1997, § 46-68; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 31, 4-5-2017)

Sec 28-54 Findings Of Examiner

(a) Under this article, in all hearings before an examiner, except those for determining probable cause, the burden of proof is on the party alleging discrimination.

(b) If, after hearing and on the basis of the official record made therein, the examiner finds by a fair preponderance of the evidence that the respondent has engaged in or is engaged in any discrimination prohibited by this article, the hearing examiner shall make and recommend to the plan commission written findings of fact and conclusions thereon and shall recommend such action to be taken by the respondent and, where necessary, by the complainant, as will affect the purposes of this article by eliminating the discrimination found.

(c) *Damages and penalties*.

(1) If the hearing examiner finds that a respondent has engaged in or is about to engage in a discriminatory act prohibited under section 28-21 or 28-22, the hearing examiner shall promptly issue an order for such relief as may be appropriate, which may include economic and non-economic damages suffered by the aggrieved person, regardless of whether the hearing examiner intervened in the action, and injunctive or other equitable relief. The hearing examiner may not order punitive damages.

(2) In addition to any damages ordered under subsection (c)(1) of this section, the hearing examiner may assess a forfeiture against a respondent who is not a natural person in an amount not exceeding $10,000.00, unless the respondent who is not a natural person has been adjudged to have committed any prior discriminatory act under section 28-21 or 28-22. If a respondent who is not a natural person has been adjudged to have committed one other discriminatory act under section 28-21 or 28-22 during the preceding five-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding $25,000.00. If a respondent who is not a natural person has been adjudged to have committed two or more prior discriminatory acts under section 28-21 or 28-22 during the preceding seven-year period, based on the offense date of the prior discriminatory act, the hearing examiner may assess a forfeiture in an amount not exceeding $50,000.00.

(3) In addition to any damages ordered under subsection (c)(1) of this section, the hearing examiner may assess a forfeiture against a respondent who is a natural person in an amount not exceeding $10,000.00, unless the respondent who is a natural person has been adjudged to have committed any prior discriminatory act under section 28-21 or 28-22. If a respondent who is a natural person has been adjudged to have committed one other prior discriminatory act under section 28-21 or 28-22 based on an offense date that is before September 1, 1992, the hearing examiner may assess a forfeiture in an amount not

exceeding $25,000.00. If a respondent who is a natural person has been adjudged to have committed two or more prior discriminatory acts under section 28-21 or 28-22 based on an offense date that is before September 1, 1992, the hearing examiner may assess a forfeiture in an amount not exceeding $50,000.00.

(d) *Attorney fees and costs*. The hearing examiner may allow a prevailing complainant reasonable attorney fees and costs.

(e) A certified copy of such recommended findings, conclusions and orders, together with a summary of the findings of fact, shall be sent to the last-known addresses of the complainant and the respondent by certified mail with return receipts requested.

(f) If, within 30 days following the mailing of the hearing examiner's decision, the board does not receive notice of appeal, the findings, conclusions and orders of the examiner shall be the findings, conclusions and orders of the board.

(Code 1997, § 46-69; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 32, 4-5-2017)

Sec 28-55 Appeal From Examiner's Findings

Under this article, if within 30 days following the mailing of the examiner's decision, the complainant or respondent serves notice of appeal, such appeal may be had to the full plan commission. The board shall have the power to affirm, reverse or modify the determination of the hearing examiner. After final determination by the board, either party may appeal by certiorari to a court of competent jurisdiction. In the alternative, either party may receive a trial de novo on all issues relating to any alleged discrimination and a further right to a trial by jury.

(Code 1997, § 46-70; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 33, 4-5-2017)

Sec 28-56 Transfer Of Proceedings

At any time after a finding of probable cause under this article, the plan commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself.

(Code 1997, § 46-71; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 34, 4-5-2017)

Sec 28-57 Judicial Enforcement

Whenever, in the judgment of the plan commission, judicial enforcement of a board order is necessary to enforce this article, the board shall in writing request the city attorney to

commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the city. Upon receipt of any such request, the city attorney shall have the duty to seek enforcement of such orders in a court of competent jurisdiction.

(Code 1997, § 46-72; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 35, 4-5-2017)

Sec 28-58 Remedies

(a) The plan commission shall have the power and duty, after investigation and hearing, to issue and implement such orders as may be necessary to affect the purposes of this article. Such orders may include the following:

(1) Cease-and-desist orders;

(2) Affirmative action by the respondent and, where necessary, by the complainant; and

(3) Any other orders which may be necessary to affect the purpose of this article.

(b) Any of the orders of the board shall be stayed during the period in which any appeal may be taken and during the pendency of any appeal.

(Code 1997, § 46-73; Ord. No. 50-12-13, § 1, 3-18-2013; Ord. No. 39-16-17, § 36, 4-5-2017)

CHAPTER 30 LAW ENFORCEMENT

ARTICLE 30-I LAW ENFORCEMENT IN GENERAL
ARTICLE 30-II POLICE DEPARTMENT

ARTICLE 30-I LAW ENFORCEMENT IN GENERAL

Sec 30-1 Special Service Charges

Sec 30-1 Special Service Charges

(a) The police department may, upon the request of a duly constituted law enforcement agency, conduct polygraph examinations at a fee of $150.00 per test. If a polygraph examination is cancelled, a minimum service fee of $30.00 shall be charged for service rendered.

(b) The police department may, upon request, provide fingerprint service to those individuals, institutions and businesses requesting special service in accordance with the following fee schedule:

(1) Fingerprint cards submitted to and processed by the Federal Bureau of Investigation: $23.00.

(2) Other fingerprint cards: $10.00.

(c) The police department outdoor pistol range may be rented at a fee of $10.00 per hour. The rental will be limited to technical schools involved in the training of peace officers.

(Code 1975, § 32-5; Code 1997, § 54-2)

ARTICLE 30-II POLICE DEPARTMENT

DIVISION 30-II-1 POLICE DEPARTMENT GENERALLY
DIVISION 30-II-2 POLICE CHIEF
DIVISION 30-II-3 POLICE OFFICERS
DIVISION 30-II-4 CLOTHING AND EQUIPMENT
DIVISION 30-II-5 PARKING MONITORS AND PROPERTY EVIDENCE OFFICERS

State law reference—Police and fire departments generally, Wis. Stats. § 62.13.

DIVISION 30-II-1 POLICE DEPARTMENT GENERALLY

Sec 30-21 Organization

Sec 30-21 Organization

The police department shall consist of one chief and such other officers and personnel as shall be determined by the common council from time to time.

(Code 1975, § 32-16; Code 1997, § 54-31)

DIVISION 30-II-2 POLICE CHIEF

Sec 30-46 Appointment
Sec 30-47 Reports Generally
Sec 30-48 Duties Generally
Sec 30-49 Keeping Public Peace
Sec 30-50 Record Of Arrests
Sec 30-51 Rules For Police Department
Sec 30-52 Appointment Of Subordinates
Sec 30-53 Stipulations And Deposits For Violations
Sec 30-54 Conveying Prisoners To Court
Sec 30-55 Preserving Information
Sec 30-56 Sale Of Unclaimed Articles
Sec 30-57 Appointment Of Adult School Crossing Guards

Sec 30-46 Appointment

The police chief shall be appointed by the police and fire commission and shall hold the office during good behavior, subject to suspension or removal by such commission.

(Code 1975, § 32-36; Code 1997, § 54-61)

Sec 30-47 Reports Generally

The police chief shall daily remit to the city finance director/treasurer all fees, fines, forfeitures and all other sums received by the police department. The police chief shall make quarterly and annual reports to the council of the receipts and disbursements in the police department. The police chief shall at least annually submit a report to the council regarding the efficiency of the police force, the number of arrests made and the occasions therefor and on such other matters as the police chief shall deem proper or as the council shall direct. The police chief shall attach to each of such reports a recapitulation thereof which shall be published by the clerk in the official newspaper instead of publication of the entire report.

(Code 1975, § 32-37; Code 1997, § 54-62)

Sec 30-48 Duties Generally

The police chief shall have command of the city police force under the direction of the mayor. It shall be the police chief's duty to obey all lawful written orders of the mayor or common council. The police chief shall perform all duties prescribed to the police chief by state law and city ordinances.

(Code 1975, § 32-38; Code 1997, § 54-63)

Sec 30-49 Keeping Public Peace

The police chief shall cause the public peace to be preserved and see that all the laws and ordinances of the city are enforced. Whenever a violation of the city laws and ordinances shall come to the police chief's knowledge, the police chief shall cause the requisite complaint to be made and see to it that the evidence is procured for the proper prosecution of the offender. The police chief shall cause to be made and kept such a record of the police chief's activities as the police chief may deem necessary or as shall be directed by the mayor. The police chief shall be responsible for the efficiency and general good conduct of the department and shall forward to the police and fire commission all written complaints received by the police chief against any member of the police force.

(Code 1975, § 32-39; Code 1997, § 54-64)

Sec 30-50 Record Of Arrests

The police chief shall keep records of all arrests made by the members of the police force, the name of the arresting officer, the circumstances of the arrest and the disposition thereof. The police chief shall make a report of such record quarterly to the common council at the first regular meeting, after the expiration of each quarter, and more often when requested by the mayor.

(Code 1975, § 32-40; Code 1997, § 54-65)

Sec 30-51 Rules For Police Department

The police chief may make such further rules and regulations for the government of the police department as the police chief may deem necessary, provided such rules and regulations shall not be inconsistent with this chapter and state law.

(Code 1975, § 32-41; Code 1997, § 54-66)

Sec 30-52 Appointment Of Subordinates

The police chief shall appoint subordinates subject to the approval of the board of police and fire commissioners. Such appointments shall be made by promotion when this can be done with advantage; otherwise from an eligible list provided by examination and approval by the board.

(Code 1975, § 32-42; Code 1997, § 54-67)

Sec 30-53 Stipulations And Deposits For Violations

(a) Stipulations of guilt or no contest may be made by persons arrested or cited for

violations of this Code or state law. Such stipulations shall be made in conformance with the procedures prescribed by Wis. Stats. § 66.0114, 345.27 or 969.01 et seq. Stipulations of guilt or no contest may be made by cash payment or by use of credit cards to the police department or the clerk of circuit court. Cash payments shall be receipted by the appropriate agency. The police department or clerk of the circuit court may, at their option, also accept checks for payment of such stipulations.

(b) For payments of stipulations and deposits made by check or charge card, the check or credit card receipt shall be considered a receipt in lieu of a cash receipt.

(c) The city shall pay the cost of the credit card services utilized pursuant to this section. Such costs shall be deducted from the city's share of the forfeiture or deposit collected.

(Code 1975, § 32-44; Code 1997, § 54-69; Ord. No. 60-00-01, § 11, 10-2-2000)

Sec 30-54 Conveying Prisoners To Court

The police chief shall cause every person arrested and detained for violation of state law or this Code to be brought before the trial court at its next session following such arrest and shall cause the arresting officer and necessary witnesses to be summoned to testify in relation to the charge made against the arrested person, at such time as the court will hear the case.

(Code 1975, § 32-45; Code 1997, § 54-70)

Sec 30-55 Preserving Information

The police chief shall maintain proper records at the police headquarters of all information the police chief may receive of offenses committed or of suspicious persons or places. The entries of the offenses committed shall state the hour, place and manner in which each offense was committed; the property stolen, enumerating the articles; the name and the residence of the owner, if known; and the name of the police officer on the beat at the time the offense was committed.

(Code 1975, § 32-46; Code 1997, § 54-71)

Sec 30-56 Sale Of Unclaimed Articles

(a) The police chief shall, at the police chief's discretion, arrange for the sale or disposal of any personal property which has been abandoned or that shall have been left or remained unclaimed at the police station for a period of 30 days after the taking of possession of the property by the city. Such disposal methods may include the transfer of the articles to any non-profit organization or governmental entity, when the police chief determines such transfer to be in the best interests of the city. If the property is not disposed of in a sale open to the public, the police

chief shall maintain an inventory of the property, a record of the date and method of disposal, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. The inventory shall be kept as a public record for a period of not less than two years from the date of disposal of the property.

(b) The police chief may, at the police chief's discretion, at any time hold a sale for the disposal of motor vehicles and other bulky articles difficult to store after they have remained unclaimed for a period of 30 days after the taking of possession of such by the city. The police chief may also contract for the storage and disposal of vehicles at the police chief's option. A list shall be preserved of the articles so sold, the price for which each was sold, and the names of the owners or supposed owners from whom the articles were taken or received.

(c) If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid over to the finance director/treasurer no later than the week following the sale along with a copy of the list of articles sold.

(d) The police chief shall also pay over to the finance director/treasurer all monies that may have been left at the police headquarters and remained unclaimed for one year or more and shall furnish the finance director/treasurer with a list of the monies to be paid over, the names of the owners, supposed owners or persons from whom such monies were taken or received.

(Code 1975, § 32-47; Code 1997, § 54-72; Ord. No. 60-00-01, § 12, 10-2-2000; Ord. No. 33-09-10, § 1, 12-7-2009)

Sec 30-57 Appointment Of Adult School Crossing Guards

(a) *Authorization*. The police chief shall appoint from a list of qualified candidates approved by the director of human resources and labor relations, adult persons needed to act as school crossing guards and alternates therefor. Such employment is determined to be a governmental function. The total number of appointments shall be subject to authorization of the common council and shall be made in accordance with this section.

(b) *General duties*. School crossing guards shall:

(1) Assist schoolchildren in the immediate vicinity of schools to cross intersections safely.

(2) Influence and encourage schoolchildren to refrain from crossing public streets except at regular crossings.

(3) Direct schoolchildren not to cross streets at such times when the presence of traffic renders such crossing unsafe.

(4) Maintain an orderly movement of pedestrian and vehicular traffic

consistent with the safety of the children attending school in the city.

(c) *Conditions of employment*. All school crossing guards shall be employed subject to the following conditions:

(1) They shall have no police powers and are specifically determined not to be police officers within the meaning of Wis. Stats. § 62.13.

(2) They may have hours of employment as shall be determined by the police chief; however, in no event shall any such person be hired for or actually work more than 595 hours in any one year. The police chief shall also determine their specific duties insofar as the duties are not inconsistent with the general rules provided by this section.

(3) They shall receive such compensation as the common council shall from time to time direct.

(4) The police chief shall assign school crossing guards to such localities as shall be best suited to afford protection to those persons attending school in the city.

(5) While on duty, they shall wear insignia or uniforms, which designate them as school crossing guards, and shall use signs or signals to direct traffic to stop at school crossings. The insignia or uniforms and signs or signals shall be furnished by the police department for use while on duty and returned to the police department upon termination of employment.

(6) To be eligible for appointment as an adult school crossing guard, such person shall not be less than 18 years of age and a resident of the city.

(Code 1975, § 32-48; Code 1997, § 54-73; Ord. No. 84-07-08, § 1, 3-3-2008; Ord. No. 37-17-18, § 10, 2-19-2018)

DIVISION 30-II-3 POLICE OFFICERS

Sec 30-88 Obedience To Orders Of Chief
Sec 30-89 Powers, Duties Generally
Sec 30-90 Right Of Entry
Sec 30-91 Power Of Arrest
Sec 30-92 Reporting Defects In City Walks And Streets
Sec 30-93 Accepting Gifts, Rewards Or Bribes
Sec 30-94 Communicating Information Or Orders
Sec 30-95 Withdrawal Of Complaint
Sec 30-96 Absence From City
Sec 30-97 Furnishing Bail Prohibited
Sec 30-98 Neglect Of Duty
Sec 30-99 Suspension And Dismissal

Sec 30-88 Obedience To Orders Of Chief

The members of the police force shall obey the orders of the police chief and shall report to the chief all violations of city ordinances and state laws. They shall render assistance to all law officers, shall direct strangers to their destination and, when necessary, shall cause them to be accompanied by a police officer.

(Code 1975, § 32-58; Code 1997, § 54-101)

Sec 30-89 Powers, Duties Generally

The police chief and each police officer shall possess the powers, shall enjoy the privileges and shall be subject to the liabilities conferred and imposed by law upon constables and shall be taken as included in all writs and papers addressed to constables, shall arrest with or without process and with reasonable diligence take before the trial court every person found in the city in a state of intoxication or engaged in any disturbance of the peace or violation of any state law or city ordinance and may command all persons present in any such case to assist such officer therein. Any person being so commanded who shall refuse or neglect to render such assistance shall be subject to a forfeiture as provided in section 1-15. Persons rendering such assistance shall collect the same fees allowed to constables for similar services.

(Code 1975, § 32-55; Code 1997, § 54-102)

Sec 30-90 Right Of Entry

The police chief and any police officer may in a peaceable manner or, if refused admittance after demand made, with force and arms enter into any house or building whatsoever in the city in which any person may reasonably be suspected to be for unlawful purposes. If any person shall be found therein committing any crime or misdemeanor or violation of any law or ordinance for the preservation of the peace and good order of the city or who may reasonably be suspected thereof or who shall be aiding or abetting such person so found, the police officer shall apprehend and keep in custody such person as in cases of other arrests made by police officers, until they are discharged by due course of law.

(Code 1975, § 32-56; Code 1997, § 54-103)

Sec 30-91 Power Of Arrest

The police chief and any police officer shall have full power and authority and it shall be their duty to arrest all persons found in the city violating any state law or city ordinance or aiding or abetting in such violation and shall arrest, with or without process, and with reasonable diligence bring or cause such person to appear before a proper court in the city to be dealt with according to law.

(Code 1975, § 32-57; Code 1997, § 54-104)

Sec 30-92 Reporting Defects In City Walks And Streets

The police officers shall immediately report all defective and dangerous streets, walks and places which shall come to their notice in the performance of their duties. They shall make their report to the police chief who shall forthwith transmit such information to the department of engineering and public works.

(Code 1975, § 32-60; Code 1997, § 54-105)

Sec 30-93 Accepting Gifts, Rewards Or Bribes

No police officer shall accept or receive from any person while in custody or after such person shall be discharged or from any such person's friends or benefactors any gratuity, reward or gift, without the approval of the mayor and trustees of the police pension board.

(Code 1975, § 32-61; Code 1997, § 54-106)

Sec 30-94 Communicating Information Or Orders

No member of the police department shall communicate to anyone any information which shall enable persons to escape from arrest or punishment or enable them to dispose of or secrete any goods or other valuable thing stolen or embezzled. No member of the police department shall communicate to anyone, except to such persons as directed by the police chief, any information respecting any orders which may have been received or any regulations that may be made for the government of the department.

(Code 1975, § 32-62; Code 1997, § 54-107)

Sec 30-95 Withdrawal Of Complaint

No member of the police department shall compound any offense committed against a person or property or withdraw any complaint therefor, without the approval of the city attorney or district attorney.

(Code 1975, § 32-63; Code 1997, § 54-108)

Sec 30-96 Absence From City

No member of the police department shall be absent from duty or leave the city without the permission of the police chief.

(Code 1975, § 32-64; Code 1997, § 54-109)

Sec 30-97 Furnishing Bail Prohibited

No member of the police department shall furnish bail for any person under arrest, except members of that department member's immediate family.

(Code 1975, § 32-66; Code 1997, § 54-110)

Sec 30-98 Neglect Of Duty

Any member of the police force who shall neglect or refuse to enforce the state laws or the city ordinances or who shall fail to perform any duty required of that member of the police force by such laws or ordinances or by the police department rules which may be made or who shall, in the discharge of duties as such officer, be guilty of any fraud, extortion, oppression, favoritism, partiality or willful wrong or injustice shall be subject to discipline, suspension or expulsion by the board of police and fire commissioners.

(Code 1975, § 32-67; Code 1997, § 54-111)

Sec 30-99 Suspension And Dismissal

Any member of the police department may be subject to suspension and dismissal for cause in accordance with Wis. Stats. § 62.13(5).

(Code 1975, § 32-68; Code 1997, § 54-112)

DIVISION 30-II-4 CLOTHING AND EQUIPMENT

Sec 30-127 Badges, Uniforms And Insignia
Sec 30-128 Account Established
Sec 30-129 Initial Allowance; Manner Of Payment
Sec 30-130 Annual Allowance
Sec 30-131 Nonuniformed Personnel
Sec 30-132 City-Furnished Items

Sec 30-127 Badges, Uniforms And Insignia

The police chief and every police officer shall bear the badge and credentials of their office. Every member of the police force shall, when directed by the police chief, wear a badge or insignia and also a uniform to be made of material and trimmed in a manner and style as may be prescribed by the police chief.

(Code 1975, § 32-59; Code 1997, § 54-141)

Sec 30-128 Account Established

(a) In January of each year, there shall be set aside in a separate treasury account captioned, "Police Uniform and Equipment Account" the annual uniform and equipment allowance provided in this section for each officer of the police department.

(b) The police uniform and equipment account shall be administered by the police chief who shall maintain in the police chief's office a separate ledger for each officer and shall pay out of the account for the benefit of each officer monies, within the allowance, for the purchase of the officer's uniforms and equipment.

(c) This account shall be a non-lapsing account, and any balance in an officer's uniform and equipment account remaining at the time of such officer's death, retirement or termination of service with the department shall be withdrawn from the account and paid to the officer to whom it is credited or to the officer's estate. However, in the year an officer dies, retires or terminates service in the department, there shall be returned to the general fund that portion of the annual uniform and equipment allowance equal to that portion of the year during which the officer was not in active service in the department.

(Code 1975, § 32-76; Code 1997, § 54-142)

Sec 30-129 Initial Allowance; Manner Of Payment

Each new eligible appointee to the police department shall be paid an initial uniform and equipment allowance in accordance with the amount specified in the labor agreement which has been approved and passed by the council. Such payment shall be made to the appointee as follows: One-half after 30 days following the appointee's acceptance into the department and the remaining one-half after the appointee receives such regular appointment.

(Code 1975, § 32-77; Code 1997, § 54-143)

Sec 30-130 Annual Allowance

The annual uniform and equipment allowance payable into the police officer's uniform and equipment account shall be the amount specified in the labor agreement that has been approved and passed by the common council.

(Code 1975, § 32-78; Code 1997, § 54-144)

Sec 30-131 Nonuniformed Personnel

The nonuniformed eligible members of the police department shall receive the same uniform and equipment allowance as uniformed personnel.

(Code 1975, § 32-79; Code 1997, § 54-145)

Sec 30-132 City-Furnished Items

The city police department shall supply service revolvers, notebooks, handcuffs and case, flashlights, off-duty badges, white gloves, Sam Browne belts complete with holster, cartridge case and flashlight holder, collar emblems, nameplates, police whistles and

shoulder patches to all police personnel. The equipment issued by the department shall be used by the police officers and must be maintained in good condition and returned to the department when, in the discretion of the chief, reissue is necessary to keep equipment in good or working condition and when leaving the employ of the police department.

(Code 1975, § 32-80; Code 1997, § 54-146)

DIVISION 30-II-5 PARKING MONITORS AND PROPERTY EVIDENCE OFFICERS

Sec 30-163 Positions Established
Sec 30-164 Duties
Sec 30-165 Uniforms

Sec 30-163 Positions Established

(a) The position of parking monitor is established in the police department. Such employees shall wear uniforms prescribed by the police chief.

(b) The position of property evidence officer is established in the police department. Such employee shall wear uniforms prescribed by the police chief.

(Code 1975, § 32-85(a); Code 1997, § 54-176)

Sec 30-164 Duties

(a) Parking monitors shall have the authority and it shall be their duty to issue parking violation tickets and violation notices on forms prescribed by the police department and shall perform such other duties as prescribed in their job description.

(b) The property evidence officer shall be responsible for the preservation of all property and evidence found or gathered by officers of the police department.

(Code 1975, § 32-85(b); Code 1997, § 54-177)

Sec 30-165 Uniforms

(a) Parking monitors shall be furnished uniforms by the city consisting of hats, shirts, slacks, coats, winter boots, belts, ties and insignia. The city will replace worn apparel when deemed necessary by the police chief. The apparel shall remain the property of the city and shall revert to the police department upon the employee's severance from service. Employees who fail to return the items will have the cost of the items deducted from their pay.

(b) The property evidence officer shall be furnished uniforms by the city consistent with the officer's duties. The city will replace worn apparel when deemed

necessary by the police chief. The apparel shall remain the property of the city and shall revert to the police department upon the employee's severance from service. Employees who fail to return the items will have the cost of the items deducted from their pay.

(Code 1975, § 32-85(c); Code 1997, § 54-178)

CHAPTER 32 LIBRARIES

ARTICLE 32-I LIBRARIES IN GENERAL
ARTICLE 32-II LIBRARY BOARD

ARTICLE 32-I LIBRARIES IN GENERAL

Sec 32-1 Authority To Establish
Sec 32-2 State Law Adopted
Sec 32-3 Penalties
Sec 32-4 Free To Public
Sec 32-5 Donations
Sec 32-6 Failure To Return And Removal Of Books And Other Property
Sec 32-7 Damaging Books And Other Property

Sec 32-1 Authority To Establish

The city may establish, equip and maintain a public library and branches thereof or reading rooms or maintain and support those already established and may annually levy a tax or appropriate money to provide a library fund to be used exclusively to maintain the public library or reading room.

(Code 1975, § 23-1; Code 1997, § 58-1)

Sec 32-2 State Law Adopted

The provisions of Wis. Stats. §§ 43.52 through 43.60 relating to municipal libraries are applicable to the city and are incorporated in this section by reference, and Wis. Stats. § 943.61 relating to theft of library material, exclusive of the penalties provided therein, is adopted by reference in this section as if fully set out.

(Code 1975, § 23-2; Code 1997, § 58-2; Ord. No. 118-97-98, § 1, 3-2-1998)

Sec 32-3 Penalties

A violation of this chapter or of any of the rules and regulations incorporated into this chapter by reference shall subject the violator to a penalty of not less than $25.00 nor more than $500.00, plus the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until the fine and costs are paid, but not in excess of 30 days. Where there is more than one book, periodical, pamphlet, picture or other article or property involved in any violation, each such item shall constitute a separate offense.

(Code 1975, § 23-3; Code 1997, § 58-3)

Sec 32-4 Free To Public

Every public library or reading room in the city shall be forever free for the use of the public of the city, subject to such reasonable regulations as the city library board shall prescribe.

(Code 1975, § 23-4; Code 1997, § 58-4)

Sec 32-5 Donations

All persons desirous of making donations of money, personal property or real estate for the benefit of the public library shall have the right to vest the title thereto in the library board, to be held and controlled by such board, when accepted, according to the terms of the deed of gift, devise or bequest, and as to such property the board shall be held and considered to be special trustees.

(Code 1975, § 23-5; Code 1997, § 58-5)

Sec 32-6 Failure To Return And Removal Of Books And Other Property

No person shall fail, on five-day written demand, to return any book, periodical, pamphlet, picture or other article or property belonging to or in the charge of the Mead Public Library (referred to as "library") or any of its branches, according to the rules and regulations duly made and adopted by the library board. No person shall remove from the library or any of its branches any book, periodical, pamphlet, picture or other article or property without first having it charged as provided by such rules and regulations.

(Code 1975, § 23-6; Code 1997, § 58-6)

Sec 32-7 Damaging Books And Other Property

No person shall mar, deface or in any other way damage or mutilate any book, periodical, pamphlet, picture or other article or property belonging to or in the charge of the library or any of its branches.

(Code 1975, § 23-7; Code 1997, § 58-7)

ARTICLE 32-II LIBRARY BOARD

Sec 32-33 Composition
Sec 32-34 Appointment
Sec 32-35 Terms
Sec 32-36 Organization
Sec 32-37 Quorum
Sec 32-38 Meetings With Council Committee
Sec 32-39 Control Of Expenditures And Buildings
Sec 32-40 Audits
Sec 32-41 Appointment Of Librarian
Sec 32-42 Fostering Use Of Books
Sec 32-43 Library Rules

Sec 32-44 Reports
Sec 32-45 Additional Members

Sec 32-33 Composition

The library board shall consist of nine appointed members who shall be citizens and city residents. One of the members of the board shall be the superintendent of the public school district of the city or the superintendent's representative to represent the public school district in which the public library is located. One of the members of the board shall be an alderperson.

(Code 1975, § 23-17; Code 1997, § 58-31; Ord. No. 48-18-19, § 1, 3-18-2019)

Sec 32-34 Appointment

The members of the library board shall be appointed by the mayor, subject to confirmation by the common council.

(Code 1975, § 23-18; Code 1997, § 58-32)

Sec 32-35 Terms

With the exception of the member appointed from the common council, each member of the library board shall serve as such for a term of three years, each term to commence on May 1 following the appointment. The alderpersonic member shall serve for a term of one year, each term to commence on May 1 following the appointment. Should the alderperson appointed to the board no longer hold the position of alderperson, that position shall become vacant, and the mayor may, subject to confirmation by the council, appoint a new alderpersonic member to fill the remaining term.

(Code 1975, § 23-19; Code 1997, § 58-33; Ord. No. 105-98-99, § 1, 11-16-1998; Ord. No. 48-18-19, § 2, 3-18-2019)

Sec 32-36 Organization

Within 30 days after May 1 of each year, the members of the library board shall organize by the election from among their members of a president and such other officers as they deem necessary.

(Code 1975, § 23-20; Code 1997, § 58-34; Ord. No. 105-98-99, § 1, 11-16-1998)

Sec 32-37 Quorum

A majority of the library board shall constitute a quorum, but the board may provide, by regulation, that three or more members shall constitute a quorum.

(Code 1975, § 23-21; Code 1997, § 58-35)

Sec 32-38 Meetings With Council Committee

At least once each year, the library board shall invite the council finance committee to meet jointly at a time and place agreeable to each.

(Code 1975, § 23-22; Code 1997, § 58-36; Ord. No. 41-10-11, § 1, 11-15-2010)

Sec 32-39 Control Of Expenditures And Buildings

The library board shall have exclusive control of the expenditure of all monies collected, donated or appropriated for the library fund and of the purchase of a site and the erection of the library building whenever authorized by the common council and shall have exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to or otherwise acquired or leased by the city for library purposes.

(Code 1975, § 23-23; Code 1997, § 58-37)

Sec 32-40 Audits

(a) The library board shall audit and approve all expenditures of the public library and forward the bills or vouchers covering the expenditures, setting forth the name of each claimant or payee, the amount of each expenditure and the purpose for which it was expended, to the city administrator. The library shall include a statement, signed by the library board secretary or other designee of the library board, that the expenditure has been incurred and that the library board has audited and approved the expenditure. The appropriate municipal official shall then pay the bill as others are paid.

(b) Notwithstanding subsection (a) of this section, regular wages or salary or other recurring payments, authorized by the library board and verified by the appropriate library official, may be paid by the appropriate municipal official by the date due or, in the case of salaries, by the regular pay day. The library board shall audit and approve any such payment at its next regular meeting.

(Code 1975, § 23-24; Code 1997, § 58-38; Ord. No. 103-05-06, § 1, 5-1-2006; Ord. No. 41-20-21, § 8, 4-7-2021)

Sec 32-41 Appointment Of Librarian

The library board may appoint a librarian and such other assistants and employees as they deem necessary and may prescribe their duties and compensation.

(Code 1975, § 23-25; Code 1997, § 58-39)

Sec 32-42 Fostering Use Of Books

The library board may employ competent persons to deliver lectures upon scientific, historical or other educational subjects and may cooperate with the University of Wisconsin, the state historical society, the free library commission or boards of education to secure such lectures or by other means to foster and encourage the wider use of books and literature upon scientific, historical, economic, literary and other educational subjects.

(Code 1975, § 23-26; Code 1997, § 58-40)

Sec 32-43 Library Rules

The library board shall prescribe reasonable rules and regulations to render the use of the public library and its facilities most beneficial to the greatest number of the public. Such regulations are incorporated in this section by reference, and any violation thereof shall be deemed a violation of this Code.

(Code 1975, § 23-27; Code 1997, § 58-41)

Sec 32-44 Reports

The library board shall remit to the city finance director/treasurer at least monthly all receipts of the library. The board, on or before March 1 of each year, shall make a report to the council for the year ending with December 31 next prior thereto, containing a statement of the condition of the institution, the number of books added to the library, the number of books circulated, the number of books lost or not returned, the articles added to the museums and such other information and recommendations as it may deem important, including an account of gifts and grants received during the year.

(Code 1975, § 23-28; Code 1997, § 58-42)

Sec 32-45 Additional Members

If the annual sum appropriated by the county to the city's public library is equal to or greater than one-sixth of the annual sum appropriated to the city's public library by the city during the preceding fiscal year, the county may appoint from among the residents of the county additional members to the library board under Wis. Stats. § 43.60(3), in the number, the manner and for the terms as set forth therein.

(Code 1997, § 58-43; Ord. No. 38-02-03, § 1, 10-7-2002; Ord. No. 5-08-09, § 1, 6-2-2008)

CHAPTER 34 MANUFACTURED AND MOBILE HOMES

ARTICLE 34-I MANUFACTURED AND MOBILE HOMES IN GENERAL
ARTICLE 34-II HOMES LOCATED OUTSIDE PARKS
ARTICLE 34-III MOBILE HOME PARKS

State law reference—Licensing, regulation of mobile home parks generally, Wis. Stats. § 66.0435.

ARTICLE 34-I MANUFACTURED AND MOBILE HOMES IN GENERAL

Sec 34-1 Definitions
Sec 34-2 Inspection And Enforcement
Sec 34-3 Applicability Of Plumbing, Electrical And Building Regulations

Sec 34-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

License means a written license issued by the city clerk allowing a person to operate and maintain a mobile home park under this chapter and regulations issued under this chapter.

Manufactured home means a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 through 5425. The term "manufactured home" also includes mobile homes, unless mobile homes is specifically excluded under an applicable statute.

Mobile home means a vehicle manufactured or assembled before June 15, 1976, 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 of rigid uncollapsible construction, which has an overall length in excess of 45 feet. The term "mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Mobile home lot means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile home park means a contiguous parcel of land which has been developed for the placement of mobile homes and which is owned by an individual, a firm, trust, partnership, public or private association or corporation.

Park management means the person who owns or has charge, care or control of the mobile home park.

Park street means a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

Permit means a written conditional use issued by the city plan commission for the construction, alteration and extension of a mobile home park under the zoning ordinance codified as chapter 105.

Service building means a structure which houses toilets, lavatories, and such other facilities as may be required by this chapter.

Sewer connection means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewer system serving the mobile home park.

Sewer riser pipe means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

Water connection means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

Water riser pipe means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

(Code 1975, § 24-1; Code 1997, § 62-1)

Sec 34-2 Inspection And Enforcement

The building inspector is authorized to make such inspections as are necessary to determine satisfactory compliance with this chapter or other applicable city ordinances.

(Code 1975, § 24-2; Code 1997, § 62-2)

Sec 34-3 Applicability Of Plumbing, Electrical And Building Regulations

All plumbing, electrical, building and other work on or at any park licensed under this chapter shall be in accordance with this Code, city ordinances and the requirements of the state plumbing, electrical and building codes and the regulations of the state board of health. Licenses and permits granted under this chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electrical work.

(Code 1975, § 24-3; Code 1997, § 62-3)

ARTICLE 34-II HOMES LOCATED OUTSIDE PARKS

DIVISION 34-II-1 HOMES LOCATED OUTSIDE PARKS GENERALLY
DIVISION 34-II-2 PERMIT FOR CONTRACTOR'S TRAILER

DIVISION 34-II-1 HOMES LOCATED OUTSIDE PARKS GENERALLY

Sec 34-25 Restrictions
Sec 34-26 Temporary Parking Permit

Sec 34-25 Restrictions

Manufactured homes intended for the purposes of human habitation are prohibited within the corporate limits of the city except when located within an approved mobile home park as described in this chapter or otherwise permitted by this article.

(Code 1975, § 24-16; Code 1997, § 62-31)

Sec 34-26 Temporary Parking Permit

The building inspection department, when satisfied that proper sanitation and health standards will be met, may issue permits for the parking of not more than one trailer on private premises where such parking is in connection with a bona fide visit of the owner or occupant of the trailer with individuals living within the city and such stay will not exceed 14 days. The fee for a temporary parking permit shall be $3.00.

(Code 1975, § 24-17; Code 1997, § 62-32)

DIVISION 34-II-2 PERMIT FOR CONTRACTOR'S TRAILER

Sec 34-56 Required
Sec 34-57 Application
Sec 34-58 Fee
Sec 34-59 Inspections
Sec 34-60 Removal
Sec 34-61 Duration, Renewal

Sec 34-56 Required

The building inspection superintendent is authorized to issue permits for the parking of trailers to be used as temporary residences during the construction of a building project on the construction site only, and for the use and occupancy of the supervisory personnel of the contractors engaged in such building project, subject to the terms and conditions of this division.

(Code 1975, § 24-24; Code 1997, § 62-61)

Sec 34-57 Application

Application for a permit required by this division shall be filed with the superintendent of building inspection before placing any trailer on a construction site. The application shall be made on forms furnished by the superintendent of building inspection and shall include the name and address of the applicant and the contractor, the applicant's position with the contractor, the location of the building site on which the trailer is to be located and the number of occupants for which the trailer is designed. The application shall also contain a copy of this division and a statement signed by the applicant stating that the applicant has read it and is familiar with its provisions.

(Code 1975, § 24-25; Code 1997, § 62-62)

Sec 34-58 Fee

The application for a permit required by this division shall be accompanied by a fee of $100.00 for each trailer.

(Code 1975, § 24-26; Code 1997, § 62-63)

Sec 34-59 Inspections

Upon issuing a permit under this division, the city planner shall notify the building inspector, plumbing inspector and electrical inspector to inspect the trailer and premises on which the trailer is located to determine whether the trailer is in compliance with the regulations and laws applicable thereto.

(Code 1975, § 24-27; Code 1997, § 62-64)

Sec 34-60 Removal

(a) If it is found that the applicant for a permit required by this division is not in compliance with the regulations and laws applicable to the location of a trailer on a construction site, the applicant shall be given notice to comply within a reasonable time. If there is no compliance after reasonable notice, the superintendent of building inspection shall give notice to the applicant to remove the trailer. If the applicant fails to do so, the superintendent of building inspection shall cause the trailer to be removed by the city and impounded, the permit fee shall be deemed forfeited, and the trailer shall not be released until the applicant pays the costs of removal and the sum of $5.00 per day for storage charges.

(b) Such removal may also be ordered by the superintendent of building inspection if the trailer is occupied by more persons than the trailer was designed to accommodate or if any breach of the peace or disorderly conduct takes place in the trailer.

(Code 1975, § 24-28; Code 1997, § 62-65)

Sec 34-61 Duration, Renewal

Permits issued under this division shall expire one year from the date of issuance but may be renewed for an additional period of one year for an annual fee of $100.00.

(Code 1975, § 24-29; Code 1997, § 62-66)

ARTICLE 34-III MOBILE HOME PARKS

DIVISION 34-III-1 MOBILE HOME PARKS GENERALLY
DIVISION 34-III-2 LICENSE
DIVISION 34-III-3 REQUIRED IMPROVEMENTS
DIVISION 34-III-4 MOBILE HOME SALES IN PARKS

DIVISION 34-III-1 MOBILE HOME PARKS GENERALLY

Sec 34-81 Management Generally
Sec 34-82 Duties Of Licensee, Attendant
Sec 34-83 Notice Of Violations

Sec 34-81 Management Generally

In every mobile home park there shall be located the office of the attendant or person in charge of the park. A copy of the park license and of this article shall be posted therein, and the park register shall at all times be kept in such office.

(Code 1975, § 24-41; Code 1997, § 62-96)

Sec 34-82 Duties Of Licensee, Attendant

The attendant or person in charge of the mobile home park, together with the licensee, shall:

(a) Keep a register of all occupants, to be open at all times to inspection by state and federal officers and city officers, which shall show for all occupants:

(1) Names and addresses.

(2) Number of children of school age.

(3) Dates of entrance and departure.

(4) License numbers of all mobile homes.

(b) Maintain the park in a clean, orderly and sanitary condition at all times.

(c) Ensure that this article is complied with and enforced and report promptly to the proper authorities any violation of this article or any other violation of law which may come to such person's attention.

(d) Maintain in convenient places approved hand fire extinguishers.

(e) Prohibit lighting of open fires on the premises, except outdoor fryers and grills permitted and used as allowed by this Code.

(Code 1975, § 24-42; Code 1997, § 62-97)

Sec 34-83 Notice Of Violations

(a) Whenever the building inspection department determines that there has been a violation of any provision of this article, it shall give notice of such alleged violation to the park management to whom the license was issued. Such notice shall:

(1) Be in writing.

(2) Include a statement of the reasons for its issuance.

(3) Allow a reasonable time for the performance of any act it requires.

(4) Be served upon the park management or its agent, as the case may require.

(b) Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent or delivered or posted as set forth in chapter 12, article II.

(c) The park management shall have the right of appeal of any written order by petitioning the license committee within 20 days of the date of the notice.

(Code 1975, § 24-44; Code 1997, § 62-98)

DIVISION 34-III-2 LICENSE

Sec 34-110 Required
Sec 34-111 Application
Sec 34-112 Fees
Sec 34-113 Issuance Restricted
Sec 34-114 Consideration Of Federal Health Guide
Sec 34-115 Conditional Use Permit Required
Sec 34-116 Monthly Parking Permit Fee
Sec 34-117 Assignment
Sec 34-118 Expiration, Renewal
Sec 34-119 Revocation And Suspension
Sec 34-120 Appeal From Denial

Sec 34-110 Required

No person shall establish, operate or maintain or permit to be established, operated or maintained, upon any property owned, leased or controlled by such person, a mobile

home park within the city without having first secured a license for such park from the common council.

(Code 1975, § 24-51; Code 1997, § 62-126)

Sec 34-111 Application

(a) The application for a license required by this division shall be made on forms furnished by the city clerk and shall include the following:

(1) The name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by such vested person to construct or maintain the mobile home park and is authorized to make the application on behalf of the owner; and

(2) Such a legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises.

(b) The application for a new license shall be accompanied by the following:

(1) Two copies of the park plan approved by the city plan commission.

(2) The method and plan of garbage removal certified by the department of engineering and public works.

(3) The extent, location and specifications of improvements required by this chapter.

(c) The information required in subsection (b) of this section shall be certified as feasible and in compliance with all local ordinances and codes by the individual city department involved.

(Code 1975, § 24-52; Code 1997, § 62-127)

Sec 34-112 Fees

The application for a license required by this division or the renewal thereof shall be filed with the city clerk and shall be accompanied by a fee of $100.00 per licensing period for each 50 spaces or fraction thereof. A fee of $10.00 shall be paid for each transfer of the license.

(Code 1975, § 24-57; Code 1997, § 62-128)

Sec 34-113 Issuance Restricted

No license for the construction, alteration or extension of any mobile home park shall be

issued by the city clerk unless the issuance thereof shall first be determined to be in the best interests of the city.

(Code 1975, § 24-53; Code 1997, § 62-129; Ord. No. 7-21-22, § 12, 6-7-2021)

Sec 34-114 Consideration Of Federal Health Guide

In issuing a license under this division, the license committee may consider the discussion and recommendations as contained in Environmental Health Guide for Mobile Home Parks as prepared by the U.S. Department of Health, Education and Welfare, as amended from time to time, but the license committee shall not be limited to or be bound by any such discussions or recommendations.

(Code 1975, § 24-54; Code 1997, § 62-130)

Sec 34-115 Conditional Use Permit Required

Every applicant for a license for the initial development of a mobile home park or subsequent development involving a change in the size or design must have first obtained a conditional use permit from the city plan commission showing compliance with the planning and zoning objectives of the city.

(Code 1975, § 24-55; Code 1997, § 62-131)

Sec 34-116 Monthly Parking Permit Fee

In addition to the license fee provided in section 34-112, a monthly parking permit fee shall be collected by the mobile home park operator in accordance with the terms and procedures of Wis. Stats. § 66.0435. Ten percent of the total receipts from the monthly parking permit fees shall be retained by the city for administration costs, with the remainder being relegated as provided by Wis. Stats. § 66.058. Any and each failure of the mobile home park operator to comply with the reporting requirements of Wis. Stats. § 66.0435(3)(c) shall be subject to a forfeiture of $25.00.

(Code 1975, § 24-58; Code 1997, § 62-132; Ord. No. 60-00-01, § 13, 10-2-2000)

Sec 34-117 Assignment

No license, once issued under this division, shall be assignable without the written consent of the license committee.

(Code 1975, § 24-59; Code 1997, § 62-133)

Sec 34-118 Expiration, Renewal

Licenses issued under this division shall be issued as of July 1 of each year and shall expire on June 30 following the date of issuance but may be renewed for an additional

period of one year.

(Code 1975, § 24-60; Code 1997, § 62-134)

Sec 34-119 Revocation And Suspension

The common council may revoke any license or permit issued pursuant to this division in accordance with Wis. Stats. § 66.0435.

(Code 1975, § 24-61; Code 1997, § 62-135; Ord. No. 60-00-01, § 14, 10-2-2000)

Sec 34-120 Appeal From Denial

Any person whose application for a license under this division has been denied may request and shall be granted a hearing on the matter before the license committee of the common council under the general procedure established by the license committee.

(Code 1975, § 24-56; Code 1997, § 62-136)

DIVISION 34-III-3 REQUIRED IMPROVEMENTS

Sec 34-139 Sewer System
Sec 34-140 Sewer Lines
Sec 34-141 Individual Sewer Connections
Sec 34-142 Water Supply
Sec 34-143 Water Distribution System
Sec 34-144 Individual Water Riser Pipes And Connections
Sec 34-145 Refuse Handling
Sec 34-146 Refuse Containers
Sec 34-147 Refuse Collection
Sec 34-148 Refuse Incinerators
Sec 34-149 Fire Protection
Sec 34-150 Fire Hydrants
Sec 34-151 Fuels
Sec 34-152 General Street Requirements
Sec 34-153 Entrances
Sec 34-154 Internal Streets
Sec 34-155 Car Parking
Sec 34-156 Illumination Of Street System
Sec 34-157 Drainage

Sec 34-139 Sewer System

An adequate and safe sewer system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

(Code 1975, § 24-68; Code 1997, § 62-166)

Sec 34-140 Sewer Lines

All sewer lines in mobile home parks shall be connected to the city's sewer system and shall meet all requirements of the state and local plumbing codes. No trailer, mobile home, utility room and facilities which require waste and sewage disposal shall be connected to the sewer system or occupied or used until proper connection to the city's sewer system can be made and the sewage properly drained away to the sewage treatment plant.

(Code 1975, § 24-69; Code 1997, § 62-167)

Sec 34-141 Individual Sewer Connections

(a) Each mobile home stand shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.

(b) The sewer connection shall have a nominal inside diameter of at least four inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe line only, without any branch fittings. All joints shall be watertight.

(c) All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(d) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above the ground elevation.

(Code 1975, § 24-70; Code 1997, § 62-168)

Sec 34-142 Water Supply

An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park. A public supply of water of satisfactory quantity, quality and pressure shall be available at the site or at the boundary of the site, and connection shall be made thereto, and its supply used exclusively. No trailer, mobile home, utility room and facilities which require a potable water supply shall be occupied or used until the approved water supply is available and properly connected to the facilities required in this section.

(Code 1975, § 24-71; Code 1997, § 62-169)

Sec 34-143 Water Distribution System

(a) The water supply system of the mobile home park shall be connected by approved pipes to all mobile homes, buildings and other facilities requiring water.

(b) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in location approved by the state and local plumbing and building codes.

(c) The water piping system shall not be connected with unapproved or nonpotable or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage by approved devices.

(Code 1975, § 24-72; Code 1997, § 62-170)

Sec 34-144 Individual Water Riser Pipes And Connections

(a) Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position.

(b) Water riser pipes shall extend at least four inches above the ground elevation. The pipe shall be at least three-fourths inch. The water outlet shall be capped when a mobile home does not occupy the lot.

(c) Adequate provision shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(d) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home lot.

(e) Underground stop and waste valves shall not be installed on any water service.

(f) Riser pipes and connections shall be so located and constructed so as to not be contaminated or be in contact with sewer line connections.

(Code 1975, § 24-73; Code 1997, § 62-171)

Sec 34-145 Refuse Handling

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. It shall meet all provisions of this Code for combined rubbish and garbage collection.

(Code 1975, § 24-74; Code 1997, § 62-172)

Sec 34-146 Refuse Containers

(a) All refuse from a mobile home park shall be stored in flytight, watertight, rodentproof, covered containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(b) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed so as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

(Code 1975, § 24-75; Code 1997, § 62-173)

Sec 34-147 Refuse Collection

All refuse shall be collected at least twice weekly from the mobile home park when this service is not done by municipal service. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(Code 1975, § 24-76; Code 1997, § 62-174)

Sec 34-148 Refuse Incinerators

(a) Refuse incinerators, if provided in the mobile home park, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the city department having jurisdiction.

(b) Approved incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.

(Code 1975, § 24-77; Code 1997, § 62-175)

Sec 34-149 Fire Protection

(a) Mobile home parks shall be kept free of litter, rubbish and other flammable materials.

(b) Portable fire extinguishers rated for Class B and Class C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2 1/2 pounds.

(c) Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

(Code 1975, § 24-78; Code 1997, § 62-176)

Sec 34-150 Fire Hydrants

(a) Fire hydrants shall be installed in the mobile home park in accordance with the following:

(1) The water supply system shall permit the operation of a minimum of two 1 1/2-inch hose streams.

(2) Each of two nozzles, held four feet above the ground, shall deliver at least 125 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

(b) Fire hydrants shall be located within 500 feet of any mobile home, service building or other structure in the park.

(Code 1975, § 24-79; Code 1997, § 62-177)

Sec 34-151 Fuels

In a mobile home park, all fuel systems, storage and supply facilities must be installed and maintained in strict accordance with all applicable state and city building and fire codes.

(Code 1975, § 24-80; Code 1997, § 62-178)

Sec 34-152 General Street Requirements

All mobile home parks shall be provided with safe, convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.

(Code 1975, § 24-81; Code 1997, § 62-179)

Sec 34-153 Entrances

Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 100 feet from its point of beginning unless the park entrance is at least 36 feet wide.

(Code 1975, § 24-82; Code 1997, § 62-180)

Sec 34-154 Internal Streets

Surfaced roadways in a mobile home park shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

(a) All streets, except minor streets, 24 feet from back of curb to back of curb if provided.

(b) Minor streets, 18 feet. This is acceptable only if the street is less than 500 feet long and serves less than 25 mobile homes or of any length if mobile home lots abut on one side only.

(c) Dead-end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 60 feet.

(Code 1975, § 24-83; Code 1997, § 62-181)

Sec 34-155 Car Parking

Off-street parking areas or on-street parking lanes shall be provided for the use of mobile home park occupants and guests. Such areas shall be:

(a) Furnished at a rate of at least 1.25 car spaces for each mobile home lot.

(b) Located within a distance of 200 feet from the mobile home to be served unless other vehicular access is provided.

(Code 1975, § 24-84; Code 1997, § 62-182)

Sec 34-156 Illumination Of Street System

All mobile home parks shall be furnished with electric lighting units so spaced and equipped with luminaries placed for the safe movement of pedestrians and vehicles at night.

(Code 1975, § 24-85; Code 1997, § 62-183)

Sec 34-157 Drainage

In a mobile home park, all areas used for parking trailers, mobile homes and other vehicles and all areas around temporary and permanent buildings shall be properly paved and drained, with drained waters properly conducted away from the mobile home park to approved drainage areas or a storm sewer system.

(Code 1975, § 24-86; Code 1997, § 62-184)

DIVISION 34-III-4 MOBILE HOME SALES IN PARKS

Sec 34-183 Compliance Required
Sec 34-184 Number Restricted
Sec 34-185 Setbacks
Sec 34-186 Illumination
Sec 34-187 Identification Of Sales Area
Sec 34-188 Maintenance

Sec 34-183 Compliance Required

The sale of mobile homes within mobile home parks shall be subject to this division.

(Code 1975, § 24-93; Code 1997, § 62-211)

Sec 34-184 Number Restricted

Not more than ten mobile homes shall be stored or displayed for sale within a mobile home park at any one time.

(Code 1975, § 24-94; Code 1997, § 62-212)

Sec 34-185 Setbacks

Mobile homes stored or displayed for sale within a mobile home park shall not be located nearer than 100 feet from any mobile home being lived in or any community building. All other setbacks shall be maintained.

(Code 1975, § 24-95; Code 1997, § 62-213)

Sec 34-186 Illumination

The mobile home sales area shall not be illuminated by any method or fixture other than that used generally throughout the mobile home park.

(Code 1975, § 24-96; Code 1997, § 62-214)

Sec 34-187 Identification Of Sales Area

The mobile home sales area within a mobile home park shall not be identified by signs, pennants or flags, and no mobile home stored or displayed for sale shall have a sign, pennant or flag affixed to it.

(Code 1975, § 24-97; Code 1997, § 62-215)

Sec 34-188 Maintenance

Mobile homes stored or displayed for sale at the sales area within a mobile home park

shall be adequately maintained so as not to create a nuisance through uncleanliness or disrepair.

(Code 1975, § 24-98; Code 1997, § 62-216)

CHAPTER 36 NUISANCES

ARTICLE 36-I NUISANCES IN GENERAL
ARTICLE 36-II WEED CONTROL
ARTICLE 36-III TERMITE CONTROL
ARTICLE 36-IV NOISE
ARTICLE 36-V NUISANCE ABATEMENT
ARTICLE 36-VI CHRONIC NUISANCE PREMISES

State law references—Nuisances generally, Wis. Stats. ch. 823; repeated violations of certain ordinances deemed nuisance, Wis. Stats. § 823.065.

ARTICLE 36-I NUISANCES IN GENERAL

Sec 36-1 Definitions
Sec 36-2 Penalties
Sec 36-3 Prohibited
Sec 36-4 Right Of Entry
Sec 36-5 Abatement And Removal
Sec 36-6 Abatement By City
Sec 36-7 Cost Of Abatement
Sec 36-8 Exposure Of Unwholesome Matter
Sec 36-9 Emission Of Smoke And Other Noxious Fumes And Materials
Sec 36-10 Termite-Infested Wood
Sec 36-11 Storage Of Material
Sec 36-12 Display Of Merchandise
Sec 36-13 Property Exteriors
Sec 36-14 Graffiti

Sec 36-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance. Each of the following is a nuisance punishable under this section:

(a) Any source of filth, cause of sickness, source of rodent problems or conditions causing a safety hazard.

(b) Any thing, act, occupation, condition, or use of property that continues for such length of time as to:

(1) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) In any way render the public insecure in life or in the use of property;

(3) Greatly offend the public morals or decency; or

(4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way, or the use of public property.

(c) Any thing, act, occupation, condition, or use of property that has been defined by state statute as a public nuisance.

(d) Any thing, act, occupation, condition, or use of property that has been defined by this Code as a nuisance.

(e) Any violation of this Code that is not corrected within a reasonable time after notice from the city to a responsible party.

(Code 1975, § 25-1; Code 1997, § 66-1; Ord. No. 40-08-09, § 1, 8-18-2008)

Sec 36-2 Penalties

A violation of any of the following sections shall subject the violator to the forfeitures as set forth, together with the costs of prosecution, and, in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of the terms stated:

(a) For a violation of any of the sections in article III of this chapter:

(1) For a first violation, a forfeiture of not less than $10.00 nor more than $50.00 and, in default of payment thereof, imprisonment for not exceeding ten days.

(2) For a violation committed within 12 months of a previous violation, a forfeiture of not less than $25.00 nor more than $100.00 and, in default of payment thereof, imprisonment for not exceeding 15 days.

(3) For a violation committed within 12 months of two or more previous violations, a forfeiture of not less than $50.00 nor more than $150.00 and, in default of payment thereof, imprisonment for not exceeding 20 days.

(b) A forfeiture of not less than $50.00 nor more than $500.00 and, in default of payment thereof, imprisonment not exceeding 90 days for a violation of any other section in this chapter.

(Code 1975, § 25-2; Code 1997, § 66-2; Ord. No. 101-05-06, § 15, 3-20-2006; Ord. No. 70-11-12, §1, 2-20-2012; Ord. No. 10-21-22, § 2, 7-6-2021)

Sec 36-3 Prohibited

No person shall erect, contrive, cause, continue, maintain, or permit to exist any nuisance within the city.

(Code 1975, § 25-3; Code 1997, § 66-3; Ord. No. 40-08-09, § 2, 8-18-2008)

Sec 36-4 Right Of Entry

The city planner may enter into or upon any premises at any time to examine and to ascertain health nuisances, and any person refusing to allow such entrance during reasonable hours shall be subject to the penalty provided in section 1-15.

(Code 1975, § 25-4; Code 1997, § 66-4)

Sec 36-5 Abatement And Removal

If the city planner deems it necessary to order the abatement or removal of a health nuisance found on any premises or property, the city planner shall serve notice upon the owner or occupant to abate or remove such nuisance within a reasonable time of not less than 24 hours. If the owner or occupant shall fail to comply with the notice, the owner or occupant shall be subject to the penalty provided in section 1-15.

(Code 1975, § 25-5; Code 1997, § 66-5)

Sec 36-6 Abatement By City

Upon the failure of the owner or occupant to abate any nuisance within the time allowed in the notice to abate and remove such nuisance or if the owner is a nonresident of the city or cannot be found, the city planner shall thereupon cause abatement and removal of such nuisance.

(Code 1975, § 25-6; Code 1997, § 66-6)

Sec 36-7 Cost Of Abatement

Unless otherwise ordered by the common council, the whole of the cost of abatement or removal of a nuisance by the city planner, plus 50 percent, plus applicable sales tax, with a minimum fee of $25.00, shall be collected from the owner or occupant or the person causing, permitting or maintaining the nuisance, or such cost may be charged against the premises and, upon certificate of the city planner, assessed against the real estate and collected as are other special taxes.

(Code 1975, § 25-7; Code 1997, § 66-7; Ord. No. 48-01-02, § 1, 11-19-2001)

Sec 36-8 Exposure Of Unwholesome Matter

(a) Upon any private or public property, street, gutter, sidewalk, alley or in any stream or lake in or bordering on the city, no person shall place, throw or leave any slop,

dirty water or other liquid of offensive smell or that is otherwise noxious or unwholesome; any dead carcass, carrion, meat, fish, entrails, manure, or any dead filth; straw or other rubbish; or any ashes, garbage, dirt or refuse of any kind or description.

(b) Notwithstanding the provisions of this section, no person shall be cited for violation of this section with regard to manure from horses engaged in transport on the streets of the city so long as the person provides for the removal of all manure as soon as reasonably possible and no less than once per hour and makes provision to ensure that no manure is permitted to enter any storm sewers.

(c) Any person or business engaged in the use of horses in transport on the streets of the city found to be in violation of this section, may, in addition to any other penalty provided, be required, as a condition of continued use of the streets by horses, to have a properly fitted collection device securely in place on all horses while such animals are on the street.

(Code 1975, § 25-8; Code 1997, § 66-8; Ord. No. 10-17-18, § 2, 8-7-2017)

Sec 36-9 Emission Of Smoke And Other Noxious Fumes And Materials

(a) No person shall cause, permit or allow the escape from any smokestack, chimney, vent, window, duct, dust or emission collector, open fire or stockpile of materials within the corporate limits into the open air of such quantities of smoke, ash, dust, soot, cinders, acid, or other fumes, dirt or other materials or noxious gases in such place or manner as to cause injury, detriment or nuisance to any person or to the public or to endanger the health or safety of any such person or the public or in such manner as to cause injury or damage to business or property. Such is declared to be a public nuisance and is prohibited. The emission of smoke of 60 percent or greater density, as determined by the Ringelmann Chart, as published and used by the Federal Bureau of Mines, shall be considered prima facie evidence of such a nuisance except for a period not exceeding six minutes in any one hour during which time the firebox is cleaned out or a new fire is being built therein.

(b) Any person causing, permitting or allowing the escape from any stack, chimney, vent, window, duct, dust or emission collector, open fire or stockpile of materials into the open air of such quantities of materials or noxious gases in such manner as to cause injury, detriment or nuisance to any person or to the public or to endanger the health or safety of any such person or to the public or in such manner as to cause injury or damage to business or property within the corporate limits shall be penalized, as provided in section 36-2. Every day of 24 hours in which such nuisance shall continue shall be deemed a separate offense.

(c) The chief of the fire department shall enforce this section, and any violation thereof may be summarily abated by the chief of the fire department or by anyone whom the fire chief may authorize for such purpose. Such abatement may be in

addition to the fines provided for in this article.

(Code 1975, § 25-9; Code 1997, § 66-9)

Sec 36-10 Termite-Infested Wood

Any felled trees, logs, lumber, new or used woodpiles of any type; old and abandoned wood structures and buildings; or wood refuse of any type which are found to be infested by termites shall immediately be disposed of by burning upon order of the building inspector.

(Code 1975, § 25-10; Code 1997, § 66-10)

Sec 36-11 Storage Of Material

Outside storage and ground storage of material shall be of sufficient height off the ground surface to prevent or eliminate a rodent harborage.

(Code 1975, § 25-11; Code 1997, § 66-11)

Sec 36-12 Display Of Merchandise

Merchandise displayed for viewing or sale to the public, including protruding display fixtures in areas which require the public to bend or reach into as part of the merchandising, shall be so displayed as not to be a safety hazard to body or limb.

(Code 1975, § 25-12; Code 1997, § 66-12)

Sec 36-13 Property Exteriors

No person shall own, occupy, use, or permit use of any property in the city without maintaining the property in a clean and sanitary condition free from any noxious odor or the accumulation of any rubbish, garbage, debris, stagnant water, insect or rodent harborage, or abandoned vehicles. Violation of this section is declared a nuisance and the violator may be subjected to a citation or the abatement process provided for in this article, or both.

(Code 1997, § 66-13; Ord. No. 88-06-07, § 3, 2-19-2007)

Sec 36-14 Graffiti

(a) *Definitions.* The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Graffiti means any inscription, work, figure or design marked, scratched, etched,

drawn or painted with spray paint, liquid paint, ink, chalk, dye or other similar substances on buildings, fences, structures and similar places without the express permission of the owner or operator of the property.

(b) *Public nuisance*. The existence of graffiti on any property within the city is expressly declared to be a public nuisance affecting public health, safety and welfare.

(c) *Graffiti prohibited*. No owner of any real property within the city shall allow any graffiti to remain upon any structure located on the owner's property when the graffiti is visible from the street or from other public or private property.

(d) *Notification of violation*. Whenever the building inspection department determines that graffiti on any property within the city is visible from the street or from other public or private property, the department shall issue an order to the owner of the property to abate the graffiti in a timely manner. Such order shall be issued in compliance with the requirements of section 12-481.

(e) *Compliance*. A property owner shall be deemed to have complied with an order to abate graffiti if it is obliterated by a primary paint and matching building paint or by such other means as shall obliterate the graffiti. If paint is used to obliterate graffiti, the paint shall be applied in the manner required by section 12-482.

(f) *Failure to comply*. If the property owner fails to comply with the order to abate the graffiti, the building inspection department may cause the graffiti to be abated either by city employees or by independent contractor. The city and the independent contractor are expressly authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public streets, property or right-of-way. The city or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as close as practicable to the background color or colors in the area where the graffiti is abated.

(g) *Cost of removal and other charges*. The cost of abating the graffiti shall, pursuant to Wis. Stats. § 66.0627, be imposed as a special charge against the real property for the cost of the services provided. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent. A delinquent special charge shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Wis. Stats. ch. 74.

(Code 1997, § 66-14; Ord. No. 88-06-07, § 4, 2-19-2007)

ARTICLE 36-II WEED CONTROL

Sec 36-32 State Law Adopted
Sec 36-33 Administration; Weed Control Standards; Notice And Cutting
Sec 36-34 Record Of Expenses

Sec 36-35 Collection Of Expenses

State law reference—Noxious weeds generally, Wis. Stats. § 66.0407.

Sec 36-32 State Law Adopted

Wis. Stats. § 66.0407 (noxious weeds) and Wis. Stats. § 66.0517 (weed commissioner), providing for the destruction of noxious weeds, are incorporated into this section by reference as if fully set forth, and expanded to include weeds known as goldenrod, timothy grass, ragweed, cocklebur, burweed, marsh elder, resinthistle, pigweed, amaranth, artemisia and Japanese knotweed.

(Code 1975, § 25-25; Code 1997, § 66-41; Ord. No. 60-00-01, § 15, 10-2-2000; Ord. No. 18-06-07, § 1, 8-7-2006)

Sec 36-33 Administration; Weed Control Standards; Notice And Cutting

The department of engineering and public works shall carry out the provisions of Wis. Stats. § 66.0517 relating to the destruction of noxious weeds, and the department shall also cut all weeds and grasses in excess of 12 inches in height. The department shall also be allowed to cut weeds and grasses 12 inches high or higher wherever deemed necessary or upon the failure of a property owner to cut the weeds and grasses within 48 hours of proper notice by the department of engineering and public works. Such weed and grass destruction shall be done under the supervision of the duly appointed weed commissioner.

(Code 1975, § 25-26; Code 1997, § 66-42; Ord. No. 60-00-01, § 16, 10-2-2000)

Sec 36-34 Record Of Expenses

The department of engineering and public works shall keep an accurate account of the expenses of weed cutting in front of every lot, part of a lot or parcel of land fronting or abutting upon any street or sidewalk from which the weeds have been removed and shall render a bill to the property owner of the lot or parcel of land for immediate payment. Such bill shall be rendered as soon as practicable by the department after the work has been done. The department shall report to the common council and to the finance director/treasurer on or before the first Monday of November in each year all accounts remaining unpaid.

(Code 1975, § 25-27; Code 1997, § 66-43)

Sec 36-35 Collection Of Expenses

Unless otherwise ordered by the common council, the whole of the cost of weed cutting, plus 50 percent, plus applicable sales tax, with a minimum fee of $25.00, shall be assessed to the owner of the property fronting or abutting upon the street or part of a

street from which the weeds have been removed, and such costs shall be included in the next tax collection and collected as other taxes are collected.

(Code 1975, § 25-28; Code 1997, § 66-44; Ord. No. 73-98-99, § 1, 8-17-1998)

ARTICLE 36-III TERMITE CONTROL

Sec 36-59 Situations Declared Public Nuisances
Sec 36-60 Prohibition Of Public Nuisances
Sec 36-61 Inspection
Sec 36-62 Abatement Of Nuisance--Required
Sec 36-63 Abatement Of Nuisance--By City
Sec 36-64 Abatement Of Nuisance--Immediate Action
Sec 36-65 Soil And Building Removal

Sec 36-59 Situations Declared Public Nuisances

The following are declared to be public nuisances:

(a) Any structure, post or wooden article infested with termites.

(b) Any building or part thereof or premises adjacent thereto infested with termites or which harbors termite colonies.

(c) Any soil or earth infested with termites or which harbors termite colonies.

(Code 1975, § 9-165; Code 1997, § 26-1066)

Sec 36-60 Prohibition Of Public Nuisances

No person owning or controlling any premises in the city shall permit any public nuisance, as enumerated in section 36-59, to be or exist on such premises.

(Code 1975, § 9-166; Code 1997, § 26-1067)

Sec 36-61 Inspection

The department of building inspection shall inspect or cause to be inspected all premises and places within the city where there is a reason to believe a public nuisance exists.

(Code 1975, § 9-167; Code 1997, § 26-1068)

Sec 36-62 Abatement Of Nuisance--Required

(a) If it is determined that any public nuisance exists upon private premises in violation of the provisions of this article, the department of building inspection shall immediately serve upon the owner of such property, if the owner can be

found, or upon the occupant thereof, a written notice stating that such nuisance exists and demanding its abatement within such period of time as may be therein prescribed.

(b) The department shall therein provide information and technical advice to assist property owners to abate the termite nuisance on their property. The building inspector shall advise contractors as to proper methods in making new construction termite resistant.

(Code 1975, § 9-168; Code 1997, § 26-1069)

Sec 36-63 Abatement Of Nuisance--By City

(a) Where it is determined upon inspection that a termite nuisance exists and that the property owner or occupant, after receipt of notice as described in section 36-62, is making no reasonable effort to abate such nuisance, the department of building inspection shall make a written report of such nuisance to the common council, who shall then proceed to have the nuisance abated. The costs thereof shall be charged against the property as a special tax for abatement of a nuisance, as provided in Wis. Stats. § 254.59.

(b) At the time the department shall make a written report to the council, a copy of such report, together with the notice of the hearing on the report, shall be served on the property owner at least five days prior to the consideration of the matter by the council. The property owner shall have the right to be heard prior to council action.

(Code 1975, § 9-169; Code 1997, § 26-1070)

Sec 36-64 Abatement Of Nuisance--Immediate Action

If, upon inspection, it is determined by the department of engineering and public works that a termite nuisance exists in or upon a public street, alley, park or other public place, including the terrace strip between the curb and the lot line, it shall immediately cause the termite infestation thereon to be abated in such manner as to effectively control or prevent as fully as possible the spread of termite infestation to other property. If any private poles, structures or buildings are located upon any public property, the inspector shall proceed as set forth in section 36-63.

(Code 1975, § 9-170; Code 1997, § 26-1071)

Sec 36-65 Soil And Building Removal

No soil, fill or building shall be moved to any other premises within the city without a prior permit, which permit shall be issued by the inspector only after an inspection determining that such soil, earth or building is free from termite infestation. An inspection

fee in the sum of $1.00 shall be charged for such permit and inspection, where no permit or inspection fee has been previously paid.

(Code 1975, § 9-171; Code 1997, § 26-1072)

ARTICLE 36-IV NOISE

Sec 36-89 Prohibited Generally
Sec 36-90 Exceptions
Sec 36-91 Horns And Signal Devices
Sec 36-92 Playing Music
Sec 36-93 Animals, Birds, Fowl
Sec 36-94 Unnecessary Noises From Vehicles
Sec 36-95 Engine Mufflers
Sec 36-96 Drums And Loudspeakers
Sec 36-97 Quiet Areas

Sec 36-89 Prohibited Generally

Any unreasonably loud, disturbing and unnecessary noise or any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or which is in the disturbance of public peace and welfare is prohibited.

(Code 1975, § 25-40; Code 1997, § 66-71)

Sec 36-90 Exceptions

This article shall not apply to or be enforced against the following:

(a) Any vehicle of the city while engaged upon necessary public business.

(b) Excavation, repair or construction of bridges, marinas, streets or highways by or on behalf of the city, county, or state during the night season, when the public welfare and convenience renders it necessary to perform such work.

(c) Excavation, construction or repair of marinas by and on behalf of the city, county, or state between the hours of 5:00 a.m. and 12:00 midnight, when the public welfare and convenience renders it necessary to perform such work.

(d) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(e) The use of power-driven sidewalk snow removal equipment.

(f) Any marching band or marching unit while practicing under the supervision of an adult during the hours of 8:30 a.m. to 8:30 p.m.

(g) Such other specific construction work by or on behalf of the city, county, state or federal government as may be authorized by the common council.

(h) Environmental remediation activities by or on behalf of a potentially responsible party as part of the EPA's Sheboygan River and Harbor Superfund Project.

(Code 1975, § 25-41; Code 1997, § 66-72; Ord. No. 61-11-12, § 1, 1-16-2012; Ord. No. 91-11-12, § 1, 4-16-2012)

Sec 36-91 Horns And Signal Devices

The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while in motion, except as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time are declared to be in violation of this article.

(Code 1975, § 25-42; Code 1997, § 66-73)

Sec 36-92 Playing Music

The playing of any musical instrument, radio, or any device designed to play live or recorded music, speech, or other noise in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any hotel or other type of residence or of any person in the vicinity is declared to be in violation of this article.

(Code 1975, § 25-43; Code 1997, § 66-74; Ord. No. 40-08-09, § 3, 8-18-2008)

Sec 36-93 Animals, Birds, Fowl

The keeping of any animal, bird or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity is declared to be in violation of this article.

(Code 1975, § 25-44; Code 1997, § 66-75)

Sec 36-94 Unnecessary Noises From Vehicles

The use of any automobile, motorcycle, bus or vehicle so out of repair, so loaded or so operated in such manner as to create loud and unnecessary grating, grinding, rattling or other noise is declared to be in violation of this article.

(Code 1975, § 25-45; Code 1997, § 66-76)

Sec 36-95 Engine Mufflers

The discharge into the open air of the exhaust of any steam, stationary internal-combustion, motor vehicle, motorboat, hobby boat, hobby car or hobby airplane engine,

except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is declared to be in violation of this article.

(Code 1975, § 25-46; Code 1997, § 66-77; Ord. No. 149-98-99, § 1, 4-19-1999)

Sec 36-96 Drums And Loudspeakers

The use of any drum, loudspeaker or any other instrument or device for the purpose of attracting attention, by creation of noise, to any performance, show or sale or display of merchandise, as well as the use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes is declared to be in violation of this article.

(Code 1975, § 25-47; Code 1997, § 66-78)

Sec 36-97 Quiet Areas

The creation of any effective noise adjacent to any school, institution of learning, church or court while such is in session or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof, is declared to be in violation of this article.

(Code 1975, § 25-48; Code 1997, § 66-79)

ARTICLE 36-V NUISANCE ABATEMENT

Sec 36-123 Applicability
Sec 36-124 Summary Abatement
Sec 36-125 Nonsummary Abatement
Sec 36-126 Notice To Abate
Sec 36-127 Remedy From Abatement Order
Sec 36-128 Nonabatement Prohibited
Sec 36-129 Abatement By Court Action
Sec 36-130 Other Methods Not Excluded
Sec 36-131 Enforcement

Sec 36-123 Applicability

This article provides a general abatement procedure applicable to abatement of all nuisances in the city unless a different procedure is provided in this Code specifically for particular nuisances.

Sec 36-124 Summary Abatement

If an officer determines that a nuisance exists and that there is an imminent danger to public health, safety, peace, morals, or decency, notice to abate the nuisance may be issued and served by the officer pursuant to section 36-126. The notice shall order

abatement of the nuisance within a period not less than 24 hours or greater than seven calendar days and shall state that unless the nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, maintaining, or permitting the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(Code 1997, § 66-100; Ord. No. 40-08-09, § 4, 8-18-2008)

Sec 36-125 Nonsummary Abatement

If an officer determines that a nuisance exists but that the nature of such nuisance is not such as to threaten imminent danger to the public health, safety, peace, morals, or decency, the officer may follow one or both of the following procedures to obtain the abatement of the nuisance.

(a) *Abatement notice*. The officer may issue and serve notice to abate the nuisance pursuant to section 36-126. The notice shall order abatement of the nuisance within a period not less than 15 calendar days and shall state that unless the nuisance is so abated, the city will cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, maintaining, or permitting the nuisance; and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(b) *Abatement plan*. The officer may order the owner, occupant, or person causing, maintaining, or permitting the nuisance to appear for a hearing to discuss abatement of the nuisance. The hearing shall include the officer and a representative of the city attorney's office. Notice of the hearing shall be issued and served by the officer pursuant to section 36-126. At the hearing, the parties may formulate an abatement plan that indicates the measures to be taken by the owner, occupant, or person causing, maintaining, or permitting the nuisance to abate the nuisance.

(Code 1997, § 66-101; Ord. No. 40-08-09, § 4, 8-18-2008)

Sec 36-126 Notice To Abate

The officer shall attempt personal service on the owner, agent of the owner, occupant or other person causing, maintaining or permitting the nuisance at such person's last-known address. If this attempt is unsuccessful or impractical, the officer shall post a copy of the notice in a conspicuous place in or about the building where the nuisance exists and send notice by first class mail to the last-known address of the owner or agent of the owner.

(Code 1997, § 66-102; Ord. No. 40-08-09, § 4, 8-18-2008)

Sec 36-127 Remedy From Abatement Order

Any person affected by an order under this article shall, prior to the abatement date, apply to the circuit court for an order restraining the city from entering on the premises and abating or removing the nuisance, or be forever barred.

(Code 1997, § 66-103; Ord. No. 40-08-09, § 4, 8-18-2008)

Sec 36-128 Nonabatement Prohibited

(a) *Failure to comply with order to abate*. No person shall fail to comply with a lawful order to abate a public nuisance issued pursuant to this section. Each day of noncompliance with a lawful order to abate issued pursuant to this section is a separate violation.

(b) *Failure to appear for hearing*. No person shall fail to comply with an order to appear for an abatement hearing pursuant to section 36-127.

(c) *Failure to observe abatement plan*. No person shall fail to comply with the terms of an abatement plan.

(Code 1997, § 66-104; Ord. No. 40-08-09, § 4, 8-18-2008)

Sec 36-129 Abatement By Court Action

If an officer determines that a public nuisance exists, the officer may refer the nuisance to the city attorney for review. If the city attorney determines that alternative enforcement methods have failed to abate the nuisance or would be ineffective in doing so, the city attorney may cause an action to abate such nuisance to be commenced in the name of the city in the county circuit court in accordance with the provisions of state statutes.

(Code 1997, § 66-105; Ord. No. 40-08-09, § 4, 8-18-2008)

Sec 36-130 Other Methods Not Excluded

Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with alternative procedures contained in this Code or in accordance with state law.

(Code 1997, § 66-106; Ord. No. 40-08-09, § 4, 8-18-2008)

Sec 36-131 Enforcement

For the purposes of this chapter, the term "officer" means the any peace officer, including a police officer, a fire inspector, a building inspector, or a housing inspector. These officers shall enforce the provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to

ensure that such provisions are not violated. No action shall be taken under this article to abate a nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and is satisfied that a nuisance does, in fact, exist.

(Code 1997, § 66-107; Ord. No. 40-08-09, § 4, 8-18-2008)

ARTICLE 36-VI CHRONIC NUISANCE PREMISES

Sec 36-161 Definitions
Sec 36-162 Notice
Sec 36-163 Abatement Plan
Sec 36-164 Additional Nuisance Activity
Sec 36-165 Appeal

Sec 36-161 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Enforcement action means an arrest, issuance of a citation, or issuance of a written or verbal warning.

Nuisance activity means any of the following activities, behaviors, or conduct occurring on a premises:

(a) An act of harassment, as defined in Wis. Stats. § 947.013.

(b) Disorderly conduct, as defined in Wis. Stats. § 947.01 or in section 38-207.

(c) Battery, substantial battery, or aggravated battery, as defined in Wis. Stats. § 940.19.

(d) Lewd and lascivious behavior, as defined in Wis. Stats. § 944.20.

(e) Prostitution, as defined in Wis. Stats. § 944.30.

(f) Theft, as defined in Wis. Stats. § 943.20.

(g) Receiving stolen property, as defined in Wis. Stats. § 943.34.

(h) Arson, as defined in Wis. Stats. § 943.02.

(i) Possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Wis. Stats. ch. 961.

(j) Gambling, as defined in Wis. Stats. § 945.02.

(k) Animal violations, as defined in chapter 8.

(l) Trespass, as defined in Wis. Stats. §§ 943.13 and 943.14 or in section 38-156.

(m) Weapons violations, as defined in chapter 38, article VI, division 2.

(n) Noise violations, as defined in article IV of this chapter.

(o) Being a party to, as defined in section 38-2, or any conspiracy to commit, as defined in Wis. Stats. § 939.31, or any attempt to commit, as defined in Wis. Stats. § 939.32, any of the activities, behaviors, or conduct enumerated in this subsection.

(p) The execution of arrest or search warrants at a particular location.

(q) Alcohol violations, as defined in chapter 38 or in Wis. Stats. § 125.07.

(r) Obstructing or resisting an officer, as defined in Wis. Stats. § 946.41.

(s) City inspection-related calls where the police department responds.

Owner means the owner of the premises and the owner's agents.

Premises means an individual dwelling unit, an apartment building (all units included as one premises), or an individual business premises and associated common areas.

(Code 1997, § 66-150; Ord. No. 40-08-09, § 5, 8-18-2008)

Sec 36-162 Notice

Whenever the police chief determines that three or more nuisance activities resulting in enforcement action have occurred at a premises during a 12-month period, the police chief may notify the premises owner in writing. In calculating the requisite nuisance activities, the police chief may count separate qualifying nuisance incidents resulting in enforcement action occurring on the same day (as long as they are distinct in time) or different days but shall never count nuisance activities that were reported by the owner of the premises. The notice shall contain the street address or legal description sufficient to identify the premises, a description of the nuisance activities that have occurred at the premises, a statement indicating that the cost of future enforcement may be assessed as a special charge against the premises, and a notice as to the appeal rights of the owner. The notice shall be delivered pursuant to section 36-126.

(Code 1997, § 66-151; Ord. No. 40-08-09, § 5, 8-18-2008)

Sec 36-163 Abatement Plan

Any owner receiving notice pursuant to section 36-162 shall meet with the police chief or designee within five days of receipt of such notice. The parties shall review the problems occurring at the property. Within ten days of this meeting, the owner shall submit to the police chief designee an abatement plan to end the nuisance activity on the property. The plan shall also specify a name, address, and telephone number of a person living within 60 miles of the property who can be contacted in the event of further police, fire, or

inspection contact.

(Code 1997, § 66-152; Ord. No. 40-08-09, § 5, 8-18-2008)

Sec 36-164 Additional Nuisance Activity

Whenever the police chief determines that additional nuisance activity has occurred at a premises for which notice has been issued pursuant to section 36-162, that this nuisance activity has occurred not less than 15 days after notice has been issued, and that reasonable efforts have not been made to abate the nuisance activity, the police chief may calculate the cost of police response and enforcement for this and any subsequent nuisance activities and cause such charges and administrative costs to be assessed and collected as a special charge.

(Code 1997, § 66-153; Ord. No. 40-08-09, § 5, 8-18-2008)

Sec 36-165 Appeal

Appeal of any determination of the police chief of police pursuant to this article may be submitted for a hearing to the licensing, hearings, and public safety committee of the common council. Wis. Stats. ch. 68 shall not apply to such an appeal.

(Code 1997, § 66-154; Ord. No. 40-08-09, § 5, 8-18-2008; Ord. No. 37-17-18, § 11, 2-19-2018)

CHAPTER 38 OFFENSES

ARTICLE 38-I OFFENSES IN GENERAL
ARTICLE 38-II ADMINISTRATION AND ENFORCEMENT
ARTICLE 38-III OFFENSES AGAINST PUBLIC MORALS, DECENCY AND HEALTH
ARTICLE 38-IV OFFENSES AGAINST PROPERTY
ARTICLE 38-V OFFENSES AGAINST PUBLIC PEACE AND ORDER
ARTICLE 38-VI OFFENSES AGAINST PUBLIC SAFETY
ARTICLE 38-VII MINORS
ARTICLE 38-VIII SEXUAL OFFENDER RESIDENCY AND REGISTRATION

State law reference—Crimes, generally, Wis. Stats. § 939.01 et seq.

ARTICLE 38-I OFFENSES IN GENERAL

Sec 38-1 Adoption Of State Misdemeanors; Penalty For Violation
Sec 38-2 Parties To Violations

Sec 38-1 Adoption Of State Misdemeanors; Penalty For Violation

(a) All state misdemeanors, including, but not limited to, Class A through Class E forfeitures, are adopted by reference in this section as if fully set forth.

(b) Except as otherwise specifically provided in this chapter, a violation of any provision of this chapter shall be subject to the penalty provided in section 1-15.

(c) If the court finds the violation meets the conditions in Wis. Stats. § 800.093(1)(a) and (b), the court may hold a hearing to determine if restitution shall be ordered under Wis. Stats. § 800.093.

(Code 1997, § 70-1; Ord. No. 14-98-99, §§ 1, 2, 6-15-1998)

Sec 38-2 Parties To Violations

(a) Whoever is concerned in the commission of a violation of a city ordinance is a principal and may be charged with and convicted of the commission of the ordinance violation although the person did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other degree of the violation or of some other violation based on the same act.

(b) A person is concerned in the commission of the violation if the person:

(1) Directly commits the violation;

(2) Intentionally aids and abets the commission of a violation; or

(3) Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other violation which is committed in pursuance of the intended violation and which under the circumstances is a natural and probable consequence of the intended violation.

This section does not apply to a person who, voluntarily, has a change of mind and no longer desires that the violation be committed and notifies the other parties concerned of their withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

(Code 1997, § 1-27; Ord. No. 72-02-03, § 1, 2-17-2003)

ARTICLE 38-II ADMINISTRATION AND ENFORCEMENT

Sec 38-23 Penalties For Certain Enumerated Sections Of This Chapter
Sec 38-24 Issuance Of Citations By Police Officers For Violations Of Certain Ordinances
Sec 38-25 Issuance Of Citations By City Inspectors For Violations Of Certain Ordinances
Sec 38-26 Suspension And Revocation Of Licenses And Permits
Sec 38-27 Recoupment Of Costs, Fees

Sec 38-23 Penalties For Certain Enumerated Sections Of This Chapter

A violation of any of the following provisions of this chapter shall subject the violator to the forfeitures as herein set forth, together with the costs of prosecution, and in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of the terms stated:

(a) A forfeiture of not less than $25.00 and not more than $100.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 20 days, for a violation of the following sections: 38-109, 38-155, 38-208, 40-64, and 60-9 through 60-11.

(b) A forfeiture of not less than $50.00 nor more than $250.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days, for a violation of any of the following sections: 38-157 and 38-229.

(c) A forfeiture of not less than $75.00 nor more than $500.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days, for a violation of any of the following sections: 38-80, 38-156, 38-207, 38-252 and 38-253.

(d) A forfeiture of not less than $100.00 nor more than $750.00, together with the

costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 80 days, for a violation of section 38-81.

(e) Any person who violates section 38-228 is subject to the following penalties:

(1) For the first conviction under section 38-228, the person shall forfeit not less than $75.00 nor more than $500.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 20 days.

(2) For the second conviction under section 38-228 within a five-year period, the person shall forfeit not less than $150.00 nor more than $750.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(3) For the third conviction under section 38-228 within a five-year period, the person shall forfeit not less than $250.00 nor more than $1,000.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days.

(4) For the fourth and subsequent convictions under this section within a five-year period, the person shall forfeit not less than $500.00 nor more than $2,500.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 90 days.

(Code 1975, § 26-1; Code 1997, § 70-5; Ord. No. 101-05-06, § 16, 3-20-2006)

Sec 38-24 Issuance Of Citations By Police Officers For Violations Of Certain Ordinances

(a) Pursuant to Wis. Stats. § 800.02, the city elects to permit the use of the citation method of enforcement by its police officers for violations of city ordinances.

(b) A citation issued under this section shall be signed by an officer who has authority to make arrests for violation and shall include substantially the following information:

(1) The name, address and date of birth of the defendant and the name and address of the defendant's parents or guardian, if a minor.

(2) The name and department of the issuing officer.

(3) The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the statute or section of the

ordinance violated, and a designation of the violation in language which can be readily understood.

(4) A date, time and place for the court appearance and a notice to appear.

(5) Provisions for a deposit and stipulation in lieu of a court appearance.

(6) Notice that if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture and a penalty assessment, plus costs, including the fees prescribed in Wis. Stats. ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and plea.

(7) Notice that if the defendant makes a deposit and signs the stipulation, the stipulation is treated as a plea of no contest and submission to a forfeiture and a penalty assessment, plus costs, including the fees prescribed in Wis. Stats. ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

(8) Notice that the defendant may, by mail prior to the court appearance, enter a plea of not guilty and request another date for a court appearance.

(9) Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or an arrest warrant.

(10) Any other pertinent information.

(c) Any person issued a citation under this section may deposit the amount of money the issuing officer directs by mailing or delivering the deposit, along with a copy of the citation, to the municipal court clerk prior to the court appearance date. The deposit shall include costs, including fees prescribed in Wis. Stats. ch. 814, penalty assessment and jail assessment.

(d) A person may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by subsection (c) of this section prior to the court appearance date. The signed stipulation is a plea of no contest and submission to a forfeiture, plus costs and a penalty assessment and jail assessment not exceeding the amount of the deposit.

(e) Except as provided by subsection (f) of this section, a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is

made, stating that the defendant may inquire at the office of the clerk of courts regarding the disposition of the deposit, and notifying the defendant that, if the defendant fails to appear in court at the time fixed in the citation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, plus costs, including the fees prescribed in Wis. Stats. ch. 814, not to exceed the amount of the deposit which the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the check is the receipt.

(f) The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of municipal court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court, the defendant will be considered to have submitted to a forfeiture, penalty assessment and jail assessment, plus costs, including fees prescribed in Wis. Stats. ch. 814, not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in subsection (e) of this section.

(g) If a citation is issued to a minor, the police department shall, within seven days, mail or deliver a copy of the citation to the child's parent or guardian.

(h) The common council shall establish a schedule of cash deposits by resolution. Copies of the schedule shall be available from the municipal court and the police department.

(Code 1975, § 26-105; Code 1997, § 1-13; Ord. No. 16-98-99, § 1, 6-15-1998; Ord. No. 66-00-01, § 1, 10-2-2000; Ord. No. 101-05-06, §§ 1—3, 3-20-2006; Ord. No. 43-10-11, § 1, 11-15-2010)

Sec 38-25 Issuance Of Citations By City Inspectors For Violations Of Certain Ordinances

(a) Pursuant to Wis. Stats. § 800.02, the city elects to use the citation method of enforcement by its authorized officials for violations directly related to the official responsibilities of the officials. Such authorized officials include, but are not limited to, the following:

(1) Community service officers acting under authority delegated to them by the chief of police or a traffic sergeant;

(2) Building inspectors issuing citations for violations of chapters 14, 20, 28, 36, 38, 46, 48, 54, section 60-68, and chapter 105;

(3) The manager of planning and zoning;

(4) The fire chief and designees;

(5) The city engineer and designees;

(6) The harbormaster and designees.

(b) Citations issued under subsection (a) of this section shall include the following information:

(1) The name and address of the alleged violator;

(2) Factual allegations describing the alleged violation;

(3) The time and place of the offense;

(4) The section of the ordinance violated;

(5) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so;

(6) The time at which the alleged violator may appear in court;

(7) A statement which, in essence, informs the alleged violator of the following:

a. A cash deposit based on the schedule established by this section may be made which shall be delivered or mailed to the clerk of municipal court prior to the time of the scheduled court appearance.

b. If a cash deposit is made, no appearance in court is necessary unless subsequently summoned.

c. If the alleged violator makes a cash deposit and does not appear in court, the alleged violator will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs authorized by statute not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

d. If the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter a judgment under Wis. Stats. § 800.04, or the city may commence an action against the alleged violator to collect the forfeiture, plus all costs authorized by statute.

e. If the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by statute punishable by a fine or imprisonment or both and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if

restitution shall be ordered under Wis. Stats. § 800.093.

(8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that the alleged violator has read the statement required under subsection (b)(7) of this section and shall send the signed statement with the cash deposit.

(9) Such other information as may be deemed necessary.

(c) The common council shall establish a schedule of cash deposits by resolution. Copies of the schedule shall be available from the municipal court and the police department. The deposits shall be made in cash, money order or certified check, payable to the clerk of the municipal court, who shall provide a receipt therefor. If a violator is charged with an ordinance violation that has a penalty provision that provides each day of violation constitutes a separate and distinct offense, the applicable deposit and cost shall be multiplied by the number of days of violation to establish the applicable deposit and cost.

(d) The provisions of Wis. Stats. § 800.04(3), relating to violators' options and procedures on default, are adopted and incorporated in this section by reference as if fully set forth.

(e) The adoption of this section shall not preclude the common council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(f) The issuance of a citation under this section shall not preclude the city or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

(Code 1975, § 26-100; Code 1997, § 1-14; Ord. No. 66-00-01, §§ 2, 3, 10-2-2000; Ord. No. 101-05-06, §§ 4, 5, 3-20-2006; Ord. No. 27-06-07, § 1, 9-5-2006; Ord. No. 43-10-11, § 2, 11-15-2010; Ord. No. 25-15-16, § 1, 9-21-2015; Ord. No. 19-19-20, § 2, 10-7-2019)

Sec 38-26 Suspension And Revocation Of Licenses And Permits

(a) The term "license," as used in this section, shall also include permits.

(b) Except as otherwise specifically prescribed by this Code, the procedure for revocation of any license, permit, or registration issued in accordance with this Code shall be as follows:

(1) Any license issued may be suspended or revoked by the common council for a violation of any section of this Code.

(2) The licensee shall be given notice of the reasons for the suspension or revocation and an opportunity to be heard before the common council or

the licensing, hearings, and public safety committee for the purpose of determining whether such suspension shall be imposed or whether the license shall be revoked. Upon sworn, written complaint of any city resident filed with the city clerk alleging that a person holding a license under this Code has violated this Code, the common council or the committee may issue a summons signed by the clerk and directed to any peace officer in the city. The summons shall command the licensee or permittee complained of to appear before the common council or committee on a day and place named in the summons, not less than three days and not more than ten days from the date of issuance and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Wis. Stats. § 801.01 et seq., for service in civil actions in circuit court.

(3) If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true, and if the council or committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

(4) If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at the licensee's expense.

(5) If the hearing is held before the council and the complaint is found to be true, the license shall either be suspended or revoked, and the costs of the hearing imposed upon the licensee.

(6) If the hearing is held before the committee, the committee shall submit a report to the council, including findings of facts, conclusions of law and a recommendation as to what action, if any, the council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the council. The council shall determine whether the arguments shall be presented orally or in writing or both. If the council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked, and the costs of the hearing imposed upon the licensee.

(7) The clerk shall give notice of the suspension or revocation to the person

whose license is suspended or revoked.

(8) If the council or committee finds the complaint untrue, the proceedings shall be dismissed without cost to the accused. If the council or committee finds the complaint to be malicious and without probable cause the complainant shall pay the costs of the hearing. The council or committee may require the complainant to provide security for costs of the proceeding before issuing a summons. Upon suspension or revocation, the licensee shall surrender their license to the city clerk's office.

(9) In addition to any other attendant procedural due process rights in conjunction with suspensions or revocations of licenses, licensees shall be afforded the following:

a. Notice of the hearing as stated in this subsection.

b. An opportunity to examine, at and prior to the hearing, all documents and records to be used by the complainant.

c. An opportunity to present and argue the licensee's own case or have an attorney of the licensee's choice present and argue such case at the licensee's expense.

d. An opportunity to bring witnesses to testify on the licensee's behalf.

e. An opportunity to establish all pertinent facts and circumstances.

f. An opportunity to question or refute any testimony or evidence, including the right to cross examine adverse witnesses.

(Code 1975, § 1-18; Code 1997, § 1-16; Ord. No. 70-05-06, § 1, 1-3-2006; Ord. No. 37-17-18, § 1, 2-19-2018)

Sec 38-27 Recoupment Of Costs, Fees

(a) *Costs of prosecution*. In any case in which a defendant is convicted of a violation of this Code, the court shall add all costs of prosecution directly chargeable to the city as a disbursement to the judgment taken against the defendant for the offense, pursuant to Wis. Stats. §§ 66.0114(1)(c) and 800.09. The costs of prosecution include, but are not limited to, the cost of evidentiary blood draws and the cost imposed by the county for jailing a person pursuant to an order or warrant issued by the municipal judge.

(b) *Commitment-processing fee*. A commitment-processing fee of $25.00 shall be imposed for each commitment issued by the municipal judge.

(c) *Warrant pickup fee*. Whenever a person who is wanted on a non-Sheboygan

warrant, commitment, or other judicial order commanding a law enforcement officer to seize and hold the person is taken into custody by a city police officer, a warrant pickup fee of $25.00 shall be assessed to the person picked up on such warrant. The fee shall be added to the bond amount of the warrant.

(d) *Petition to judge*. A person for whom a Sheboygan warrant has been issued or who has been taken into custody by a city police officer on a non-Sheboygan warrant may petition the municipal judge for relief from the fees imposed in this section. If no municipal judge exists, the person may petition a circuit judge. The judge may, in the judge's discretion, waive the fee where the fee imposes a severe hardship or where it is in the interest of justice, taking into account the interests of both the petitioner and the taxpayers of the city.

(Code 1997, § 1-28; Ord. No. 38-04-05, § 1, 12-4-2004)

ARTICLE 38-III OFFENSES AGAINST PUBLIC MORALS, DECENCY AND HEALTH

DIVISION 3-III-1 OFFENSES AGAINST PUBLIC MORALS, DECENCY AND HEALTH, GENERALLY
DIVISION 3-III-2 GAMBLING
DIVISION 3-III-3 CONTROLLED SUBSTANCES
DIVISION 3-III-4 DRUG PARAPHERNALIA

DIVISION 3-III-1 OFFENSES AGAINST PUBLIC MORALS, DECENCY AND HEALTH, GENERALLY

Sec 38-58 Public Indecency
Sec 38-59 Drinking On Public Streets Prohibited; Exceptions
Sec 38-60 Possession Of Alcohol Beverages On School Grounds Prohibited; Exception; Penalty

Sec 38-58 Public Indecency

(a) It is unlawful for any person to knowingly or intentionally, in a public place:

(1) Engage in actual or simulated sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions or other ultimate sex acts;

(2) Appear in a state of nudity; or

(3) Fondle the genitals of oneself or another person.

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nudity means the showing of the human male or female genitalia, pubic hair or

buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume or covering of any part of the nipple; the exposure of any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples or areola of the female breast, which device simulates and gives the realistic appearance of nipples or areola.

Public place includes all outdoor places owned by or open to the general public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.

(c) The prohibition set forth in subsection (a)(2) of this section shall not apply to:

(1) Any child under ten years of age;

(2) Any individual exposing a breast in the process of breastfeeding an infant under three years of age; or

(3) Public places where live dance, ballet, music and theatrical productions which have serious artistic merit are performed in a theater, or in a theater-type setting, by a professional or amateur dance, ballet, theatrical or musical company, and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and where the public place is not distinguished by an emphasis on, or the advertising or promotion of, materials related to employees, employers, entertainers or patrons depicting, describing, displaying, exposing or simulating nudity.

(d) *Penalty for violation of section*. Any person who violates the provisions of this section shall be subject to a forfeiture of not less than $100.00 nor more than $500.00.

(Code 1997, § 70-116; Ord. No. 79-00-01, § 2, 1-22-2001)

Sec 38-59 Drinking On Public Streets Prohibited; Exceptions

(a) *Prohibited conduct*. No person shall drink or carry for the purpose of immediate consumption any intoxicating liquor or fermented malt beverage upon the streets, sidewalks, alleys, public parking lots, and other public ways of the city. Any person carrying any open can, cup, glass, bottle or similar drinking vessel containing intoxicating liquor or fermented malt beverages upon the streets,

sidewalks, alleys, public parking lots, and other public ways of the city shall be in violation of this section.

(b) *Exceptions*. The prohibitions of subsection (a) of this section, shall not apply to the following:

(1) Such proscription, as it relates to fermented malt beverages, shall not be applicable to persons who have attained the legal drinking age and are:

a. Attending a block party for which a permit has been issued in accordance with section 48-284; or

b. Attending a street festival for which a permit has been issued in accordance with section 14-113.

(2) Such proscription shall not be applicable in areas holding a sidewalk cafe permit pursuant to section 14-89 if:

a. The sidewalk cafe is part of a premises licensed for the serving of alcoholic beverages;

b. The person is a patron of the establishment holding the sidewalk cafe permit; and

c. Neither the patron nor the establishment is in violation of the regulations for such sidewalk cafes set forth in section 14-90.

(3) Such proscription shall not be applicable in parklets, as that term is defined in section 14-147, if:

a. The parklet is part of a premises licensed for the serving of alcoholic beverages;

b. The person is a patron of the establishment holding the parklet permit; and

c. Neither the patron nor the establishment is in violation of the regulations for such parklets set forth in article 14, chapter V.

(4) Such proscription shall not be applicable in city-designated temporary public gathering spaces as described in section 14-148. Such temporary public gathering spaces shall be designated by the council via resolution.

(c) *Penalties*. The following penalties shall apply to violations of this section:

(1) Any person violating the provisions of subsection (a) of this section shall be subject to a forfeiture of not less than $100.00 nor more than $500.00, plus costs, and in default of payment thereof to imprisonment in the county jail until such forfeiture is paid, but not to exceed 30 days.

(2) Any person under 18 years of age who violates this section shall be subject to a forfeiture of not more than $25.00, except that disposition in proceedings against a person under 18 years of age on the date of disposition shall be, as provided in Wis. Stats. § 48.344.

(Code 1975, § 4-61; Code 1997, § 10-2; Ord. No. 75-07-08, § 2, 1-7-2008; Ord. No. 6-21-22, § 1, 6-21-2021)

Sec 38-60 Possession Of Alcohol Beverages On School Grounds Prohibited; Exception; Penalty

(a) Except as provided by subsection (b) of this section, no person may possess or consume alcohol beverages on school premises; in a motor vehicle, if a pupil attending the school is in the motor vehicle; or while participating in a school-sponsored activity.

(b) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.

(c) A person who violates this section is subject to a forfeiture of not more than $200.00 except that section 10-177(n) provides the penalties applicable to underage persons.

(Code 1975, § 4-14; Code 1997, § 10-3; Ord. No. 101-05-06, § 6, 3-20-2006)

DIVISION 3-III-2 GAMBLING

Sec 38-79 Definitions
Sec 38-80 Gambling
Sec 38-81 Permitting Premises To Be Used For Commercial Gambling
Sec 38-82 Seizure And Destruction Of Gambling Paraphernalia

State law reference—Authority to prohibit gambling and seize such articles, Wis. Stats. § 66.051.

Sec 38-79 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bet means a bargain in which the parties agree that, dependent upon chance, even though accompanied by some skill, one stands to win or lose something of value specified in the agreement. A bet does not include:

(a) Bona fide business transactions which are valid under the law of contracts including, without limitation:

(1) Contracts for the purchase or sale at a future date of securities or other commodities; and

(2) Agreements to compensate for loss caused by the happening of the chance, including, without limitation, contracts of indemnity or guaranty and life, health, or accident insurance;

(b) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the bona fide owners of animals or vehicles entered in such contest;

(c) Participation in bingo or a raffle conducted under Wis. Stats. ch. 563;

(d) Pari-mutuel wagering subject to Wis. Stats. ch. 562;

(e) Participation in a lottery conducted under Wis. Stats. ch. 565.

Bookmaking means receiving, recording or forwarding a bet or offer to bet on any contest of skill, speed, strength or endurance of persons or animals.

Gambling machine.

(a) The term "gambling machine" means a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, even though accompanied by some skill and whether or not the prize is automatically paid by the machine.

(b) The term "gambling machine" does not include any of the following:

(1) A device used in conducting a bingo occasion or raffle event under Wis. Stats. ch. 563, used in conducting a lottery under Wis. Stats. ch. 565 or used in conducting a race under Wis. Stats. ch. 562.

(2) Any amusement device if it rewards the player exclusively with one or more nonredeemable free replays for achieving certain scores and does not change the ratio or record the number of the free replays so awarded.

(3) An amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than seven times the cost charged to play the amusement device once or $5.00, whichever is less. In this article, the term "skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use the player's knowledge which enables the player to obtain more frequent rewards or prizes than does another less precise,

dexterous or knowledgeable player.

Gambling place.

(a) The term "gambling place" means any building or tent, any vehicle (whether self-propelled or not) or any room within any of them, one of whose principal uses is any of the following: making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling machines.

(b) The term "gambling place" does not include a place where bingo or a raffle is conducted under Wis. Stats. ch. 563, where a lottery is conducted under Wis. Stats. ch. 565, or where a race is conducted under Wis. Stats. ch. 562.

(c) Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be professional gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

(d) Any gambling place is a public nuisance and may be proceeded against under Wis. Stats. ch. 823.

Lottery.

(a) The term "lottery" means an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance, even though accompanied by some skill.

(b) The term "lottery" does not include bingo or a raffle conducted under Wis. Stats. ch. 563, pari-mutuel wagering conducted under Wis. Stats. ch. 562, or the state lottery or any multistate lottery conducted under Wis. Stats. ch. 565.

(c) The term "consideration," as used in this definition, means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant but does not include any advantage to the promoter or disadvantage to any participant caused when any participant learns from newspapers, magazines and other periodicals, radio or television where to send the person's name and address to the promoter. In any game, drawing, contest, sweepstakes or other promotion, none of the following shall constitute consideration under this definition:

(1) To listen to or watch a television or radio program.

(2) To fill out a coupon or entry blank which is received through the mail or published in a newspaper or magazine if facsimiles thereof or handwritten and other informal entries are acceptable or if no purchase is required.

(3) To furnish proof of purchase if the proof required does not consist of more

than the container of any product as packaged by the manufacturer, or a part thereof, or a facsimile of either.

(4) To send the coupon or entry blank and proof of purchase by mail to a designated address.

(5) To fill out a coupon or entry blank obtained and deposited on the premises of a bona fide trade fair or trade show defined as an exhibition by five or more competitors of goods, wares or merchandise at a location other than a retail establishment or shopping center or other place where goods and services are customarily sold; but if an admission fee is charged to such exhibition all facilities for obtaining and depositing coupons or entry blanks shall be outside the area for which an admission fee is required.

(6) To visit a mercantile establishment or other place without being required to make a purchase or pay an admittance fee.

(7) To use a chance promotion exempt under Wis. Stats. § 100.16(2).

(Code 1975, § 26-77; Code 1997, § 70-41)

Sec 38-80 Gambling

No person shall make a bet; enter or remain in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling machine; or conduct a lottery, or with intent to conduct a lottery, possess facilities to do so.

(Code 1975, § 26-78; Code 1997, § 70-42)

State law reference—Similar provisions, Wis. Stats. § 945.02.

Sec 38-81 Permitting Premises To Be Used For Commercial Gambling

No person shall permit any real estate in the city owned or occupied by the person or under the person's control to be used as a gambling place or permit a gambling machine to be set up for use for the purpose of gambling in a place in the city under the person's control.

(Code 1975, § 26-79; Code 1997, § 70-43)

State law reference—Similar provisions, Wis. Stats. § 945.04.

Sec 38-82 Seizure And Destruction Of Gambling Paraphernalia

Any police officer may seize or cause the seizure of anything devised solely for gambling or found in actual use for gambling and cause the destruction of any such thing after a judicial determination that it was used solely for gambling or found in actual use

for gambling.

(Code 1975, § 26-80; Code 1997, § 70-44)

DIVISION 3-III-3 CONTROLLED SUBSTANCES

Sec 38-108 Possession Of Marijuana
Sec 38-109 Sale Or Distribution Of Isobutyl Nitrite Products

Sec 38-108 Possession Of Marijuana

(a) Pursuant to the authority granted the city under Wis. Stats. § 66.0107(1)(bm), as amended from time to time, the possession within the city of 25 grams or less of marijuana, as defined in Wis. Stats. § 961.01(14), and subject to the exceptions in Wis. Stats. § 961.41(3g)(intro.), shall be punishable as a violation of this Code, except that any person charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in the state, shall not be charged under this section.

(b) Every person who violates any of the provisions of this section shall, for each such violation, be subject to a forfeiture of not less than $50.00 nor more than $500.00.

(Code 1997, § 70-7; Ord. No. 22-09-10, § 1, 10-19-2009; Ord. No. 10-21-22, § 3, 7-6-2021)

Sec 38-109 Sale Or Distribution Of Isobutyl Nitrite Products

The sale, distribution or possession of ban apple, locker room or rush or any other product bearing a different name but containing as its sole ingredient isobutyl nitrite, in the city is unlawful and subject to a forfeiture of not less than $100.00 nor more than $200.00.

(Code 1975, § 26-6; Code 1997, § 70-9)

DIVISION 3-III-4 DRUG PARAPHERNALIA

Sec 38-132 Definitions
Sec 38-133 Determining Whether An Item Is Drug Paraphernalia
Sec 38-134 Prohibited Activities; Exemption
Sec 38-135 Effect Of Changes To State Statutes

Sec 38-132 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drug paraphernalia means all equipment, products and materials of any kind which are used, designed for use, or primarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, 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 or controlled substance analog, as defined in Wis. Stats. ch. 961. The term "drug paraphernalia" includes, but is not limited to:

(a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use or designed for use in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing or preparing controlled substances;

(c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in packaging small quantities of controlled substances;

(i) Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

(k) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, including, but not limited to:

(1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

(2) Water pipes;

(3) Carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) 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;

(6) Miniature cocaine spoons and cocaine vials;

(7) Chamber pipes;

(8) Carburetor pipes;

(9) Electric pipes;

(10) Air-driven pipes;

(11) Chilams;

(12) Bongs;

(13) Ice pipes or chillers.

The term "drug paraphernalia" excludes hypodermic syringes, needles and other objects used or intended for use in parenterally injecting substances into the human body, and any items, including pipes, papers and accessories, that are designed for use or primarily intended for use with tobacco products. As used in this subsection, the term "primarily" means chiefly or mainly.

(Code 1997, § 70-8(a); Ord. No. 22-09-10, § 2, 10-19-2009; Ord. No. 24-16-17, § 2, 11-21-2016; Ord. No. 10-21-22, § 4, 7-6-2021)

State law reference—Similar provisions, Wis. Stats. § 961.571.

Sec 38-133 Determining Whether An Item Is Drug Paraphernalia

In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of other considerations a court shall deem relevant:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner or of anyone in control of the object under any village, municipal, state or federal law relating to any controlled substances;

(c) The proximity of the object in time and space to a direct violation of this chapter;

(d) The proximity of the object to controlled substances or controlled substance analogs;

(e) The existence of any residue of controlled substances or controlled substance

analogs on the object;

(f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter. The innocence of the owner or of anyone in control of the object as to a direct violation of this chapter shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;

(g) Oral or written instructions provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National and local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object to the total sale of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning its use.

(Code 1997, § 70-8(b); Ord. No. 22-09-10, § 2, 10-19-2009; Ord. No. 24-16-17, § 2, 11-21-2016; Ord. No. 10-21-22, § 4, 7-6-2021)

State law reference—Similar provisions, Wis. Stats. § 961.572.

Sec 38-134 Prohibited Activities; Exemption

(a) *Possession of drug paraphernalia*. No person may use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter. Possession of drug paraphernalia shall give rise to a rebuttable presumption of prohibited use.

(b) *Manufacture, sale or delivery of drug paraphernalia*. No person may sell, deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this chapter.

(c) *Delivery of drug paraphernalia to a minor*. Any adult, as defined by Wis. Stats. § 938.02(1), who violates subsection (a) of this section by delivering drug paraphernalia to a person 17 years of age or under shall be subject to the maximum penalty authorized hereunder.

(d) *Advertisement of drug paraphernalia*. No person may place in any newspaper, magazine, internet advertisement, handbill or other publication or upon any outdoor billboard or sign any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(e) *Exemption*. This section does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with that permitted under the provisions of Wis. Stats. ch. 961. This section does not prohibit the possession, manufacture or use of hypodermics in accordance with that permitted under Wis. Stats. ch. 961.

(f) *Penalty*. Any person violating any provision of this article shall be fined not less than $50.00 nor more than $500.00 for the first offense and succeeding offenses during the calendar year. Each day that such violation continues shall be deemed a separate and distinct offense and, in default of payment thereof, imprisonment in the county jail for a period not to exceed 90 days.

(Code 1997, § 70-8(d), (e); Ord. No. 22-09-10, § 2, 10-19-2009; Ord. No. 24-16-17, § 2, 11-21-2016; Ord. No. 10-21-22, § 4, 7-6-2021)

State law reference—Similar provisions, Wis. Stats. §§ 961.573 through 961.576.

Sec 38-135 Effect Of Changes To State Statutes

Pursuant to Wis. Stats. § 961.577, any amendments that shall be made from time to time to Wis. Stats. §§ 961.573(1), (2), 961.574(1), (2), and 961.575(1), (2) regarding possession of drug paraphernalia, exclusive of penalties, are adopted by reference and made offenses punishable as a violation of this Code.

(Code 1997, § 70-8(f); Ord. No. 22-09-10, § 2, 10-19-2009; Ord. No. 24-16-17, § 2, 11-21-2016; Ord. No. 10-21-22, § 4, 7-6-2021)

ARTICLE 38-IV OFFENSES AGAINST PROPERTY

DIVISION 38-IV-1 OFFENSES AGAINST PROPERTY GENERALLY
DIVISION 38-IV-2 THEFT

State law reference—Crimes against property, Wis. Stats. ch. 943.

DIVISION 38-IV-1 OFFENSES AGAINST PROPERTY GENERALLY

Sec 38-154 Unlawful Damage To Property; Penalty
Sec 38-155 Painting Of Walls, Streets Or On Other Public Places Or Structures; Permit Required
Sec 38-156 Unlawful Trespass Of Dwellings, Buildings Or Property
Sec 38-157 Unauthorized Vehicles On City Property

Sec 38-154 Unlawful Damage To Property; Penalty

(a) *Generally*. Whoever intentionally causes damage to any physical property of another without the other's consent may be fined not less than $25.00 nor more than $250.00.

(b) *Marking with paint, ink or other substance*. Whoever intentionally marks, draws or writes with paint, ink or other substance on, or intentionally etches into any physical property of another without the other's consent may be fined not less than $25.00 nor more than $250.00.

(c) *Fines for violations of subsection (a) or (b) of this section*. Any person violating subsection (a) or (b) of this section may be fined not more than $500.00 under the following circumstances:

(1) The property damaged is a vehicle or highway and the damage is of a kind which is likely to cause injury to a person or further property damage;

(2) The property damaged belongs to a public utility or common carrier and the damage is of a kind which is likely to impair the services of the public utility or common carrier; or

(3) The property damaged belongs to a person who is or was a witness as defined in Wis. Stats. § 940.41(3), or a grand or petit juror and the damage was caused by reason of the owner's having attended or testified as a witness or by reason of any verdict or indictment assented to by the owner.

(d) *Single acts of unlawful damage; prosecution*. If more than one item of property is damaged under a single intent and design, the damage to all the property may be prosecuted as a single offense.

(e) *Multiple acts of unlawful damage; prosecution*. In any case of unlawful damage involving more than one act of unlawful damage, but prosecuted as a single offense, it is sufficient to allege generally that unlawful damage to property was committed between certain dates. At the trial, evidence may be given of any such unlawful damage that was committed on or between the dates alleged.

(Code 1997, § 70-181; Ord. No. 9-96-97, § 1, 6-17-1996)

Sec 38-155 Painting Of Walls, Streets Or On Other Public Places Or Structures;

Permit Required

No person, except those duly authorized by proper authority, shall paint upon any public building, curbstone, crosswalk, gutter, street, sidewalk, hydrant, lamppost, bridge approach or upon any part of the superstructure of any bridge in the city, without a permit issued by the common council.

(Code 1975, § 26-95; Code 1997, § 70-182)

Sec 38-156 Unlawful Trespass Of Dwellings, Buildings Or Property

It shall be unlawful to intentionally enter the dwelling or building of another without the consent of the owner or person having legal custody or control thereof, under circumstances tending to create or provoke a breach of the peace.

(Code 1975, § 26-50; Code 1997, § 70-183)

Sec 38-157 Unauthorized Vehicles On City Property

(a) Unauthorized vehicles shall be prohibited from entering or remaining upon city-owned lakefront property from High Avenue to Wilson Avenue.

(b) Unauthorized vehicles shall be prohibited from entering or remaining upon the city-owned bus transfer station, extending from Center Avenue to the north to Pennsylvania Avenue to the south in block 154, original plat of the city.

(Code 1975, § 26-53; Code 1997, § 70-184)

DIVISION 38-IV-2 THEFT

Sec 38-183 Retail Theft
Sec 38-184 Defrauding Public Transportation Personnel

Sec 38-183 Retail Theft

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Merchant means any merchant as defined in Wis. Stats. § 402.104(3), or any innkeeper, motel keeper or hotel keeper.

Value of merchandise means, for property of the merchant, the value of the property and, for merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the

merchandise and the altered price.

(b) *Altering of prices; concealment*. Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without the merchant's consent and with the intent to deprive the merchant permanently of possession or the full purchase price of the merchandise may be penalized, as provided in subsection (f) of this section.

(c) *Discovery of unpurchased merchandise*. The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

(d) *Deceitful return of merchandise*.

(1) *Prohibited*. Whoever returns merchandise to a merchant for the purpose of claiming an exchange, refund or credit by intentionally deceiving the merchant with a representation that such merchandise was purchased by or for such person from such merchant at the price claimed where such merchandise was, in fact, not purchased by or for such person or was not purchased from such merchant or was purchased at a price lower than the price claimed shall be penalized, as provided in subsection (f) of this section.

(2) *Attempts*. Whoever attempts to commit an act prohibited by this section shall be guilty of a violation of this division and shall be penalized the same as if the attempt had been successful and not averted. For the purposes of this section, an attempt shall be an intent to perform an act and attain a result which, if accomplished, would constitute an ordinance violation and that the person would have committed the violation except for the intervention of another person or some other extraneous factor.

(e) *Detainment of persons for probable cause*. A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in the merchant or employee's presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but such person shall not be interrogated or searched against that person's will before the arrival of a peace officer who may

conduct a lawful interrogation of the accused person. Any merchant or merchant's adult employee who acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.

(f) *Penalties for violation of section*. Penalties for violation of this section shall be as follows:

(1) Any person who violates any provision of this section involving the retail theft of items, the value of which is $10.00 or less, shall be subject to a forfeiture of $50.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 15 days.

(2) Any person who violates any provision of this section involving the retail theft of items, the value of which is $25.00 or less but more than $10.00, shall be subject to a forfeiture of $100.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(3) Any person who violates any provision of this section involving the retail theft of items, the value of which is $50.00 or less but more than $25.00, shall be subject to a forfeiture of $200.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 45 days.

(4) Any person who violates any provision of this section involving the retail theft of items, the value of which is more than $50.00 shall be subject to a forfeiture of $300.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 60 days.

(5) Any person who has committed a previous violation of this section within five years of the present offense shall subject the violator to the appropriate forfeiture, along with the imposition of an additional forfeiture of $100.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 90 days.

(g) *Photographs as evidence*. In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(h) *Restitution*. In addition to the other penalties provided for violation of this section, a judge may order a violator to pay restitution under Wis. Stats. § 800.093.

(Code 1975, §§ 26-93, 26-96; Code 1997, §§ 70-202, 70-203; Ord. No. 13-98-99, §§ 1—3, 6-15-1998)

Sec 38-184 Defrauding Public Transportation Personnel

(a) Whoever, while a passenger in a vehicle held out to the public for transportation, including, but not limited to, taxicabs and buses, intentionally defrauds the operator of the vehicle thereof in any transaction arising out of such relationship as a passenger may be penalized, as provided in section 38-23.

(b) Under this section, prima facie evidence of an intent to defraud is shown by the refusal by a passenger, upon completion of the transportation service, to pay the operator of the vehicle the established rate for the service rendered to the passenger.

(Code 1975, § 26-4; Code 1997, § 70-4)

ARTICLE 38-V OFFENSES AGAINST PUBLIC PEACE AND ORDER

Sec 38-207 Disorderly Conduct
Sec 38-208 Misconduct On Public Grounds
Sec 38-209 Sprinkling Of Property

State law reference—Crimes against public peace generally, Wis. Stats. § 947.01 et seq.

Sec 38-207 Disorderly Conduct

No person shall, in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

(Code 1975, § 26-47; Code 1997, § 70-151)

State law reference—Disorderly conduct, Wis. Stats. § 947.01.

Sec 38-208 Misconduct On Public Grounds

(a) No person shall commit any act in a public building or on public grounds which interferes with the peaceful conduct of activities normally carried on in such building or on such grounds.

(b) No person other than a student, member of the faculty, custodial staff or other person entering the school building for a school-related purpose may enter such building or be on the premises without the express authorization (consent) of the principal or a faculty member of the school.

(c) It shall be unlawful for any student to remain or loiter upon any portion of the school ground or building, except those specifically designated by assignment, without prior approval of the school principal or other faculty members.

(d) Any person violating subsection (a), (b) or (c) of this section who refuses to leave such building or grounds upon request by the proper official or any person aiding, counseling or abetting another to violate subsection (a), (b) or (c) of this section may be fined double the amount in section 38-23(e).

(e) In this section, the term "public building" means any building that is a part of the University of Wisconsin system or state universities system and used for any university purpose and any building owned by the state or any county, city, school district or other political subdivision of the state and used for any public purpose.

(f) Nothing in this section shall be construed to prohibit peaceful picketing or distribution of handbills.

(Code 1975, § 26-51; Code 1997, § 70-152)

Sec 38-209 Sprinkling Of Property

No persons shall, with purpose or intent, sprinkle their property in any manner to the distress or annoyance of others.

(Code 1975, § 26-3; Code 1997, § 70-153)

ARTICLE 38-VI OFFENSES AGAINST PUBLIC SAFETY

DIVISION 38-VI-1 OFFENSES AGAINST PUBLIC SAFETY GENERALLY
DIVISION 38-VI-2 WEAPONS

State law reference—Offenses against public health and safety generally, Wis. Stats. § 941.01 et seq.

DIVISION 38-VI-1 OFFENSES AGAINST PUBLIC SAFETY GENERALLY

Sec 38-227 Misuse Of E-911
Sec 38-228 Conduct On Buses And At Bus Stops
Sec 38-229 Abandoned Refrigerators, Freezers And Other Containers

Sec 38-227 Misuse Of E-911

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Emergency means a situation in which a person reasonably believes that

immediate response by public safety personnel is essential due to the risk of:

(1) Death or great bodily harm;

(2) Property damage; or

(3) Any other situation which mandates the immediate response of public safety personnel.

(b) *Prohibited use*. No person shall utilize the 911 emergency telephone system for any purpose other than to report an emergency.

(c) *Improper use*. It shall be a violation of this section for any person to:

(1) Dial the telephone number 911 to report an emergency, knowing that the fact of the situation which the person reports does not exist.

(2) Raise a false alarm using the 911 emergency system.

(3) Dial 911 and hang up without reporting an emergency if, in fact, no emergency exists.

(4) Knowingly permit any telephone under the person's control to be used for any purpose under this section.

(Code 1975, § 26-52.1; Code 1997, § 70-217)

Sec 38-228 Conduct On Buses And At Bus Stops

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bus transportation company or company means any person, group of persons or corporation providing for-hire transport to passengers by motor bus upon the streets of the city, but not to include a company utilizing buses exclusively transporting children to and from school. The term "bus transportation company" or "company" shall also include bus transportation facilities owned or operated by local public bodies, municipalities and public corporations.

Charter means a group of persons who, pursuant to a common purpose and under a single contract, and at a fixed charge for the vehicle in accordance with a bus transportation company's tariff, have acquired the exclusive use of a motor bus to travel together as a group to a specified destination.

Motor bus means a motor vehicle designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated

seating capacity for ten or more passengers, but not to include a bus or coach utilized exclusively to transport children to and from schools.

Passenger means any person served by a bus transportation company.

Terminal means a bus stop, shelter, or any facility operated or served by a bus transportation company, including a reasonable area immediately adjacent to any designated stop along the route traveled by any motor bus operated by a bus transportation company, and parking areas provided by a bus transportation company adjacent to a terminal.

(b) *Prohibited acts generally*. No person shall:

(1) Seize or exercise control of a motor bus;

(2) Intimidate, threaten to or commit assault or battery, with or without the employment of a dangerous or deadly weapon, toward any driver, supervisor or guard of a motor bus or bus transportation company so as to interfere with the performance of duties by such person;

(3) Board a motor bus with a dangerous or deadly weapon concealed upon their person or effects. The provisions of this subsection shall not apply to duly authorized law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment, or where otherwise excepted by law; or

(4) Discharge any firearm or hurl any missile at, into or upon any motor bus, terminal or other transportation facility.

(c) *Prohibited acts on buses or in terminals*. No person shall, while on a motor bus or in a terminal:

(1) Threaten a breach of the peace or use any obscene, profane or vulgar language calculated to provoke a breach of the peace.

(2) While a passenger in a common carrier, publicly drink intoxicants as a beverage or give any other person intoxicants for that purpose under circumstances tending to provoke a disturbance, except in those portions of the common carrier in which intoxicants are specifically authorized by law to be sold or consumed. A person who commits such acts is guilty of a violation.

(3) Fail to obey a reasonable request or order of a motor bus driver or any duly authorized company representative.

(4) In addition to the penalties set forth in section 38-23, if any person shall violate any provision of this subsection (c), the driver of the motor bus may stop it at the place where the offense is committed, or at the next regular or convenient stopping place of the motor bus and require the person to

leave the motor bus. In addition to the penalties set forth in section 38-23, if any person shall violate any provision of this subsection (c) at a bus terminal, the driver of a motor bus, supervisor or other official representative of the bus transportation company may require the person to leave the terminal.

(d) *Prohibited acts in or upon buses while on streets or public ways*. No person shall, while in or upon any motor bus while the bus is operated in common carrier passenger service upon the streets or public ways of the city:

(1) Smoke or carry a lighted or smoldering pipe, cigar or cigarette;

(2) Consume food or drink;

(3) Spit or expectorate upon the floor, steps or sides of the motor bus;

(4) Discard litter;

(5) Play any radio, cassette recorder or other such instrument, except where same is connected to an earphone that limits the sound to the individual user;

(6) Carry any flammable liquids, explosives, acids or other dangerous articles, live animals, birds or reptiles, except for Seeing Eye dogs, service animals as defined in the Americans with Disabilities Act and small animals properly confined; or

(7) Refuse or fail to pay the established fare.

In addition to the penalties set forth in section 70-5, if any person shall violate any provision of this subsection (d), the motor bus operator will inform the person of the violation and request their compliance. If the person in violation of any provision of this subsection (d) fails to comply subsequent to the request of the motor bus operator, then the driver of the motor bus may stop the motor bus at the place where the offense is committed, or at the next regular or convenient stopping place of the motor bus and require the person to leave the motor bus.

(e) *Prohibited uses of passes, cards, tickets or tokens*. No person shall attempt to obtain transportation on a motor bus operated by a bus transportation company by displaying to the driver an invalid pass, discount fare card, transfer, coupon, punch ticket or token or by displaying a valid pass or discount fare card, transfer, coupon, punch ticket, issued to another person. The driver of the motor bus, a supervisor or other official representative of the bus transportation company shall have the right to inspect and to exchange any pass, discount fare card, transfer, coupon, punch ticket or token presented by any person with the intent to obtain transportation. If any person shall fail to present such pass, discount fare card, transfer, coupon, punch ticket or token for inspection at the request of any such representative of the company, the driver may require the person to pay the full fare or to leave the motor bus. If the driver, supervisor or other official

representative of the company shall determine that the pass, discount fare card, transfer, coupon, punch ticket or token is invalid or has been issued to a person other than the one attempting to use it to obtain transportation, the driver, supervisor or other official representative may refuse to return it to the person and require such person to pay the full fare or to leave the motor bus.

(Code 1975, § 26-15; Code 1997, § 70-218)

Sec 38-229 Abandoned Refrigerators, Freezers And Other Containers

(a) It is unlawful for any person to discard or abandon any refrigerator, icebox or deep freeze locker having a capacity of 1 1/2 cubic feet or more which is no longer in use and which has not had the door removed or such portion of the latch mechanism removed to prevent latching or locking of the door.

(b) It is unlawful for any owner, lessee or manager to knowingly permit such a refrigerator, icebox or deep freeze locker to remain on premises under the owner, lessee or manager control without having the door removed or such portion of the latch mechanism removed to prevent latching or locking of the door.

(Code 1975, § 26-21; Code 1997, § 70-219)

State law reference—Abandoned refrigerators generally, Wis. Stats. § 167.25.

DIVISION 38-VI-2 WEAPONS

Sec 38-252 Discharging And Carrying Weapons
Sec 38-253 Confiscation

State law reference—Carrying concealed weapons generally, Wis. Stats. § 941.23.

Sec 38-252 Discharging And Carrying Weapons

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Facsimile firearm means any replica, toy, starter pistol, or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm but is not an actual firearm.

Firearm means a weapon that acts by force of gunpowder.

Law enforcement officer means a person who is employed by a law enforcement agency as defined in Wis. Stats. § 175.49(1)(f), for the purpose of engaging in, or

supervising others engaging in, the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.

Weapon means a handgun, an electronic weapon as defined in Wis. Stats. § 941.295(1c)(a), a knife, or a Billy club.

(b) *Prohibited*. No person, except an authorized police officer, shall discharge any firearm, spring gun, or air gun within the city. This prohibition shall not apply to a shotgun, muzzle loader, bow, crossbow, or other like weapons or instruments, air rifle, pellet gun, or like instruments, provided the use thereof complies with the requirements of subsections (e)(1) through (3) of this section.

(c) *Permitted*. Any person may possess, carry, or bear any weapon, firearm or facsimile firearm, or have under the person's control any weapon, firearm or facsimile firearm, on any public street, sidewalk, boulevard, boardwalk, alley, public parking lot, or park if the person complies with this section or state statutes and administrative code sections specifically adopted under this section, with the exception of the following:

(1) In addition to the provisions of Wis. Stats. § 175.60(16), enumerating places where the carrying of a weapon or firearm is prohibited, including exceptions thereto, no person other than a law enforcement officer may possess, carry, or have under their control any firearm, facsimile firearm, or concealed weapon within any posted building or portion of a posted building owned, occupied, or controlled by the city. Signs meeting the requirements of Wis. Stats. § 943.13(2)(bm)1, shall be posted in prominent places near all entrances of such buildings regarding such restriction.

(2) The city administrator shall cause all buildings or portions of buildings owned, occupied, or controlled by the city to be posted pursuant to this subsection; except that the city administrator may determine that particular buildings or portions of building should not be posted. The city administrator shall maintain a list of all non-posted buildings or portions of buildings and shall report to the common council the determination that a building or portion of a building should not be posted.

(3) Any person who enters or remains in any city building contrary to subsection (c)(1) of this section shall be considered a trespasser, subject to penalty as proscribed under section 38-156. If the individual refuses to leave the building, the individual may be removed against the individual's will.

(4) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under the person's control any weapon, knife, firearm, or facsimile firearm within any public building or athletic field owned by the Sheboygan Area School District, unless such person is permitted to do so

pursuant to the provisions and exceptions contained in Wis. Stats. §§ 948.605 and 948.61.

(5) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under the person's control any weapon, firearm, or facsimile firearm within any premises for which a Class "B" or "Class B" license or permit has been issued by the city pursuant to Wis. Stats. ch. 125. This subsection shall not apply to a peace officer, a state concealed weapons permit holder (CCW licensee), a qualified out-of-state licensee, a qualified out-of-state law enforcement officer, or other person specifically excepted by the provisions of Wis. Stats. § 941.237(3), so long as the person does not consume alcohol on the Class "B" or "Class B" premises. Active and former officers may consume alcohol on Class "B" or "Class B" premises if they are not under the influence and if the premises is not posted otherwise.

(6) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under the person's control any weapon, firearm, or facsimile firearm in or on school grounds or within 1,000 feet from the grounds of a school, if doing so is a violation of Wis. Stats. § 948.605.

(7) No person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under the person's control any weapon, firearm, or facsimile firearm while any such person is under the influence of an intoxicant or a detectable amount of a restricted controlled substance.

(8) If the firearm is a facsimile firearm, no person may openly possess, carry, or display any facsimile firearm under circumstances that could reasonably be expected to alarm, intimidate, threaten or terrify another person.

(9) Notwithstanding the provisions of this section, no person may possess, carry, or bear any weapon, firearm, or facsimile firearm, or have under the person's control any weapon, firearm, or facsimile firearm in violation of any state statute.

(d) *Removal from property*. If a property owner or tenant objects to any individual carrying a weapon, firearm, or facsimile firearm and does not wish to allow individuals to exercise the right to carry weapons, firearms, or facsimile firearms within the establishment, the individual shall be considered a trespasser, subject to penalty as proscribed under section 38-156. If the property owner or tenant makes a complaint to the police department to remove the individual from the property and the individual refuses, the individual may be removed against the individual's will.

(e) *Conditions of discharge within the boundaries of the city*. A shotgun, muzzle loader, bow or crossbow, or other like weapon or instrument may be discharged

within the boundaries of the city, but only under the following conditions and regulations:

(1) Shotguns, muzzle loaders, or like weapons or instruments designed and used to propel a single slug, multiple pellets or shot may only be discharged in the city where not prohibited by this section, and then according to the following regulations. No such weapons or instruments shall be discharged on or onto lands less than 200 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owners of such adjacent properties have given written permission to do so.

(2) Bows, crossbows, or other like weapons or instruments designed and used to propel an arrow, dart or other similar missiles may only be discharged in the city where not prohibited by this section, and then only within the following regulations. No such weapons or instruments shall be discharged on or onto land less than 100 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owners of such adjacent properties have given written permission to do so.

(3) *Prohibited areas*. No instrument referred to in subsections (e)(1) and (2) of this section shall be discharged on park land, or on land not owned by the person unless written permission has been obtained.

(f) *Possession of firearms and weapons by minors prohibited*.

(1) No parent, guardian, or other adult person having legal custody of a child under the age of 16 years shall permit such minor to have in the minor's possession and control for use within the city any firearm or other dangerous weapon as enumerated in subsection (b) of this section.

(2) *Sale of firearms and weapons*.

a. *Sale to minors*. No person shall sell or give away to any child under the age of 16 years any sling shot, blow gun, bean shooter, air gun, pellet gun, dart gun, or bow and arrow.

b. *Records*. Any person selling firearms or other deadly weapons shall keep a record of the sale thereof, and such list shall be open to inspection by the police department. Such record shall include the name, address, age and birth date of the purchaser and the article purchased.

(g) *State provisions adopted*. The city adopts those provisions of state statutes and administrative regulations related to dangerous weapons and concealed weapons, as well as such provisions enumerated under and within subsection (b) of this section, as from time to time amended by the state legislature, together with all definitions of relevant terms and all exceptions contained in such provisions, as if fully set forth at length in this section.

(Code 1997, § 70-251; Ord. No. 16-17-18, § 1, 10-2-2017; Ord. No. 33-19-20, § 1, 12-2-2019)

Sec 38-253 Confiscation

All weapons carried by any person who shall have been convicted of carrying, concealed about their person, such weapons in violation of the provisions of this division within the limits of the city shall be confiscated by the city.

(Ord. No. 16-17-18, § 1, 10-2-2017)

ARTICLE 38-VII MINORS
DIVISION 38-VII-1 MINORS GENERALLY
DIVISION 38-VII-2 TRUANCY
DIVISION 38-VII-3 TOBACCO PRODUCTS
DIVISION 38-VII-4 CURFEW

DIVISION 38-VII-1 MINORS GENERALLY

Sec 38-285 Unlawful Sheltering Of Minors
Sec 38-286 Conversion Therapy Prohibited
Sec 38-287 School Dropouts

Sec 38-285 Unlawful Sheltering Of Minors

(a) No person shall, unless duly licensed under state statutes or without having first obtained the permission of the parents or legal guardian of any minor or without first notifying the city police department of the existence of a minor described in subsection (a)(1) of this section on premises owned or operated by or under the control of such person:

(1) By any means conceal or shelter, or assist in the concealing or sheltering of any minor under the age of 18 years while the minor is under the legal

custody of the parents or legal guardian and while the minor is on report with any law enforcement agency as a missing person, a runaway or a wanted person; or

(2) Supply false information to or obstruct any police officer in the performance of the officer's duty to locate or to take into custody any minor described in this section.

(b) Any person violating any provision of this section shall be subject to a forfeiture of not less than $25.00 nor more than $200.00 together with the cost of prosecution and in default of payment thereof, imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(Code 1975, § 26-7; Code 1997, § 70-81)

Sec 38-286 Conversion Therapy Prohibited

(a) *Defined*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Conversion therapy means any practices or treatments offered or rendered to consumers for a fee, including psychological counseling, that seeks to change a person's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual attractions or romantic attractions or feelings towards individuals of the same gender. The term "conversion therapy" does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

(b) *Prohibited acts*. It is unlawful for any person to practice conversion therapy with anyone under 18 years of age.

(c) *Referral to state agency*. Any person practicing conversion therapy within the city shall be referred to the state department of safety and professional services, which regulates therapy services and professional counseling.

(Code 1997, § 70-86; Ord. No. 5-19-20, § 1, 7-15-2019)

Sec 38-287 School Dropouts

For a child who is at least 16 years of age but less than 18 years of age and is a dropout,

the court may suspend the operating privilege, as defined in Wis. Stats. § 340.01(40), of the child until the child reaches the age of 18 years. The court shall immediately take possession of any suspended license and forward it to the department of transportation, together with a notice stating the reason for and duration of the suspension.

(Code 1997, § 70-78)

DIVISION 38-VII-2 TRUANCY

Sec 38-308 Truancy And Habitual Truancy
Sec 38-309 Contributing To Truancy

Sec 38-308 Truancy And Habitual Truancy

(a) *Definitions*. The following words and phrases when used in this section shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

Dropout has the meaning given in Wis. Stats. § 118.153(1)(b);

Habitual truant has the meaning given in Wis. Stats. § 118.16(1)(a);

Operating privilege has the meaning given in Wis. Stats. § 340.01(40);

Truant means a pupil who is absent from school without an acceptable excuse under Wis. Stats. §§ 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(b) *Truancy prohibited; penalties*. No person under the age of 18 years shall be a truant. Any person found by the court to be a truant shall be subject to one or any combination of the following penalties:

(1) An order for the person to attend school;

(2) A forfeiture of not more than $50.00, plus costs for a first violation, or a forfeiture of not more than $100.00, plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stats. § 938.37 and subject to a maximum cumulative forfeiture amount of not more than $500.00 for all violations committed during a school semester.

(3) All or part of the forfeiture, plus costs may be assessed against the person, the parents or guardian of the person, or both.

(c) *Habitual truancy prohibited; penalties*. No person under 18 years of age shall be a habitual truant. Any person found by the court to be a habitual truant shall be subject to one or any combination of the following penalties:

(1) Suspension of the person's operating privilege for not less than 30 days nor more than a year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for the duration of the suspension;

(2) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stats. § 938.34(5g). The costs of any such counseling, supervised work program or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this section acting in good faith has immunity from any civil liability in excess of $25,000.00 for any act or omission by or impacting on that person;

(3) An order for the person to remain at home except during hours in which the person is attending religious worship or school program, including travel time required to get to and from the school program or place of worship. The order may permit a person to leave the person's home if the person is accompanied by a parent or guardian;

(4) An order for the person to attend an educational program as described in Wis. Stats. § 938.34(7d);

(5) An order for the department of work force development to revoke, under Wis. Stats. § 103.72, a permit under Wis. Stats. § 103.70 authorizing the employment of the person;

(6) An order for the person to be placed in a teen court program as described in Wis. Stats. § 938.342(1g)(f);

(7) An order for the person to attend school;

(8) A forfeiture of not more than $500.00, plus costs, subject to Wis. Stats. § 938.37. All or part of the forfeiture, plus costs may be assessed against the person, the parents or guardian of the person, or both;

(9) Any other reasonable conditions consistent with this section, including a curfew, restrictions as to going to or remaining on specified premises and restrictions on associating with other children or adults;

(10) An order placing the person under formal or informal supervision, as described in Wis. Stats. § 938.34(2) for up to one year;

(11) An order for the person's parent, guardian, or legal custodian to participate in counseling at the parent, guardian, or legal custodian's own

expense, or to attend school with the person, or both.

(d) *Suspension of operating privileges*. The operating privileges of a person who is at least 16 years of age, but less than 18 years of age, and who is a dropout, may be suspended by the court until the person reaches the age of 18 years. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

(Code 1975, § 26-15.1; Code 1997, § 70-79; Ord. No. 16-99-00, § 1, 7-6-1999)

Sec 38-309 Contributing To Truancy

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Truancy means any absence of part or all of one or more days from school during which the school attendance officer, principal, or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil; or intermittent attendance carried on for the purpose of defeating Wis. Stats. § 118.15.

(b) Except as provided in subsection (c) of this section, no person 18 years of age or older may by any act or omission, knowingly encourage or contribute to truancy. An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be truant.

(c) Subsection (b) of this section shall not apply to a person who has under the person's control a child who has been sanctioned under Wis. Stats. § 49.26(1)(h).

(d) Any person who violates this section shall be subject to a forfeiture of not less than $75.00 nor more than $500.00, together with costs, and in default thereof, imprisonment in the county jail until such forfeiture and costs have been paid, but not to exceed 30 days.

(Code 1975, § 26-15.2; Code 1997, § 70-80)

DIVISION 38-VII-3 TOBACCO PRODUCTS

Sec 38-337 Purchase Or Possession Of Tobacco Products By Person Under 18 Years Of Age Prohibited
Sec 38-338 Restrictions On Sale Or Gift Of Cigarettes And Tobacco Products To Minors
Sec 38-339 School District Premises

Sec 38-337 Purchase Or Possession Of Tobacco Products By Person Under 18 Years Of Age Prohibited

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cigarette has the meaning given in Wis. Stats. § 139.30(1m).

Law enforcement officer has the meaning given in Wis. Stats. § 30.50(45).

Tobacco products has the meaning given in Wis. Stats. § 139.75(12).

(b) *Prohibited acts*. Except as provided in subsection (c) of this section, no person under 18 years of age may do any of the following:

(1) Purchase or attempt to purchase any cigarette or tobacco product.

(2) Falsely represent the person's age for the purpose of receiving any cigarette or tobacco product.

(3) Possess any cigarette or tobacco product.

(c) *Exceptions*.

(1) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during that person's working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).

(2) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of that person's participation in an investigation under Wis. Stats. § 254.916 that is conducted in accordance with Wis. Stats. § 254.916(3).

(d) *Penalty for violation of section*. Any person under 18 years of age who violates the provisions of this section shall be subject to a forfeiture of not more than $50.00.

(e) *Seizure*. A law enforcement officer shall seize any cigarette or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(Code 1975, § 26-9; Code 1997, § 70-82; Ord. No. 135-96-97, §§ 1—4, 4-14-1997; Ord. No. 53-01-02, § 1, 11-19-2001)

Sec 38-338 Restrictions On Sale Or Gift Of Cigarettes And Tobacco Products To

Minors

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cigarette has the meaning given in Wis. Stats. § 139.30(1m).

Distributor means a person specified under Wis. Stats. § 139.30(3) or a person specified under Wis. Stats. § 139.75(4).

Identification card means a license containing a photograph issued under Wis. Stats. ch. 343, an identification card issued under Wis. Stats. § 343.50, or an identification card as defined under Wis. Stats. § 134.66(1)(c).

Jobber has the meaning given in Wis. Stats. § 139.30(6).

Manufacturer means a person specified under Wis. Stats. § 139.30(7) or a person specified under Wis. Stats. § 139.75(5).

Private school has the meaning given in Wis. Stats. § 115.001(3r).

Retailer means any person licensed under Wis. Stats. § 134.65(1).

School (public) has the meaning given in Wis. Stats. § 118.257(1)(d).

Stamp has the meaning given in Wis. Stats. § 139.30(13).

Subjobber has the meaning given in Wis. Stats. § 139.75(11).

Tobacco products has the meaning given in Wis. Stats. § 139.75(12).

Vending machine has the meaning given in Wis. Stats. § 139.30(14).

Vending machine operator has the meaning given in Wis. Stats. § 139.30(15).

(b) *Enumeration of restrictions*. Restrictions on the sale or gift of cigarettes and tobacco products are as follows:

(1) No retailer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber, and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of 18 years, except as provided in section 38-337(c) or its statutory counterpart. A vending

machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from the vending machine by a person under the age of 18 years if the vending machine operator was unaware of the purchase.

(2) No retailer, manufacturer, distributor, jobber, subjobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber, and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by the person's parent or guardian or by the person's spouse who has attained the age of 18 years.

(3) A retailer shall post a sign in areas within the retailer's premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 years is unlawful under section 38-337 or its statutory counterpart and Wis. Stats. § 254.92. A vending machine operator shall attach a notice in a conspicuous place on the front of the operator's vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 years is unlawful under section 38-337 or Wis. Stats. § 254.92 and that the purchaser is subject to a forfeiture of not to exceed $50.00.

(4) A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless such person is accompanied by the person's parent or guardian or by the person's spouse who has attained the age of 18 years.

(5) Notwithstanding subsection (b)(4) of this section, no retailer may place a vending machine within 500 feet of a school.

(6) No retailer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under Wis. Stats. § 139.32(1).

(c) *Defense: sale to minor*. Proof of all of the following facts by a retailer, manufacturer, distributor, jobber, or subjobber, an agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber or subjobber, or an agent or employee of an independent contractor who sells cigarettes or tobacco products to a person under the age of 18 years is a defense to any prosecution for a violation of subsection (b)(1) of this section:

(1) The purchaser falsely represented that the purchaser had attained the

age of 18 years and presented an identification card.

(2) The appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18 years.

(3) The sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18 years.

(d) *Penalties for violation of section*. In this subsection, the term "violation" means a violation of subsection (b)(1), (4), or (5) or (c)(2) of this section. A person who commits a violation is subject to a forfeiture of not more than $500.00 if the person has not committed a previous violation within 12 months of the violation; or not less than $200.00 nor more than $500.00 if the person has committed a previous violation within 12 months of the violation. A court shall suspend any license or permit issued under Wis. Stats. § 134.65, 139.34 or 139.79 to a person for:

(1) Not more than three days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

(2) Not less than three days nor more than ten days, if the court finds that the person committed a violation within 12 months after committing two other violations; or

(3) Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing three or more other violations.

(e) *Notice of suspension*. The court shall promptly mail notice of a suspension under this section to the department of revenue and to the clerk of each municipality that has issued a license or permit to the person. Whoever violates subsection (b)(2) or (3) of this section shall forfeit not more than $25.00.

(Code 1975, § 26-10; Code 1997, § 70-83; Ord. No. 135-96-97, §§ 5—13, 4-14-1997; Ord. No. 53-01-02, §§ 2, 3, 11-19-2001; Ord. No. 10-02-03, §§ 1—4, 6-3-2002; Ord. No. 101-05-06, § 17, 3-20-2006)

Sec 38-339 School District Premises

(a) *Definitions*. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cigarette has the meaning given in Wis. Stats. § 139.30(1m).

Tobacco product has the meaning given in Wis. Stats. § 139.75(12).

(b) *Prohibited acts*. No person may use cigarettes or any tobacco product on premises within the city owned or rented by or under the control of the school board of a public school district.

(c) *Penalty for violation of section*. Any person who violates the provisions of this section shall be subject to a forfeiture of not less than not less than $100.00 nor more than $200.00, or not less than $200.00 nor more than $1,000.00 if the person has committed a previous violation within a 12-month period.

(Code 1975, § 26-11; Code 1997, § 70-84; Ord. No. 135-96-97, § 14, 4-14-1997)

DIVISION 38-VII-4 CURFEW

Sec 38-367 Curfew For Children
Sec 38-368 Parental Violations Of Curfew

Sec 38-367 Curfew For Children

(a) *Children 14 to 18 years of age*. Curfew restrictions for persons between the ages of 14 to 18 years are as follows:

(1) No person under the age of 18 years shall be or remain in or upon any of the public streets, alleys or places of the city between the hours of 11:00 p.m. and 5:00 a.m. unless such person is accompanied by a parent, guardian or other person of full age having the custody of such person, or unless such person is in the process of returning directly to their home when confronted by a police officer.

(2) Any person who violates the provisions of this section shall be subject to a forfeiture of not less than $10.00 nor more than $25.00.

(3) This section shall not apply to any person under the age of 18 years who is required to use the streets, alleys or public places of the city during the hours named for the purpose of going to or returning from their place of employment, or who is engaged in the performance of a necessary errand, or who is in the immediate view and vicinity of their home; but no more than reasonable time shall be allowed for going to and returning from such employment, or going and returning such errand.

(b) *Children under the age of 14 years*. Curfew restrictions for persons under 14 years of age are as follows:

(1) Any person under the age of 14 years who is found on the streets, alleys or public places in the city in violation of this section may be taken into custody by any police city officer and forthwith taken to their home.

(2) Any person under the age of 14 years who has once been taken to their

home under the provisions of this section and, thereafter, violates the provisions of this section, shall be subject to Wis. Stats. ch. 48.

(Code 1975, § 26-2; Code 1997, § 70-76)

Sec 38-368 Parental Violations Of Curfew

(a) No parent, guardian or other person having legal custody or entrusted with the care of a child under the age of 18 years shall permit or allow such child to loiter, linger or remain upon the streets, alleys or other public places in the city between 11:00 p.m. and 5:00 a.m. the next day unless such child is accompanied by the child's parent, guardian or other adult person having legal custody of such child.

(b) Any person who violates this section shall be subject to a forfeiture of not less than $50.00 nor more than $200.00, together with the costs of prosecution and, in default of payment thereof, imprisonment in the county jail for a period not to exceed 30 days.

(c) This section shall not apply to a parent, guardian or adult person having legal custody or entrusted with the care of such child under the age of 18 years who is in the immediate view and vicinity of their home or who is required to use the streets, alleys or public places of the city during the hours named for the following purposes:

(1) Going to or returning from their place of employment in a reasonable amount of time;

(2) Engaging in the performance of a necessary errand in a reasonable amount of time; or

(3) Returning from a school-sponsored event in a reasonable amount of time.

(Code 1975, § 26-8; Code 1997, § 70-77)

ARTICLE 38-VIII SEXUAL OFFENDER RESIDENCY AND REGISTRATION

Sec 38-395 Finding And Intent
Sec 38-396 Definitions
Sec 38-397 Sexual Offender And Sexual Predator Residence; Prohibition; Penalties; Exceptions
Sec 38-398 Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders And Sexual Predators; Penalties
Sec 38-399 Waiver

Sec 38-395 Finding And Intent

(a) Sexual offenders who prey on strangers, including children, are sexual predators who present a threat to public safety that cannot easily be mitigated via notification provisions. Such offenders are likely to use physical violence and to repeat their offenses. This makes the cost of sexual offender victimization to society at large in such situations, while incalculable, clearly exorbitant.

(b) It is the intent of this article not to impose a criminal penalty but rather to serve the city's compelling interest to promote, protect, and improve the health, safety, and welfare of the city citizens by creating areas around locations where children regularly congregate in concentrated numbers wherein sexual offenders and sexual predators who prey on strangers are prohibited from establishing temporary or permanent residence.

(Code 1997, § 70-261; Ord. No. 21-18-19, § 1, 11-5-2018)

Sec 38-396 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Child means a person under the age of 16 years for the purposes of this article.

Designated offender means any person who is required to register under Wis. Stats. § 301.45 for any sexual offense against a child or any person who is required to register under Wis. Stats. § 301.45 and who has been designated a special bulletin notification (SBN) sex offender pursuant to Wis. Stats. § 301.46(2) and (2m).

Minor means a person under the age of 17 years.

Permanent residence means a place where the person abides, lodges, or resides for 14 or more consecutive days.

Temporary residence means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(Code 1997, § 70-262; Ord. No. 21-18-19, § 1, 11-5-2018)

Sec 38-397 Sexual Offender And Sexual Predator Residence; Prohibition; Penalties; Exceptions

(a) *Prohibited location of residence*. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 1,000 feet of any

school, licensed day care center, park, recreational trail, playground or place of worship unless that person meets one or more of the exceptions contained in subsection (e) of this section or has received a waiver pursuant to section 38-399.

(b) *Prohibited activity*. It is unlawful for any designated offender to participate in a holiday event involving children less than 18 years of age, such as distributing candy or other items to children. Holiday events in which the offender is the parent or guardian of the children involved, and no nonfamilial children are present, are exempt from this section. The term "participation" means actively taking part in the event.

(c) *Measurement of distance*.

(1) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, recreational trail, playground or place of worship.

(2) The city engineer shall prepare, maintain and file with the city clerk an official map showing prohibited locations as defined by this article. The engineer shall update the map at least annually to reflect any changes in the location of prohibited zones and file the updated map with the city clerk. These shall be designated on the map as child safety zones.

(d) *Penalties*. A person who violates any provision of this article shall be punished by a forfeiture not exceeding $500.00. Each day a person maintains a residence in violation of this article constitutes a separate violation. The city may also seek equitable relief.

(e) *Exceptions*. A designated offender residing within a prohibited area as described in subsection (a) of this section does not commit a violation of this section if any of the following apply:

(1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stats. § 301.45 before the effective date of the ordinance from which this article is derived.

(2) The person is a minor and is not required to register under Wis. Stats. § 301.45 or 301.46.

(3) The school, licensed day care center, park, recreational trail or playground within 1,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stats. § 301.45.

(4) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two years before the designated offender established residence at the location.

(5) The person is residing at a transitional living program (TLP) facility funded by the department of corrections/community corrections within the city.

(Code 1997, § 70-263; Ord. No. 21-18-19, § 1, 11-5-2018)

Sec 38-398 Property Owners Prohibited From Renting Real Property To Certain Sexual Offenders And Sexual Predators; Penalties

(a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this article, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section 38-397(a), and not subject to an exception set forth in section 38-397(e) or a waiver pursuant to section 38-399.

(b) A property owner's failure to comply with this section shall constitute a violation of this article and shall subject the property owner to the penalties set forth in section 38-397(d).

(Code 1997, § 70-264; Ord. No. 21-18-19, § 1, 11-5-2018)

Sec 38-399 Waiver

(a) The above 1,000-foot requirements may be waived upon approval by the chief of police or designee (hereafter, "the chief") through appeal by the designated offender affected. Such appeal shall be made in writing to the chief.

(b) The chief shall consider the public interest, all relevant statutes and ordinances, and the designated offender's concerns. The chief shall also consider the nature of the designated offender's sexual offenses, denying waivers only in circumstances where the applicant's offenses involved strangers. The chief shall inform the designated offender in writing of the results of the chief's review of the waiver. If the chief denies the waiver, the chief shall inform the designated offender that the offender may appeal the denial of the waiver by so indicating to the chief in writing within 14 days after the chief's denial.

(c) If any offender appeals the denial of a waiver pursuant to subsection (b) of this section, the chief shall immediately notify the city clerk and chair of the licensing,

hearings, and public safety committee of such appeal, the name of the designated offender, and the address at which the offender wishes to reside. The chair shall then place the matter on the agenda of a committee meeting for the purposes of an appeal hearing. The hearing shall take place between seven days and 30 days after the chief receives notice of the appeal from the offender. The time limits may be waived by the offender.

(d) At the hearing, the committee shall hear evidence from the chief and from the offender or the offender's representative, as well as any other person whose testimony it deems relevant. The committee, in its deliberation, shall consider the nature of the sexual offenses committed by the offender, the needs of the offender in order to reintegrate as a productive member of the community, the public interest in safety, and all relevant statutes and ordinances. After deliberation, the committee shall forward its decision in writing via the minutes or otherwise to the chief and to the offender.

(Code 1997, § 70-265; Ord. No. 21-18-19, § 1, 11-5-2018)

CHAPTER 40 PARKS AND RECREATION

ARTICLE 40-I PARKS AND RECREATION IN GENERAL
ARTICLE 40-II USE OF PUBLIC PARKS AND FACILITIES
ARTICLE 40-III PARK IMPACT FEES

State law reference—Acquisition of property for parks generally, Wis. Stats. § 62.22.

ARTICLE 40-I PARKS AND RECREATION IN GENERAL

Sec 40-1 Penalties
Sec 40-2 Establishment Of Parks
Sec 40-3 Naming Of Parks
Sec 40-4 Management And Maintenance
Sec 40-5 Donations
Sec 40-6 Purchase, Lease And Condemnation
Sec 40-7 Contracts Approved By Council
Sec 40-8 Report Of Miscellaneous Revenues
Sec 40-9 Deposit Of Funds
Sec 40-10 Audits And Reports
Sec 40-11 Duties Of City Engineer
Sec 40-12 Adoption Of Rules

Sec 40-1 Penalties

A violation of any of the sections of this chapter or of any of the rules and regulations incorporated in this chapter by reference shall subject the violator to a penalty of not less than $25.00 nor more than $100.00, plus the cost of prosecution and, in default of payment thereof, to imprisonment in the county jail until the fine and costs are paid, but not in excess of 30 days.

(Code 1975, § 27-13; Code 1997, § 74-1)

Sec 40-2 Establishment Of Parks

(a) The city shall establish, maintain and preserve its parks in perpetuity for the benefit and enjoyment of all generations of the city's residents. The taking of a park for any non-park use, either public or private, is a serious matter and shall not be done without the recommendation of the board of parks and forestry commission to the public works committee by a three-fourths vote, after three public hearings have been held regarding whether or not a park should be taken or a referendum held. A recommendation of the board of parks and forestry commission to the public works committee to take a park for any non-park use must be approved by the public works committee and confirmed by a three-

fourths vote of the common council. A recommendation to hold a referendum may be approved by a majority vote of the common council.

(b) The taking of a park for non-park use shall not include easements for public utility installation or incidental right-of-way for street improvements as long as the above-mentioned do not adversely affect or change the use of the park.

(c) Any change in the ordinance from which this article is derived requires a three-fourth vote of the common council.

(Code 1975, § 27-1; Code 1997, § 74-2; Ord. No. 27-05-06, §§ 1—3, 3-20-2006)

Sec 40-3 Naming Of Parks

(a) All city park names shall be of a public rather than a private or personal nature. Such names shall be considered with reference to existing public facilities or building names.

(b) Park names may reflect geographic, botanical, zoological or geological conditions, objects or organizations.

(c) Park names may honor significant personages, local, national or international; however, no park shall be named after a living personage.

(d) The donor of significant lands for park purposes could be adequately acknowledged by a monument or plaque, rather than a park name, unless the donor's will specifically dictates otherwise.

(e) Renaming of parks is a serious matter that should be avoided under normal circumstances.

(Code 1975, § 27-1.1; Code 1997, § 74-3)

Sec 40-4 Management And Maintenance

The management, maintenance and care of public parks, parkways, boulevards and pleasure drives shall be under the supervision of the department of engineering and public works in accordance with Wis. Stats. § 27.08, which shall secure their quiet, orderly and suitable use and enjoyment by the people.

(Code 1975, § 27-3; Code 1997, § 74-5)

Sec 40-5 Donations

The department of engineering and public works shall acquire in the name of the city for park, parkway, boulevard or pleasure drive purposes, by gift, device, bequest or condemnation, either absolutely or in trust, money, real or personal property or any incorporeal right or privilege. Gifts to the city of money or other property, real or personal,

either absolutely or in trust, for park, parkway, boulevard or pleasure drive purposes shall be accepted only after they have been recommended by the department of engineering and public works to the common council and approved by the council by resolution. Subject to the approval of the council, the department may execute every trust imposed upon the use of property or property rights by deed, testament or other conveyance transferring the title of such property to the city for park, parkway, boulevard or pleasure drive purposes.

(Code 1975, § 27-4; Code 1997, § 74-6)

Sec 40-6 Purchase, Lease And Condemnation

Subject to the approval of the council, the department of engineering and public works shall buy or lease lands in the name of the city for park, parkway, boulevard or pleasure drive purposes within or without the city, and, with the approval of the council, shall sell or exchange property no longer required for its purposes. The city is authorized, upon recommendation of the department of engineering and public works, to acquire by condemnation in the name of the city such lands within or without its corporate boundaries as it may need for public parks, parkways, boulevards and pleasure drives.

(Code 1975, § 27-5; Code 1997, § 74-7)

Sec 40-7 Contracts Approved By Council

Contracts for the purchase of lands within the limits of the county for park, parkway, boulevard or pleasure drive purposes shall not be binding upon the city until such shall have been authorized by the council by resolution adopted by an affirmative vote of a majority of the alderperson-elect, specifying the land to be purchased, the maximum price to be paid therefor, and the terms of payment or the terms of option in case of lease by the city with the privilege of purchasing.

(Code 1975, § 27-6; Code 1997, § 74-8)

Sec 40-8 Report Of Miscellaneous Revenues

The park department shall remit daily to the city finance director/treasurer all receipts from trailer court rentals, tennis court lighting collections, sale of animals or other miscellaneous revenues.

(Code 1975, § 27-7; Code 1997, § 74-9)

Sec 40-9 Deposit Of Funds

All monies received by the city for parks, parkways, boulevards and pleasure drives, including that received by subscription or gift, shall be paid over to the city finance director/treasurer and shall be disbursed by resolution of the council.

(Code 1975, § 27-8; Code 1997, § 74-10)

Sec 40-10 Audits And Reports

All claims and demands against the city pertaining to parks, parkways, boulevards or pleasure drives shall, prior to their allowance by the city, be audited and adjusted by the city administrator. Immediately after their allowance, a list of claims and demands so allowed shall be furnished to the finance director/treasurer stating the character of the materials furnished or services rendered to ensure appropriate payments are made.

(Code 1975, § 27-9; Code 1997, § 74-11; Ord. No. 41-20-21, § 9, 4-7-2021)

Sec 40-11 Duties Of City Engineer

The city engineer shall be ex officio engineer for the board of engineering and public works, and it shall be the city engineer's duty to perform all necessary engineering work for park, parkway, boulevard and pleasure drive purposes.

(Code 1975, § 27-10; Code 1997, § 74-12)

Sec 40-12 Adoption Of Rules

The board of engineering and public works shall secure for the public the quiet, orderly and suitable use and enjoyment of the public parks, parkways, boulevards and pleasure drives and shall adopt rules and regulations to promote these purposes. All rules and regulations adopted by the board for the use and government of the parks, parkways, boulevards and pleasure drives shall be approved by the council before they become effective, and any violation of such approved rules shall be deemed a violation of this chapter.

(Code 1975, § 27-11; Code 1997, § 74-13)

ARTICLE 40-II USE OF PUBLIC PARKS AND FACILITIES

Sec 40-43 Use Of Parks By Public
Sec 40-44 Time Restrictions, Hours Of Operation
Sec 40-45 Use Of Park By Permit
Sec 40-46 Operation Of Vehicles
Sec 40-47 Protection Of Wildlife
Sec 40-48 Trespass, Injury By Animals
Sec 40-49 Malicious Mischief
Sec 40-50 Loitering Near Toilets
Sec 40-51 Disorderly Conduct
Sec 40-52 Affixing Posters
Sec 40-53 Vending
Sec 40-54 Bottled Beverages Restricted
Sec 40-55 Alcohol Possession/Consumption

Sec 40-56 Glass Beverage Containers
Sec 40-57 Archery Restricted
Sec 40-58 Golf Prohibited
Sec 40-59 Picnics
Sec 40-60 Fire Control
Sec 40-61 Camping Prohibited
Sec 40-62 Excavations At Beaches
Sec 40-63 Trespass
Sec 40-64 Water Feature And Fountain At Plaza 8 And Fountain Park

Sec 40-43 Use Of Parks By Public

All lands owned by the city for parks, parkways, boulevards and pleasure drives shall, except when otherwise provided, be free to all persons, subject to such necessary and reasonable rules and regulations which shall from time to time be adopted by the board of public works.

(Code 1975, § 27-2; Code 1997, § 74-4)

Sec 40-44 Time Restrictions, Hours Of Operation

(a) *Generally*. City parks are open to the public year-round, except for Evergreen Park which will be closed to vehicular traffic from October 15 to May 1, but parking areas will be designated for winter use.

(b) *Hours of operation*. All city parks shall be closed to all vehicular traffic and to all persons between the hours of 11:00 p.m. and 4:00 a.m. year-round, except as provided below:

(1) Evergreen Park, Jaycee Park, E.H. May Environmental Park, and Franklin Park shall be closed between the hours of 10:00 p.m. and 4:00 a.m.

(2) Specific hours, designated as follows:

a. Designated picnic areas and shelters shall be closed at 10:00 p.m. Kiwanis and Roosevelt fieldhouses, Quarry View Center, General King Park Shelter, and Deland Community Center shall be closed at 11:00 p.m. These areas and facilities may be reserved in advance by permit pursuant to public works department rules and regulations.

b. By agreement with an organization that contracts with the city for use of the Wildwood Complex.

c. Other hours upon the prior approval of the director of public works.

(Code 1975, § 27-24; Code 1997, § 74-41; Ord. No. 101-96-97, § 1, 12-16-1996; Ord. No. 91-00-01, § 1, 3-5-2001; Ord. No. 31-02-03, § 1, 9-16-2002; Ord. No. 38-16-17, § 1, 2-6-2017)

Sec 40-45 Use Of Park By Permit

(a) *Requirement for rental use*. The department of public works may grant the use of an entire park or any portion thereof to groups or organizations for the purpose of annual celebrations or special events upon payment of the amount set forth in subsection (b) of this section. All city park rules and regulations shall govern the use of any city park under this section.

(b) *Fees*.

(1) Enclosed park building rentals shall be made at the following per-day rates:

a. Roosevelt Pavilion: $225.00 for city resident; $350.00 for non-city resident.

b. Deland Home: $225.00 for city resident; $350.00 for non-city resident.

c. Kiwanis Fieldhouse: $250.00 for city resident; $425.00 for non-city resident.

d. King Park Pavilion: $250.00 for city resident; $425.00 for non-city resident.

e. Jaycee Quarryview Center: $250.00 for city resident; $425.00 for non-city resident.

f. Deland Community Center: $250.00 for city resident; $425.00 for non-city resident.

(2) Park shelter rentals shall be made at the following per-day rates:

a. Cleveland Park: $100.00 for city resident; $175.00 for non-city resident.

b. End Park: $100.00 for city resident; $175.00 for non-city resident.

c. Veterans Park: $100.00 for city resident; $175.00 for non-city resident.

d. Vollrath Park: $100.00 for city resident; $175.00 for non-city resident.

e. Richardson Shelter: $100.00 for city resident; $175.00 for non-city resident.

f. Lakeview Park: $100.00 for city resident; $175.00 for non-city resident.

g. Optimist Park: $100.00 for city resident; $175.00 for non-city resident.

h. Evergreen Park (areas 1, 4, or 5): $100.00 for city resident; $175.00 for non-city resident. These rates are per area.

i. Evergreen Park (areas 3 or 6): $50.00 for city resident; $100.00 for non-city resident. These rates are per area.

j. Fountain Park Bandshell: $100.00 for city resident; $200.00 for non-city resident. An additional $50.00 shall be added for use of the sound system.

(3) All applicable taxes shall be added to the fees set forth in this subsection.

(4) The director of public works may, upon written request submitted at least 30 days prior to the park rental, waive or reduce the park rental fees set forth in this subsection (b) of this section for a non-profit entity that is formally recognized by the state or the federal government which:

a. Is holding an event open to the general public without an admission fee;

b. Is not using the park rental as a fundraiser;

c. Has provided good cause as to the financial hardship that would be caused by requiring the payment of the applicable full park rental fee; and

d. Has established why the event benefits the city and its citizens such that the park rental fee, which is set in a manner to reflect the costs incurred by the city as a result of the rental, should not be charged for the park rental; so long as:

1. The event does not significantly impact city departments, services, operations, or activities; and

2. The event is the first event held by the non-profit entity in the city.

The decision of the director of public works shall be issued in writing.

(5) A non-profit entity whose park rental fee waiver request is denied by the director of public works may, within seven calendar days of the date of the denial, submit a written request to appeal the decision of the director of public works to the public works committee, which shall consider the appeal as soon as is practicable and which may waive or reduce the park rental fees set forth in this subsection (b) of this section if it finds the

criteria set forth in subsection (b)(4) of this section are met.

(6) In the event that an event receives a park rental fee reduction or waiver under subsection (b)(4) or (5) of this section, that shall not serve as a waiver of any other fee related to the rental of the park, including the security deposit in subsection (c) of this section.

(c) *Security deposits*. In addition to the fee set forth in subsection (b) of this section, enclosed park building rentals require a $100.00 security deposit, which is due the business day before the event.

(d) *City-sponsored events*. Events planned, coordinated, and executed primarily by city employees in the scope of their official duties shall not be subject to the fees set forth in this section.

(Code 1975, § 27-33; Code 1997, § 74-42; Ord. No. 18-19-20, § 1, 9-16-2019; Ord. No. 31-20-21, § 1, 1-18-2021)

Sec 40-46 Operation Of Vehicles

(a) *Generally*. Use of vehicles in certain city recreational areas is restricted, as provided in section 52-443.

(b) *Driving or parking on walks or lawns*. In addition, no person shall ride, drive, propel, operate or park any automobile, motorcycle, snowmobile, bicycle or other vehicle on the walks or lawns of any park except on the walks, drives, lots or ways provided or designated for such purposes or unless parking in such areas is by necessity otherwise permitted during events approved or sponsored by the engineering and public works department.

(c) *Speed limit*. No person shall operate or drive any automobile, motorcycle or other motor vehicle through any public park at a speed exceeding 15 miles per hour.

(d) *Jaycee Park*. All motor vehicles, including motorcycles, are prohibited on Jaycee Park property, except in a designated parking lot area and on established roadways.

(Code 1975, §§ 27-40—27-42; Code 1997, §§ 74-43—74-45)

Sec 40-47 Protection Of Wildlife

No person shall kill, maim or remove any bird or animal in any public park.

(Code 1975, § 27-25; Code 1997, § 74-46)

Sec 40-48 Trespass, Injury By Animals

The owner or keeper of any horse or other animal that shall trespass upon any of the flower beds, lawns or property of any public park or that shall do injury to any part of any public park, pleasure driveway or boulevard shall be held responsible for such trespass and damage.

(Code 1975, § 27-26; Code 1997, § 74-47)

Sec 40-49 Malicious Mischief

(a) No person shall destroy, mutilate, injure or remove any fence, railing, bridge, building, fountain, seat, sign, pipe, hydrant, walk, drive, curb, gutter, apparatus or other fixed or movable property of any kind nor shall any person injure, remove or mutilate any tree, shrub, plant or flower in any of the public parks, pleasure driveways or boulevards.

(b) No person shall use apparatus, equipment or courts for the purposes other than their intended usage.

(Code 1975, § 27-28; Code 1997, § 74-48; Ord. No. 101-96-97, § 2, 12-16-1996)

Sec 40-50 Loitering Near Toilets

No person shall loiter immediately adjacent to or within any public toilet facility.

(Code 1975, § 27-35; Code 1997, § 74-49)

Sec 40-51 Disorderly Conduct

No person shall engage in any disorderly conduct or in any lewd or lascivious talk, act or behavior in any public park.

(Code 1975, § 27-32; Code 1997, § 74-52)

Sec 40-52 Affixing Posters

No person shall post or affix any placard, bill, notice or other paper upon any structure, fence or enclosure in any public park, pleasure driveway or boulevard.

(Code 1975, § 27-31; Code 1997, § 74-53)

Sec 40-53 Vending

No person shall sell, offer or expose for sale or give away any goods, wares or merchandise in any public park without permission from the department of engineering and public works and under its supervision.

(Code 1975, § 27-34; Code 1997, § 74-54)

Sec 40-54 Bottled Beverages Restricted

No person shall carry bottled beverages, intoxicating liquors or fermented malt beverages into the Wildwood Athletic Complex or Wildwood Baseball Diamond. This section shall not apply to sponsors of tournaments or to an exhibition event solely for concession purposes, except as to the prohibition with regard to the carrying in of intoxicating liquors.

(Code 1975, § 27-36; Code 1997, § 74-55)

Sec 40-55 Alcohol Possession/Consumption

(a) The possession or consumption of fermented malt beverages or intoxicating liquors is prohibited in all city parks except the following:

(1) Cleveland Park, End Park, Evergreen Park, King Park, Kiwanis Park, Lakeview Park, and Veterans Park.

(2) Vollrath Park, except alcohol is prohibited between the hours of 12:00 noon to 6:00 p.m. on the day commencement exercises are held in such park each year for the area school district public high schools.

(b) The possession or consumption of fermented malt beverages or intoxicating liquors is prohibited on all beach areas within the city.

(c) The possession and consumption of fermented malt beverages or intoxicating liquors is permitted in Deland Park on the day of the city's Fourth of July celebration or whenever the city grants the use of the park or selected picnic areas to groups or organizations for the purpose of annual celebration or special events pursuant to section 40-45. However, possession and consumption of such beverages, when permitted, is restricted to that portion of the park which lies south of the North Pier.

(d) A person who rents a park shelter or a picnic area may possess and consume alcohol in and around the shelter or picnic area.

(e) A group or organization that has a temporary Class "B" or a temporary "Class B" alcohol picnic license may also serve and permit the consumption of fermented malt beverages and of wine in any city park, subject to the terms of the license, and subject to subsection (f) of this section.

(f) If any group or organization serves fermented malt beverages or wine at any event pursuant to a permit issued under section 40-45, no person shall, during the course of the event, carry into the park plastic containers, glass bottles or metallic cans containing alcoholic beverages, except the sponsor of the event, who may transport kegs, barrels, bottles, or cans into the park for the purpose of serving fermented malt beverages and/or wine.

(g) No person shall drink or carry any open cup, can, glass, bottle or similar drinking

vessel containing alcohol or fermented malt beverages in any city park between the hours of 11:00 p.m. and 4:00 a.m., except by approval of the director of engineering and public works for other organized functions.

(Code 1975, § 27-37; Code 1997, § 74-56; Ord. No. 101-96-97, §§ 3—5, 12-16-1996; Ord. No. 137-96-97, § 1, 3-17-1997; Ord. No. 27-97-98, § 1, 7-7-1997; Ord. No. 86-97-98, § 1, 11-17-1997; Ord. No. 82-98-99, § 1, 9-21-1998; Ord. No. 111-99-00, § 1, 4-17-2000; Ord. No. 89-01-02, § 1, 3-4-2002; Ord. No. 91A-06-07, § 1, 3-19-2007; Ord. No. 37-16-17, § 1, 2-20-2017; Ord. No. 1-22-23, 5-16-2022)

Sec 40-56 Glass Beverage Containers

(a) Except as provided in subsection (b) of this section, no person shall bring in or possess within any city park any cup, glass, flask, bottle or other container made of glass designed or used for holding a beverage. Appropriate signs shall be erected at the entrances to parks indicating this restriction.

(b) This section shall not apply to the following:

(1) Persons utilizing Kiwanis and Roosevelt fieldhouses, Quarryview Center or Deland Park Community Center under permit from the department of engineering and public works.

(2) Where otherwise provided by agreement with the Sheboygan Softball Association in Wildwood Softball Complex and by agreement with the Sheboygan Athletic Club in Wildwood Baseball Diamond.

(3) Persons possessing a cup, glass, bottle or other container made of glass designed or used for holding a beverage in Area 8 of Kiwanis Park that has been provided to them by a Biergarten authorized by the common council.

(4) Where otherwise provided by approval of the director of engineering and public works for other organized functions.

(Code 1975, § 27-49; Code 1997, § 74-57; Ord. No. 50-18-19, § 1, 4-3-2019)

Sec 40-57 Archery Restricted

No person shall at any time engage in or practice archery in any public park except in and upon such areas as officially designated by the park department.

(Code 1975, § 27-38; Code 1997, § 74-58)

Sec 40-58 Golf Prohibited

No person shall at any time play golf or practice golf in any public park.

(Code 1975, § 27-39; Code 1997, § 74-59)

Sec 40-59 Picnics

Picnic parties shall be permitted only in such parks or sections of parks as may be designated by the department of engineering and public works. Persons obtaining picnic permits for designated areas on specific days shall have a prior right to use such areas.

(Code 1975, § 27-46; Code 1997, § 74-62)

Sec 40-60 Fire Control

Fires shall be permitted in city parks and on city-owned property only under the following circumstances:

(a) In metal grills in picnic areas;

(b) As part of the officially sponsored activities of high schools within the city as set forth in section 24-154(j);

(c) As otherwise permitted by the council; and

(d) Except as specifically set forth above, all fires permitted in this section are further subject to the limitations on recreational bonfires set forth in section 24-154(f).

(Code 1975, § 27-47; Code 1997, § 74-63; Ord. No. 137-96-97, § 4, 3-17-1997; Ord. No. 29-10-11, § 1, 9-20-2010; Ord. No. 15-16-17, § 1, 9-19-2016)

Sec 40-61 Camping Prohibited

(a) Except as provided in sections 34-26 and 34-56, no person shall camp or maintain a campsite, tent or mobile recreational vehicle, whether self-propelled or not, or camp on any street or property owned, leased, maintained or controlled by the city. Such property shall include but not be limited to city streets, parks or municipal parking lots.

(b) This section shall not apply to any permission granted by the director of engineering and public works for activities authorized by the common council.

(c) This section shall not apply to the established area for overnight parking of self-contained mobile recreational vehicles at the city-owned camp marina located on North Water Street along the Sheboygan River.

(Code 1975, § 27-48; Code 1997, § 74-64; Ord. No. 101-96-97, § 6, 12-16-1996)

Sec 40-62 Excavations At Beaches

No person shall dig or cause to be dug any pit, ditch, trench or other excavation in any

public beach on or for use on the day of the city's Fourth of July celebration, except as otherwise permitted by the council.

(Code 1997, § 74-65; Ord. No. 137-96-97, § 3, 3-17-1997)

Sec 40-63 Trespass

(a) Personnel authorized by the chief of police may eject a person from all city parks for a period of time not to exceed 90 days if that person violates park rules, city ordinances, or state laws within a city park. The period of time shall be established by the common council by resolution. Appeals may be made to the chief of police or to the chief's designee.

(b) It shall be unlawful for a person to enter a city park during the period of ejection under subsection (a) of this section.

(c) A parent, guardian, or other person having custody of an unemancipated minor child, who has been advised of the child's ejection from the city parks, may be cited if the child trespasses in a city park in violation of subsection (b) of this section. Citations may be issued under this subsection regardless of whether the child is cited. The term "custody" has the same meaning as in Wis. Stats. § 895.035(1)(a) and (b).

(Code 1997, § 74-66; Ord. No. 146-97-98, § 1, 6-1-1998)

Sec 40-64 Water Feature And Fountain At Plaza 8 And Fountain Park

No person shall at any time wade in, swim in or dive into the waters of the Plaza 8 water feature or Fountain Park fountain or walk on any area of the water feature over which the waters course. No person shall engage in running, jostling and horseplay on the blocks surrounding the edges of the water.

(Code 1975, § 26-22; Code 1997, § 70-220)

ARTICLE 40-III PARK IMPACT FEES

Sec 40-87 Purpose And Authority
Sec 40-88 Definitions
Sec 40-89 Imposition Of Impact Fees
Sec 40-90 Impact Fee Adjustments
Sec 40-91 Segregated Account
Sec 40-92 Time Of Use And Refunds
Sec 40-93 Appeals
Sec 40-94 Effect Of Impact Fee On Zoning And Subdivision Regulations
Sec 40-95 Impact Fee As Additional And Supplemental Requirement

Sec 40-87 Purpose And Authority

This article imposes impact fees in accordance with Wis. Stats. § 66.0617, to pay for park and recreation facilities required to serve new development.

(Code 1997, § 74-80; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017)

Sec 40-88 Definitions

The words, terms and phrases used in this article, shall have the meanings ascribed to them in Wis. Stats. § 66.0617(1).

(Code 1997, § 74-81; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017)

Sec 40-89 Imposition Of Impact Fees

(a) By this article, the city imposes an impact fee on residential development. No building permit shall be issued for residential development without payment of the following impact fees.

(b) During the 2019 calendar year, the impact fee imposed by the city shall be $563.54.

(c) The impact fees imposed under this section shall be automatically adjusted during the first quarter of each year, without further action by the common council, by the percentage equal to the rate of consumer inflation as measured by the percent of change in the Consumer Price Index over the 12 months ending with the most recent December for the geographical area that includes the city (which is currently the Midwest Consumer Price Index for Urban Wage Earners) as reported by the U.S. Department of Labor, Bureau of Labor Statistics, or such governmental entity that shall have responsibility for publishing the Consumer Price Index. This impact fee shall be rounded to the nearest dollar. The finance director/treasurer, or designee, shall determine such adjustment and maintain a copy of the Consumer Price Index upon which such adjustment was made in the finance department.

(Code 1997, § 74-82; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017; Ord. No. 21-19-20, § 1, 10-21-2019)

Sec 40-90 Impact Fee Adjustments

(a) The city may reduce the impact fee by the value of land dedicated by the developer to the city and accepted by the city.

(b) As allowed by Wis. Stats. § 66.0617(7), the common council may waive or reduce impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided

under this section may be shifted to any other land development in the municipality.

(c) Impact fees shall be reduced as required by Wis. Stats. § 66.0617(6)(d), to compensate for other capital costs imposed by the municipality for the public facilities for which the impact fees are imposed.

(d) Impact fees shall be reduced as required by Wis. Stats. § 66.0617(6)(e), to compensate for monies received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

(Code 1997, § 74-83; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017)

Sec 40-91 Segregated Account

As required by Wis. Stats. § 66.0617(8), the city shall maintain a segregated, interest-bearing account for revenues collected from impact fees. The city shall account for impact fee funds separately from other city funds. The city shall only expend funds in the segregated account for the specific projects for which the impact fee was imposed and for refunds required under section 40-92.

(Code 1997, § 74-84; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017)

Sec 40-92 Time Of Use And Refunds

(a) As required by Wis. Stats. § 66.0617(9)(a), impact fees collected within seven years of the effective date of the ordinance from which this article is derived, but not used within ten years after the effective date of the ordinance from which this article is derived to pay the capital costs for which they were imposed, shall be refunded to the current owner of the property on which the impact fees were imposed, along with any accumulated interest.

(b) Impact fees collected more than seven years after the effective date of the ordinance from which this article is derived shall be used to pay for the capital costs for which they were imposed or refunded, as provided in subsection (a) of this section, within ten years of the date on which they were collected.

(Code 1997, § 74-85; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017)

Sec 40-93 Appeals

(a) A developer upon whom an impact fee is imposed may appeal the amount, method of collection, or use of the impact fee in writing to the department of planning and development, provided the following conditions are met:

(1) The developer files the appeal within 15 days of the date on which the impact fee is imposed;

(2) The developer specifies in writing the basis for the appeal, including the developer's independent calculation of the impact fee and all information supporting the independent calculation; and

(3) The developer pays the impact fee to the city before filing the appeal.

(b) Within 30 days of receiving the appeal request, the department of planning and development shall evaluate the appeal, recommend a resolution, and forward the appeal and recommendation to the law and licensing committee for a hearing. The hearing shall be heard within 15 days of receipt of the appeal and recommendation by the committee.

(c) Any interested party may present evidence directly related to the issues raised in the appeal. At such a hearing, the determination of the department of planning and development shall be termed an initial determination.

(d) The owner or custodian may file with the request for hearing written evidence and argument in support of the person's position with respect to the initial determination.

(e) If the law and licensing committee finds that the impact fee does not comply with this article and Wis. Stats. § 66.0617, it may negate or modify the impact fee.

(f) Provided the developer has paid the impact fee and properly obtained all required permits and approvals, the developer may proceed with construction while the impact fee appeal is under consideration.

(Code 1997, § 74-86; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017)

Sec 40-94 Effect Of Impact Fee On Zoning And Subdivision Regulations

This article shall not affect any zoning or subdivision regulations or any other regulations of the city, which shall remain in full force and effect.

(Code 1997, § 74-87; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-2017)

Sec 40-95 Impact Fee As Additional And Supplemental Requirement

Except as required by Wis. Stats. § 66.0617(6)(d), the impact fee established by this article is an addition and supplement to, not a substitute for, any other requirements imposed on the development of land or the issuance of building permits.

(Code 1997, § 74-88; Ord. No. 36-16-17, § 1, 1-19-2017; Ord. No. 3-17-18, § 1, 5-15-

2017)

CHAPTER 42 SECONDHAND GOODS

ARTICLE 42-I SECONDHAND GOODS IN GENERAL (RESERVED)
ARTICLE 42-II COMMERCIAL SALVAGERS AND WASTE MATERIAL RECYCLERS
ARTICLE 42-III PAWNBROKERS
ARTICLE 42-IV SECONDHAND DEALERS

ARTICLE 42-I SECONDHAND GOODS IN GENERAL (RESERVED)

ARTICLE 42-II COMMERCIAL SALVAGERS AND WASTE MATERIAL RECYCLERS

DIVISION 42-II-1 COMMERCIAL SALVAGERS AND WASTE MATERIAL RECYCLERS GENERALLY
DIVISION 42-II-2 LICENSE

State law references—Junkyards, Wis. Stats. § 84.31; storage of junk automobiles generally, Wis. Stats. § 175.25; motor vehicle salvage dealers generally, Wis. Stats. § 218.20 et seq.

DIVISION 42-II-1 COMMERCIAL SALVAGERS AND WASTE MATERIAL RECYCLERS GENERALLY

Sec 42-19 Definitions
Sec 42-20 Penalties For Violation Of Article
Sec 42-21 Construction Of Building
Sec 42-22 Enclosure
Sec 42-23 Information To Be Supplied To Police

Sec 42-19 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial salvager or waste material recycler means any person who keeps or maintains an open area of land, building, accessory building or structure used primarily for buying, selling, recycling, exchanging, storing, baling, packing, disassembling or handling waste or scrap materials, including vehicles, machinery, equipment or parts thereof, metals, paper, rags, plastics, bottles, glass and other similar materials.

(Code 1975, § 22-1; Code 1997, § 94-31)

Sec 42-20 Penalties For Violation Of Article

A violation of any of the provisions of this article shall subject the violator to a forfeiture of not less than $50.00 and not more than $100.00, together with the costs of prosecution

and, in default of payment of such forfeiture and costs, to imprisonment in the county jail until the forfeiture and costs are paid, but not in excess of 30 days. Each day of violation shall constitute a separate offense.

(Code 1975, § 22-2; Code 1997, § 94-32)

Sec 42-21 Construction Of Building

No building shall be used for the business of commercial salvage or recycling unless it shall be constructed as Type 6 or better, as defined in Wis. Admin. Code chs. 50 through 64, except that this section shall not apply to buildings which are being used, at the time of the date of the adoption of the ordinance from which this section is derived, as recognized, established premises for the business of commercial salvage or waste material recycling.

(Code 1975, § 22-3; Code 1997, § 94-33)

Sec 42-22 Enclosure

The premises upon which the business of commercial salvage or recycling is to be carried on shall be enclosed by a tight fence or other structure not less than seven feet in height, constructed so that no dust or other material may pass through. The enclosure shall be maintained in good condition at all times.

(Code 1975, § 22-4; Code 1997, § 94-34)

Sec 42-23 Information To Be Supplied To Police

Each licensed business engaged in commercial salvage or waste material recycling shall furnish to a police city officer such information as may be required to ascertain the names of the sellers of any junk or articles which have been purchased by the business.

(Code 1975, § 22-6; Code 1997, § 94-35)

DIVISION 42-II-2 LICENSE

Sec 42-50 Required
Sec 42-51 Qualifications Of Applicant
Sec 42-52 Application
Sec 42-53 Notarization
Sec 42-54 Approval Of Application
Sec 42-55 Fees
Sec 42-56 Issuance
Sec 42-57 Duration
Sec 42-58 Display
Sec 42-59 Change Of Location
Sec 42-60 Revocation
Sec 42-61 Duplicates

Sec 42-50 Required

No person shall engage in the business of commercial salvage or waste material recycling within the city without first obtaining a license therefor.

(Code 1975, § 22-18; Code 1997, § 94-56)

Sec 42-51 Qualifications Of Applicant

No commercial salvage or waste material recycling license may, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335, be issued under this article to any natural person who has habitually been a law offender or has been convicted of a felony or crime involving moral turpitude unless the person has been duly pardoned.

(Code 1975, § 22-23; Code 1997, § 94-57)

Sec 42-52 Application

Application for a license to engage in the business of commercial salvage or waste material recycling shall be filed with the city clerk upon a form provided by the city and shall be signed by the applicant. Such application shall include:

(a) The name, address, date and place of birth of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses, dates and places of birth; if a corporation, also the date and state of incorporation along with names and addresses of registered agents.

(b) The length of time such applicant, or the manager or person in charge if the applicant is a firm or corporation, has resided in the city, places of previous employment, whether the applicant has been convicted of a felony or misdemeanor involving moral turpitude and, if so, what offense, when and in what court.

(c) Whether the applicant, officers or manager of the applicant have been employed by a commercial salvage yard, recycling center or similar business.

(d) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.

(e) The exact legal description and street address of the premises used or to be used as a commercial salvage yard or waste material recycling center.

(Code 1975, § 22-19; Code 1997, § 94-58)

Sec 42-53 Notarization

Every application for a license to engage in the business of commercial salvage or

waste material recycling shall be executed and acknowledged before a notary public or other officer authorized to administer oaths in the city.

(Code 1975, § 22-20; Code 1997, § 94-59)

Sec 42-54 Approval Of Application

(a) Before the application for a license required by this article is filed with the city clerk, the applicant shall submit the application to the city engineer, who shall examine and check the legal description of the application with the premises used or to be used as a commercial salvage yard or waste material recycling center and shall sign the statement attached to the application as to the correctness of the legal description. The applicant shall also submit the application to the city planner or designee, plumbing supervisor, fire chief and chief of police, who shall inspect the premises and sign the statements attached to the application stating whether the premises comply with all ordinances, rules and regulations.

(b) The premises and all structures thereon shall be so situated and constructed that the business of commercial salvage or waste material recycling may be carried on in a sanitary manner, shall contain no fire hazard and shall be arranged so that thorough inspection may be made at any time by the building, plumbing, fire, police and health authorities. Upon proper execution of the application and the payment of the required license fee to the finance director/treasurer, the application shall be filed with the city clerk. The clerk shall forward the application to the common council for reference to the proper committee. The committee shall examine the application and may call the applicant for questioning and shall report back each application to the common council, together with its recommendations.

(c) No license shall be issued until a conditional use permit is granted by the city plan commission.

(d) Once a license has been issued to a new applicant in accordance with this article, any renewals of such license in succeeding years shall not be subject to the requirements in subsection (a) of this section. However, in the event of renewal of a license under this article, the licensee shall specifically indicate any changes in the commercial salvage or recycling operation on the licensee's renewal application.

(Code 1975, § 22-21; Code 1997, § 94-60)

Sec 42-55 Fees

Each licensed commercial salvage yard or waste material recycling center shall pay an annual license fee of $100.00.

(Code 1975, § 22-22; Code 1997, § 94-61)

Sec 42-56 Issuance

Upon the approval by the common council of the application, the city clerk shall issue to the applicant a license to engage in business as a commercial salvage yard or waste material recycling center. All licenses shall be numbered in the order in which they are issued, and shall clearly state the location of the business, the date of issuance and expiration of the license, and the name and address of the licensee.

(Code 1975, § 22-24; Code 1997, § 94-62)

Sec 42-57 Duration

All licenses issued under this article shall be granted as of July 1 and shall continue in force for one year next succeeding the day of issuance thereof unless sooner revoked. All licenses shall be renewed annually.

(Code 1975, § 22-25; Code 1997, § 94-63)

Sec 42-58 Display

Every holder of a commercial salvage yard or waste material recycling center license shall at all times keep the license posted in a conspicuous place on the premises described in the application for such license. No person shall post such license or permit it to be posted upon any premises other than those mentioned in the application, or knowingly to deface or destroy the license.

(Code 1975, § 22-27; Code 1997, § 94-64)

Sec 42-59 Change Of Location

Every license issued under this article shall designate the place of business in or from which the dealer receiving such license shall be authorized to carry on such business. No licensee shall remove this place of business from the place designated in the license until a written permit has been secured from the city and the location shall have been endorsed upon the license. All licenses affected by such change shall be altered to contain the new address.

(Code 1975, § 22-28; Code 1997, § 94-65)

Sec 42-60 Revocation

(a) Any license issued under this article may be suspended or revoked for a violation of any provision of this article. The licensee shall be given notice of the reasons for the suspension or revocation and opportunity to be heard before the common council for the purpose of determining whether such suspension shall be

imposed or whether the license shall be revoked. Upon sworn, written complaint of any city resident filed with the city clerk alleging that a person holding a license under this article has violated this article, the common council shall issue a summons signed by the clerk and directed to any peace officer in the city. The summons shall command the licensee complained of to appear before the council on a day and place named in the summons, not less than three days and not more than ten days from the date of issuance and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Wis. Stats. ch. 801 for service in civil actions in circuit court.

(b) If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true, and if the council finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at the licensee's expense. If, upon the hearing, the council finds the complaint to be true, the license shall either be suspended or revoked. The clerk shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the council finds the complaint untrue, the proceeding shall be dismissed without cost to the licensee. Upon suspension or revocation, the licensee shall surrender the license to the city clerk's office.

(Code 1975, § 22-29; Code 1997, § 94-66)

Sec 42-61 Duplicates

Whenever a license issued under this article shall be lost or destroyed, without fault on the part of the holder or agent or employee, a duplicate license shall be issued by the city clerk upon the filing of an affidavit setting forth the circumstances of the loss or destruction and upon the payment of the sum of $10.00.

(Code 1975, § 22-26; Code 1997, § 94-67)

ARTICLE 42-III PAWNBROKERS

DIVISION 42-III-1 PAWNBROKERS GENERALLY
DIVISION 42-III-2 LICENSING
DIVISION 42-III-3 OPERATING REQUIREMENTS

State law references—Pawnbrokers generally, Wis. Stats. § 138.10; pawnbrokers and secondhand article and jewelry dealers, Wis. Stats. § 134.71.

DIVISION 42-III-1 PAWNBROKERS GENERALLY

Sec 42-81 Purpose
Sec 42-82 Definitions
Sec 42-83 Inspections
Sec 42-84 Penalty

Sec 42-81 Purpose

(a) The common council finds that the services offered by pawnshops provide an opportunity for individuals to readily transfer stolen property to those businesses. The council also finds that consumer protection regulation is warranted in transactions involving these businesses. The council further finds that the pawnshop industry has outpaced the city's current ability to effectively or efficiently identify criminal activity related to them. The purpose of this chapter is to prevent pawnshops from being used to facilitate the commission of crimes and to ensure that they comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens, and pursuant to the authority granted by Wis. Stats. § 134.71.

(b) This chapter implements and establishes the required use of the automated pawn system (APS) by pawnshops to help the police department better regulate current and future pawnshops to decrease and stabilize costs associated with the regulation of pawnshops, and to increase identification of criminal activities in pawnshops through the timely collection and sharing of transaction information.

(Code 1997, § 94-101; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-82 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Article means any item of value.

Billable transaction means every reportable transaction except renewals, redemptions, voids, or extensions of existing pawns or purchases previously reported and continuously in the pawnbroker's possession.

Charitable organization means a corporation, trust, or community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Customer means a person with whom a pawnbroker, or an agent thereof, engages in a

transaction of purchase, sale, receipt, or exchange of any secondhand article.

Pawnbroker means any person who engages in the business of lending money on the deposit or pledge of any article or purchasing any article with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price. To the extent that a pawnbroker's business includes buying personal property previously used, rented, leased, or selling it on consignment, the provisions of this chapter shall be applicable. A person is not acting as a pawnbroker when engaging in any of the following:

(a) Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem, or antique show, or a convention.

(b) Any transaction entered into by a person engaged in the business of junk collector, junk dealer, or scrap processor, as described in Wis. Stats. § 70.995(2)(x).

(c) Any transaction while operating as a charitable organization or conducting a sale, the proceeds of which are donated to a charitable organization.

(d) Any transaction between a buyer of a new article and the person who sold the article when new that involves any of the following:

(1) The return of the article.

(2) The exchange of the article for a different, new article.

(e) Any transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

(f) Any transaction as a seller of a secondhand article that the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

Reportable transaction means every transaction conducted by a pawnbroker in which articles are received through a pawn, purchase, consignment, or trade, or in which a pawn is renewed, extended, voided, or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, and is reportable except:

(a) The bulk purchase or consignment of new or used articles from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of the articles, provided the pawnbroker must maintain a record of such purchase or consignment that describes each item, and must mark each item in a manner that relates it to that transaction record.

(b) Retail and wholesale sales of articles originally received by pawn or purchase, and for which all applicable hold or redemption periods have expired.

(Code 1997, § 94-102; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-83 Inspections

At all times during the term of a license issued under this article, pawnbrokers shall allow the police department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the articles, items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws.

(Code 1997, § 94-103; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-84 Penalty

Any person violating any section of this article is subject to a forfeiture of not less than $50.00 nor more than $1,000.00 for a first violation and a forfeiture of not less than $500.00 nor more than $2,000.00 for a second and all subsequent violations. Additionally, any person who is convicted of violating any of the provisions of this chapter shall be required to pay all costs of prosecution. Each day of violation shall constitute a separate offense.

(Code 1997, § 94-104; Ord. No. 27-07-08, § 1, 9-4-2007)

DIVISION 42-III-2 LICENSING

Sec 42-112 License
Sec 42-113 Display Of License
Sec 42-114 License Application
Sec 42-115 Investigation Of License Applicant
Sec 42-116 License Issuance, Term And Transferability
Sec 42-117 License Denial, Suspension, Or Revocation
Sec 42-118 License And Transaction Fees
Sec 42-119 License Issued For One Location; Exception
Sec 42-120 Business And Storage Locations To Be Owned Or Leased By Licensee

Sec 42-112 License

No person may operate as a pawnbroker in the city unless the person first obtains a pawnbroker license under this division.

(Code 1997, § 94-126; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-113 Display Of License

Each license issued under this division shall be displayed in a conspicuous place visible to anyone entering a licensed premises.

(Code 1997, § 94-127; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-114 License Application

A person wishing to operate as a pawnbroker shall apply for a license to the city clerk. The clerk shall furnish application forms approved by the police department that shall require all of the following:

(a) The applicant's name, place and date of birth, residence address, and residence addresses for the ten-year period prior to the date of the application.

(b) The name and address of the business and of the owner of the business premises.

(c) Whether the applicant is a natural person, corporation, limited liability company, or partnership, and:

(1) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.

(2) If the applicant is a partnership, the names and addresses of all partners.

(3) If the applicant is a limited liability company, the names and addresses of all members.

(4) The name of the manager or proprietor of the business.

(5) Any other information that the clerk may reasonably require.

(d) A statement as to whether the applicant, including an individual, agent, officer, director, member, partner, manager, or proprietor, has, within the previous ten years, been convicted of any crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation. If so, the applicant must furnish information as to the time, place, and offense of all such convictions.

(e) Whether the applicant or any other person listed in subsection (d) of this section has ever used or been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used.

(f) Whether the applicant or any other person listed in subsection (d) of this section has previously been denied or had revoked or suspended a pawnbroker license from any other governmental unit. If so, the applicant must furnish information as to the date, location, and reason for the action.

(Code 1997, § 94-128; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-115 Investigation Of License Applicant

The police department shall investigate each applicant and any other person listed in section 42-114(c) for a pawnbroker license. The department shall furnish the information

derived from that investigation in writing to the city clerk. The investigation shall include each agent, officer, member, partner, manager, or proprietor.

(Code 1997, § 94-129; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-116 License Issuance, Term And Transferability

(a) The city clerk shall grant the license if the applicant, including an individual, a partner, a member of a limited liability company, a manager, a proprietor, or an officer, director, or agent of any corporate applicant, does not have an arrest or conviction record, subject to Wis. Stats. §§ 111.321, 111.322 and 111.335 and the applicant provides to the city clerk a bond of $2,500.00 with not less than two sureties for the observation of all municipal ordinances or state or federal laws relating to pawnbrokers. The bond must be in full force and effect at all times during the term of the license.

(b) No license issued under this section may be transferred.

(c) Each license is valid from January 1 until the following December 31.

(Code 1997, § 94-130; Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 7-21-22, § 13, 6-7-2021)

Sec 42-117 License Denial, Suspension, Or Revocation

(a) The common council may deny, suspend, or revoke any license issued by it under this section for fraud, misrepresentation, or false statement contained in the application for a license, or for any violation of this chapter or Wis. Stats. § 134.71, 943.34, 948.62 or 948.63, or for any other violation of local, state, or federal law substantially related to the businesses licensed under this chapter.

(b) The common council may deny, suspend, or revoke any license issued by it under this section if the applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information.

(Code 1997, § 94-135; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-118 License And Transaction Fees

The license fee under this article shall be $210.00. A billable transaction fee of $1.00 per transaction shall be charged for each billable transaction, and such fees shall be billed to each pawnbroker monthly and are due and payable within 30 days of the billing date. Failure to pay within that time period is a violation of this article.

(Code 1997, § 94-136; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-119 License Issued For One Location; Exception

A license under this article authorizes the pawnbroker to carry on its business only at the permanent place of business designated in the license. However, upon written request, the chief of police, or the chief's designee, may approve an off-site locked and secured storage facility. The licensee shall permit an inspection of the facility in accordance with this article.

(Code 1997, § 94-131(i); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-120 Business And Storage Locations To Be Owned Or Leased By Licensee

The licensee must either own the building in which the business is conducted and any approved off-site storage facility or have a lease on such premises that extends for more than six months.

(Code 1997, § 94-131(i); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

DIVISION 42-III-3 OPERATING REQUIREMENTS

Sec 42-139 Customer Identification
Sec 42-140 Transactions With Minors
Sec 42-141 Records Required
Sec 42-142 Article Holding Period
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Sec 42-144 Investigative Hold
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Sec 42-146 Daily Reports To Police
Sec 42-147 Method Of Payment By Pawnbroker To Consumer For Article Purchases And Pawn Loans
Sec 42-148 Receipt Required
Sec 42-149 Label Required
Sec 42-150 Property Storage
Sec 42-151 Prohibited Acts
Sec 42-152 Giving False Information Or Documentation To Pawnbrokers

Sec 42-139 Customer Identification

No pawnbroker may engage in a transaction of purchase, receipt, or exchange of any secondhand article from a customer without first securing adequate identification from the customer. At the time of the transaction, the pawnbroker shall require the customer to present one of the following types of identification:

(a) Current, valid Wisconsin driver's license;

(b) Current, valid Wisconsin identification card;

(c) Current, valid photo identification card or photo driver's license issued by another state.

(Code 1997, § 94-131(a); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-140 Transactions With Minors

(a) Except as provided in subsection (b) of this section, no pawnbroker may engage in a transaction of purchase, receipt, or exchange of any secondhand article from any minor, defined as a person under the age of 18 years.

(b) A pawnbroker may engage in a transaction described under subsection (a) of this section, if the minor is accompanied by the minor's parent or guardian at the time of the transaction and the parent or guardian signs the transaction form and provides identification as required by this section.

(Code 1997, § 94-131(b); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-141 Records Required

(a) *Transaction record*. At the time of any reportable transaction other than renewals, extensions, or redemptions, every pawnbroker must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the police department:

(1) A complete and accurate description of each item, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item. Additionally, every pawnbroker must keep photographs of sufficient quality to identify the item of every item that does not contain a specific serial number that would identify the item.

(2) The purchase price, amount of money loaned upon or pledged therefor.

(3) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges.

(4) Date, time, and place the item of property was received by the pawnbroker, and the unique alpha or numeric transaction identifier that distinguishes it from all other transactions in the pawnbroker's records.

(5) Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including sex, height, weight, race,

color of eyes, and color of hair.

(6) The identification number and state of issue from any of the following forms of identification of the seller:

a. Current, valid Wisconsin driver's license;

b. Current, valid Wisconsin identification card;

c. Current, valid photo identification card or photo driver's license issued by another state.

(7) The signature of the person identified in the transaction.

(b) *Renewals, extensions, and redemption records*. The pawnbroker shall provide the original transaction identifier, the date of the current transaction, and the type of transaction for renewals, extensions, and redemptions.

(c) *Written inventory*. For every secondhand article purchased, received, or exchanged by a pawnbroker from a customer off the pawnbroker's premises, or consigned to the pawnbroker for sale on their premises, the pawnbroker shall keep a written inventory in accordance with the following:

(1) The pawnbroker shall record in the inventory the name and address of each customer, the date, time, and place of the transaction, and a detailed description of the article that is the subject of the transaction.

(2) The customer shall sign the customer's name on a declaration of ownership of the secondhand article identified in the inventory and shall state that the customer owns the secondhand article.

(3) The pawnbroker shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

(d) *Record retention period*. Data entries shall be retained for at least one year from the date of transaction.

(e) *Applicability*. All provisions of this chapter regarding recordkeeping and reporting apply to the facility and its contents.

(Code 1997, § 94-131(c); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-142 Article Holding Period

(a) Except as provided in subsection (c) of this section, any secondhand article purchased or received by a pawnbroker, shall be kept on the premises or other place for safekeeping for not less than 30 days after the date of purchase or

receipt, unless the person known by the pawnbroker to be the lawful owner of the secondhand article redeems it.

(b) During the period set forth in subsection (a) of this section, the secondhand article shall be held separate from saleable inventory and may not be altered in any manner. The pawnbroker shall permit any law enforcement officer to inspect the secondhand article during this period. Within 24 hours after a request of a law enforcement officer during this period, a pawnbroker shall make available for inspection any secondhand article that is kept off the premises for safekeeping.

(c) Subsections (a) and (b) of this section, do not apply to a secondhand article consigned to a pawnbroker.

(Code 1997, § 94-131(d); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-143 Redemption Period

(a) Any person pledging, pawning or depositing any item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the 60-day holding period, items may not be removed from the licensed location.

(b) Pawnbrokers are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with the approval of the police department.

(c) Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record in accordance with subsection (b) of this section.

(Code 1997, § 94-131(e); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-144 Investigative Hold

Whenever a law enforcement officer from any agency notifies a pawnbroker not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within 72 hours and will remain in effect:

(a) For 15 days from the date of initial notification;

(b) Until the investigative order is canceled; or

(c) Until an order to confiscate is issued pursuant to this division, whichever comes

first.

(Code 1997, § 94-131(f); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-145 Order To Confiscate

If an item is identified as stolen or evidence in a criminal case, the police department may physically confiscate and remove it from the shop, pursuant to a written order from the police department. When an item is confiscated, the person doing so shall provide identification upon request of the pawnbroker and shall provide the pawnbroker with the name and telephone number of the confiscating officer and the case number related to the confiscation. When an order to confiscate is no longer necessary, the police department shall so notify the pawnbroker.

(Code 1997, § 94-131(f); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-146 Daily Reports To Police

(a) Pawnbrokers must submit every reportable transaction to the police department daily in accordance with the following:

(1) Reports shall be submitted by providing to the police department all information required by this article and state law by transferring it from their computer to the web server via modem designated by the police department. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the pawnbroker and the police department.

(2) If a pawnbroker is unable to successfully transfer the required reports by modem, the pawnbroker must provide the police department with printed copies of all reportable transactions by 12:00 noon the next business day. If the electronic transfer problem is determined to be in the pawnbroker's system and is not corrected by the close of the first business day following the failure, the pawnbroker must provide the required reports and shall be charged a daily reporting failure fee of $10.00 until the error is corrected. If the problem is determined to be outside the pawnbroker's system, the pawnbroker must provide the printed copies, as provided in this subsection and then resubmit all such transactions via modem when the error is corrected.

(3) Regardless of the cause or origin of the technical problems that prevented the pawnbroker from uploading the reportable transactions, upon correction of the problem, the pawnbroker shall upload every reportable

transaction from every business day the problem has existed.

(4) The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(5) This subsection shall not apply to businesses that did not have 200 reportable transactions in the past calendar year. However, any such pawnbroker must follow the daily reporting procedure for each reportable transaction by submitting a written transaction form approved by the police department to the department on the business day following the date of the reportable transaction.

(6) Pawnbrokers will be charged for each billable transaction reported to the police department. These fees are intended to pay for the cost of participation in the reporting system. No fees will be charged if the police department incurs no cost for participation.

(7) Nothing in this section applies to the return or exchange from a customer to a pawnbroker of any secondhand article purchased from the pawnbroker.

(b) The pawnbroker must display a sign of sufficient size in a conspicuous place on the premises, which informs all patrons that all transactions are reported daily to the police department.

(Code 1997, §§ 94-131(g), (h); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-147 Method Of Payment By Pawnbroker To Consumer For Article Purchases And Pawn Loans

All payments made by a pawnbroker who lends money on the deposit or pledge of any article or who purchases an article shall be made by check or automated clearing house.

(Code 1997, § 94-131(j); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-148 Receipt Required

Every pawnbroker must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three years. The receipt must include at least the following information:

(a) The name, address, and telephone number of the licensed business.

(b) The date and time the pawnbroker received the item.

(c) Whether the item was pawned or sold, or the nature of the transaction.

(d) An accurate description of each item received, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.

(e) The signature or unique identifier of the pawnbroker or employee that conducted the transaction.

(f) The amount advanced or paid.

(g) The monthly and annual interest rates, including all pawn fees and charges.

(h) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date.

(i) The full name, residence address, residence telephone number, and date of birth of the pledger or seller.

(j) The identification number and state of issue from any of the following forms of identification of the seller:

(1) Current, valid Wisconsin driver's license.

(2) Current, valid Wisconsin identification card.

(3) Current, valid photo driver's license or identification card issued by another state or province of Canada.

(k) Description of the pledger or seller, including approximate sex, height, weight, race, color of eyes, and color of hair.

(l) The signature of the pledger or seller.

(Code 1997, § 94-132; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-149 Label Required

Pawnbrokers must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the items as reported to the police department, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be reused.

(Code 1997, § 94-133; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-150 Property Storage

Property shall be stored in compliance with all provisions of this Code.

(Code 1997, § 94-131(i); Ord. No. 27-07-08, § 1, 9-4-2007; Ord. No. 23-11-12, §§ 1—5, 9-6-2011)

Sec 42-151 Prohibited Acts

(a) No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any pawnbroker, nor may any pawnbroker receive any goods from a person under the age of 18 years, except as permitted by section 42-140(b).

(b) No pawnbroker may receive any goods from a person of unsound mind or an intoxicated person.

(c) No pawnbroker may receive any goods unless the seller presents identification in the form of a valid driver's license, a valid state of Wisconsin identification card, or current, valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.

(d) No pawnbroker may receive any item of property that possesses an altered or obliterated serial number or other identification number, or any item of property that has had its serial number removed.

(e) No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own, nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without, nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another has a security interest with any pawnbroker.

(Code 1997, § 94-134(a)--(e); Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-152 Giving False Information Or Documentation To Pawnbrokers

No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any pawnbroker shall give a false name, date of birth, out-of-date address or telephone number. No person shall present for the purposes of pawning an article a false or altered identification or the identification of another.

(Code 1997, § 94-134(f); Ord. No. 27-07-08, § 1, 9-4-2007)

ARTICLE 42-IV SECONDHAND DEALERS

DIVISION 42-IV-1 SECONDHAND DEALERS GENERALLY
DIVISION 42-IV-2 LICENSES
DIVISION 42-IV-3 OPERATION REQUIREMENTS

DIVISION 42-IV-1 SECONDHAND DEALERS GENERALLY

Sec 42-173 Definitions
Sec 42-174 Penalty

Sec 42-173 Definitions

The definitions of the terms "article" and "customer" in section 42-173 shall apply to this article. In addition, the following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

Auctioneer means an individual who is registered as an auctioneer under Wis. Stats. ch. 480, and who sells secondhand articles or secondhand jewelry at an auction, as defined in Wis. Stats. § 480.01(1).

Jewelry means any tangible personal property ordinarily wearable on the person and consisting in whole or in part of any metal, mineral or gem customarily regarded as precious or semiprecious.

Secondhand means owned by any person, except a wholesaler, retailer, or licensed secondhand article dealer, immediately before the transaction at hand.

Secondhand article dealer means any person, other than an auctioneer, who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

(a) A transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.

(b) A transaction entered into by a person while engaged in a business for which the person is licensed under section 42-112 or 42-114 or while engaged in the business of junk collector, junk dealer or scrap processor as described in Wis. Stats. § 70.995(2)(x).

(c) A transaction while operating as a charitable organization or conducting a sale the proceeds of which are donated to a charitable organization.

(d) A transaction between a buyer of a new article and the person who sold the article when new which involves the return of the article or the exchange of the article for a different, new article.

(e) A transaction as a purchaser of a secondhand article from a charitable organization if the secondhand article was a gift to the charitable organization.

(f) Any transaction as a seller of a secondhand article which the person bought from a charitable organization if the secondhand article was a gift to the charitable organization.

Secondhand jewelry dealer means any person, other than an auctioneer, who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:

(a) A transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show or a convention.

(b) Any transaction with a licensed secondhand jewelry dealer.

(c) Any transaction entered into by a person while engaged in a business of smelting, refining, assaying or manufacturing precious metals, gems or valuable articles if the person has no retail operation open to the public.

(d) Any transaction between a buyer of new jewelry and the person who sold the jewelry when new which involves the return of the jewelry or the exchange of the jewelry for different, new jewelry.

(e) Any transaction as a purchaser of secondhand jewelry from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

(f) Any transaction as a seller of secondhand jewelry that the person bought from a charitable organization if the secondhand jewelry was a gift to the charitable organization.

(Code 1997, § 94-102; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-174 Penalty

Any person violating any section of this article is subject to a forfeiture of not less than $50.00 nor more than $1,000.00 for a first violation and a forfeiture of not less than $500.00 nor more than $2,000.00 for a second and all subsequent violations. Additionally, any person who is convicted of violating any of the provisions of this chapter shall be required to pay all costs of prosecution. Each day of violation shall constitute a separate offense.

(Code 1997, § 94-104; Ord. No. 27-07-08, § 1, 9-4-2007)

DIVISION 42-IV-2 LICENSES

Sec 42-202 Licenses For Secondhand Article Dealers
Sec 42-203 Application; Contents
Sec 42-204 Investigation Of Applicant
Sec 42-205 Issuance
Sec 42-206 Revocation
Sec 42-207 Fees

Sec 42-202 Licenses For Secondhand Article Dealers

(a) *Secondhand article dealers*. No person may operate as a secondhand article dealer unless the person first obtains a secondhand article dealer's license under this section; provided, however, that a license issued to a secondhand article dealer authorizes the licensee to operate as a secondhand article dealer anywhere in the state. A person who operates as a secondhand article dealer

only on premises or land owned by a person having a secondhand dealer mall or flea market license under this section need not obtain a secondhand article dealer's license.

(b) *Secondhand jewelry dealer*. No person may operate as a secondhand jewelry dealer unless the person first obtains a state secondhand jewelry dealer's license under this article. A license issued to a secondhand jewelry dealer authorizes the licensee to operate as a secondhand jewelry dealer anywhere in the state.

(c) *Secondhand article dealer mall or flea market*. The owner of any premises or land upon which two or more persons operate as secondhand article dealers may obtain a secondhand article dealer mall or flea market license for the premises or land if the following conditions are met:

(1) Each secondhand article dealer occupies a separate sales location and self-identifies to the public as a separate secondhand article dealer.

(2) The secondhand article dealer mall or flea market is operated under one name and at one address and is under the control of the secondhand article dealer mall or flea market license holder.

(3) Each secondhand article dealer delivers to the secondhand article dealer mall or flea market license holder, at the close of business on each day that the secondhand article dealer conducts business, a record of sales that includes the location at which each sale was made.

(d) The secondhand article dealer license holder and each secondhand article dealer operating upon the premises or land shall comply with section 42-238.

(Code 1997, §§ 94-151, 94-152, 94-156; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-203 Application; Contents

A person wishing to operate as a secondhand article dealer or a secondhand jewelry dealer and have a principal place of business in the city shall apply for a license. A person wishing to operate as a pawnbroker in the city shall apply to the clerk for a license. The clerk shall furnish application forms under Wis. Stats. § 134.71(12), that shall require all of the following:

(a) The applicant's name, place and date of birth and residence address.

(b) The names and addresses of the business and of the owner of the business premises.

(c) A statement as to whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance

violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

(d) Whether the applicant is a natural person, corporation, limited liability company or partnership; and:

(1) If the applicant is a corporation, the state where incorporated and the names and addresses of all officers and directors.

(2) If the applicant is a partnership, the names and addresses of all partners.

(3) If the applicant is a limited liability company, the names and addresses of all members.

(e) The name of the manager or proprietor of the business.

(f) Any other information that the city clerk may reasonably require.

(Code 1997, § 94-153; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-204 Investigation Of Applicant

The police department shall investigate each applicant for a secondhand article dealer's or secondhand jewelry dealer's license to determine whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation described under section 42-203(c) and, if so, the nature and date of the offense and the penalty assessed. The police department shall furnish the information derived from that investigation in writing to the city clerk.

(Code 1997, § 94-154; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-205 Issuance

(a) The council shall grant the license if all of the following apply:

(1) The applicant, including an individual, a partner, a member of a limited liability company or an officer, director or agent of any corporate applicant, has not been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a pawnbroker, secondhand jewelry dealer, secondhand article dealer or secondhand article dealer mall or flea market owner.

(2) With respect to an applicant for a pawnbroker's license, the applicant provides to the council a bond of $500.00, with not less than two sureties,

for the observation of all city ordinances relating to pawnbrokers.

(b) No license issued under this article may be transferred.

(c) Each license for a secondhand article dealer or secondhand jewelry dealer is valid from January 1 until the following December 31. Each license for a secondhand article dealer mall or flea market is valid for two years, from May 1 of an odd-numbered year until April 30 of the next odd-numbered year.

(Code 1997, § 94-155; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-206 Revocation

The council may revoke any license issued by it under this division for fraud, misrepresentation or false statement contained in the application for a license or for any violation of this section or Wis. Stats. § 943.34, 948.62 or 948.63.

(Code 1997, § 94-157; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-207 Fees

License fees under this article are $27.50 for a secondhand article dealer's license, $30.00 for a secondhand jewelry dealer's license, and $165.00 for a secondhand article dealer mall or flea market license.

(Code 1997, § 94-158; Ord. No. 27-07-08, § 1, 9-4-2007)

DIVISION 42-IV-3 OPERATION REQUIREMENTS

Sec 42-238 Dealer Requirements
Sec 42-239 Inspection Of Items

Sec 42-238 Dealer Requirements

(a) *Identification*. No secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer without first securing adequate identification from the customer. At the time of the transaction, the secondhand article dealer or secondhand jewelry dealer shall require the customer to present one of the following types of identification:

(1) A county identification card.

(2) A state identification card.

(3) A valid state motor vehicle operator's license.

(4) A valid motor vehicle operator's license, containing a picture, issued by another state or Canadian province.

(5) A military identification card.

(6) A valid passport.

(7) An alien registration card.

(8) A senior citizen's identification card containing a photograph.

(9) Any identification document issued by a state or federal government, whether or not containing a picture, if the secondhand article dealer or secondhand jewelry dealer obtains a clear imprint of the customer's right index finger.

(b) *Transactions with minors*. Except as provided in this section, no secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from any minor. A secondhand article dealer or secondhand jewelry dealer may engage in a transaction described under this section if the minor is accompanied by the minor's parent or guardian at the time of the transaction or if the minor provides the secondhand article dealer or secondhand jewelry dealer with the parent's or guardian's written consent to engage in the particular transaction.

(c) *Records*. Except as provided in this section, for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate form provided under Wis. Stats. § 134.71(12). No entry on such a form may be erased, mutilated or changed. The secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after the date of the transaction except as provided in subsection (e) of this section, and during that period shall make the duplicate available to any law enforcement officer for inspection at any reasonable time. For every secondhand article purchased, received or exchanged by a secondhand article dealer from a customer off the secondhand article dealer's premises or consigned to the secondhand article dealer for sale on the secondhand article dealer's premises, the secondhand article dealer shall keep a written inventory. In this inventory the secondhand article dealer shall record the name and address of each customer, the date, time and place of the transaction and a detailed description of the article that is the subject of the transaction. The customer shall sign the customer's name on a declaration of ownership of the secondhand article identified in the inventory and shall state that the customer owns the secondhand article. The secondhand article dealer shall retain an original and a duplicate of each entry and declaration of ownership relating to the purchase, receipt or exchange of any secondhand article for not less than one year after the date of the transaction except as provided in subsection (e) of this section and shall make duplicates of the inventory and declarations of ownership available to any law enforcement officer for inspection at any reasonable time.

(d) *Holding period*. Except as provided in this section, any secondhand article purchased or received by a secondhand article dealer shall be kept on the secondhand article dealer's premises or other place for safekeeping for not less than ten days after the date of purchase or receipt. Except as provided in this section, any secondhand jewelry purchased or received by a secondhand jewelry dealer shall be kept on the secondhand jewelry dealer's premises or other place for safekeeping for not less than 15 days after the date of purchase or receipt. During the period set forth in this section, the secondhand article or secondhand jewelry shall be held separate and apart and may not be altered in any manner. The secondhand article dealer or secondhand jewelry dealer shall permit any law enforcement officer to inspect the secondhand article or secondhand jewelry during this period. Within 24 hours after a written request of a law enforcement officer during this period, the secondhand article dealer or secondhand jewelry dealer shall make available for inspection any secondhand article or secondhand jewelry which is kept off the premises for safekeeping. Any law enforcement officer who has reason to believe any secondhand article or secondhand jewelry was not sold or exchanged by the lawful owner may direct a secondhand article dealer or secondhand jewelry dealer to hold that secondhand article or secondhand jewelry for a reasonable length of time which the law enforcement officer considers necessary to identify it. This section does not apply to any of the following:

(1) A coin of the United States, any gold or silver coin or gold or silver bullion; or

(2) A secondhand article or secondhand jewelry consigned to a secondhand article dealer or secondhand jewelry dealer.

(e) *Report to law enforcement agency*. Within 24 hours after purchasing or receiving a secondhand article or secondhand jewelry, a secondhand article dealer or secondhand jewelry dealer shall make available, for inspection by a law enforcement officer, the original form completed or the inventory under subsection (c) of this section, whichever is appropriate. Notwithstanding Wis. Stats. § 19.35(1), a law enforcement agency receiving the original form, inventory, or a declaration of ownership may disclose it only to another law enforcement agency.

(f) *Exception for customer return or exchange*. Nothing in this section applies to the return or exchange, from a customer to a secondhand article dealer or secondhand jewelry dealer, of any secondhand article or secondhand jewelry purchased from the secondhand article dealer or secondhand jewelry dealer.

(Code 1997, § 94-150; Ord. No. 27-07-08, § 1, 9-4-2007)

Sec 42-239 Inspection Of Items

At all times during the term of a license issued under this article, licensees shall allow the police department to enter the premises where the licensed business is located, including all off-site storage facilities, during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, merchandise, and records therein to verify compliance with this chapter or other applicable laws.

(Code 1997, § 94-103; Ord. No. 27-07-08, § 1, 9-4-2007)

CHAPTER 44 SIGNS AND ADVERTISING

ARTICLE 44-I SIGNS AND ADVERTISING IN GENERAL
ARTICLE 44-II SIGN STANDARDS AND SPECIFICATIONS
ARTICLE 44-III HANDBILLS

State law reference—Advertising in highways prohibited, Wis. Stats. § 86.191.

ARTICLE 44-I SIGNS AND ADVERTISING IN GENERAL

Sec 44-1 Advertising In General

Sec 44-1 Advertising In General

(a) *Posting restricted*. It is unlawful for any person to post, place or otherwise attach any advertisement of any character upon any property of another, whether real or personal, public or private, without the permission of the owner or occupant of such property.

(b) *Destroying lawful posters*. It is unlawful for any person to wrongfully and maliciously tear down, deface or cover up any posted advertisement or bill of any person when the same is lawfully posted and put up and during the time such sign or advertisement shall be of value.

(Code 1975, §§ 3-1, 3-2; Code 1997, §§ 6-1, 6-2)

ARTICLE 44-II SIGN STANDARDS AND SPECIFICATIONS

DIVISION 44-II-1 SIGN STANDARDS AND SPECIFICATIONS GENERALLY
DIVISION 44-II-2 PERMITS
DIVISION 44-II-3 MARQUEES, CANOPIES AND PROJECTING SIGNS

DIVISION 44-II-1 SIGN STANDARDS AND SPECIFICATIONS GENERALLY

Sec 44-21 Definitions
Sec 44-22 Enforcement
Sec 44-23 Compliance
Sec 44-24 Locations
Sec 44-25 Construction, Size And Erection
Sec 44-26 Advertisements On Public Property
Sec 44-27 Penalties For Certain Sections

Sec 44-21 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a

different meaning:

Projecting sign means a sign projecting more than ten inches beyond the lot line, over a public right-of-way, and fastened to the wall or building or to a support fastened to the wall of a building.

Roof or sky sign means a sign erected upon the roof of a building.

Sign means a structure used to designate the name or occupation of the occupant of the building to which such sign is fixed. All other advertising structures shall be classed as billboards, poster panels or signboards.

(Code 1975, § 9-99; Code 1997, § 98-1)

Sec 44-22 Enforcement

The city planner shall enforce this article and shall maintain a current list of all owners of premises on which billboards, signs, panels, marquees and canopies are erected. A copy of such list shall be filed with the department of engineering and public works.

(Code 1975, § 9-100; Code 1997, § 98-2)

Sec 44-23 Compliance

No person shall erect, construct or maintain any sign, poster panel, billboard or structure of any kind to be used for advertising purposes or upon which any advertisement is shown, painted or displayed in any way, except in conformity with this article and such safety provisions as the city planner may prescribe and article II, division 3 of this chapter, or section 44-60 or section 48-105.

(Code 1975, § 9-98; Code 1997, § 98-3)

Sec 44-24 Locations

Advertising structures shall not be erected in any districts zoned as residential, except small signs designating home occupations or advertising premises for sale or rent. Advertising structures may be erected in districts zoned as business or industrial, but where such structures are to be erected on a lot fronting a street partially occupied by buildings devoted to residential purposes, the structures shall be set back from the front lot line the same distance as the setback of the residential buildings, except for signs which are supported on the front of business buildings.

(Code 1975, § 9-103; Code 1997, § 98-4)

Sec 44-25 Construction, Size And Erection

(a) Wooden signs or billboards shall be permitted when they:

(1) Do not exceed 15 feet in height above the sidewalk level, with a clear space of not less than two feet between the bottom of the sign or billboard and the ground and are not located within the fire limits.

(2) Are securely attached to posts or other supporting structures and located entirely within the lot lines.

(3) Do not exceed 40 square feet in area and are not erected above the lower edge of the second story windows and are fastened flat against the wall of the building.

(b) All other signs and billboards shall be entirely constructed of incombustible materials, including the structural parts of the work, except that braces, uprights and skeleton frames of billboards, poster panels and signboards to which the metal facing is fastened may be of wood.

(c) All such structures, except marquees and canopies, shall be erected and maintained to withstand a wind pressure of not less than 30 pounds to the square foot with a safety factor of four. When the structures are erected or maintained on any wall or roof, they shall be securely fastened or anchored to the wall or roof, and all fasteners or anchors used shall be of metal and shall be maintained free from rust and defects of any kind. Wooden supports or braces shall not be permitted.

(d) Electric lights or fixtures shall not be attached to any wooden billboard or sign.

(e) No billboard, poster panel or signboard shall be erected exceeding 12 feet in height from the lower to the upper edge, and the lower edge shall not be more than three feet or less than two feet above the surface of the ground at any point upon which it rests. However, if there is a depression where the structure is to be built, the lower edge of such structure is to be built as high as three feet above the grade of the sidewalk.

(f) No sign or billboard shall be so constructed as to obstruct any door, doorway or window of any building so as to hinder or prevent ingress or egress through such openings or to prevent or hinder the placing of ladders against the building by the fire department.

(g) No horizontal sign or advertising device, except signs or marquees or canopies which may extend outward from the lot line to the outer edge of the canopy, shall be permitted to extend more than eight feet beyond the lot line, and no projecting sign shall be less than ten feet from its lowest edge to the established grade of the public highway or sidewalk over which it projects. No horizontal sign or advertising device projecting over any public highway or sidewalk shall have a width greater than 60 percent of its length, unless such sign contains at least 40 percent open spaces. A vertical projecting sign or advertising device may have not more than 50 percent of its area projecting ten feet outside of the lot line, provided that where such vertical sign comes within ten feet from an ornamental

street lighting standard, it must be hung with its bottom edge not less than 16 feet above the sidewalk over which it projects. All projecting signs or advertising devices exceeding 20 square feet in area shall be ornamentally designed and properly proportioned.

(h) No projecting sign, roof sign or sky sign exceeding 15 square feet in area shall be supported on any building of lower structural classification than fireproof mill or ordinary construction.

(i) Sky or roof signs shall be set back at least eight feet from the cornice or wall on a street front, shall not project more than 18 feet above the roof of a building and shall have a space of at least two feet in height between the bottom of the sign and the roof or coping of the building on which the sign is erected. However, a roof sign of skeleton construction, that is, a sign with at least 60 percent open space, may be 30 feet high, but no such sign of 30-foot height shall be erected upon a building of lower classification than fireproof or protected construction.

(j) All glass or porcelain used in connection with the construction of signs, marquees and canopies shall be wire glass or porcelain or shall be protected with a wire screen with a mesh of such size as to prevent broken pieces thereof from falling upon the public highway or sidewalk.

(k) No swinging sign shall be constructed or maintained over any street, alley or public highway.

(l) Whenever all or a substantial part of any sign, billboard or marquee shall be removed, it shall not be replaced, reconstructed or re-erected, except in compliance with this article.

(m) Placing billboards upon wagons, automobiles or other vehicles and moving them through the streets is declared to be an evasion of this section and is prohibited under penalty, as provided in section 1-15. This subsection, however, shall not be construed to prohibit painting or attaching legitimate advertising to delivery vans or other vehicles, but shall be construed to prevent the fastening of billboards on wheels and transporting such through the streets.

(n) Every sign or advertising device erected so that it projects over the public highway or sidewalk more than four feet beyond the lot line and that has an area of more than ten square feet shall be an electric sign, illuminated with not less than ten watts to each square foot of area of the sign from one hour after sunset to 10:00 p.m.

(Code 1975, § 9-104; Code 1997, § 98-5)

Sec 44-26 Advertisements On Public Property

Unless prior approval is granted by the common council, it is unlawful for any person to erect, fasten, post, paint or maintain any sign, picture, poster or advertisement upon any

structure or object of any description in or on any curb, sidewalk, street, alley, public way, public ground or public waterway.

(Code 1975, § 9-107; Code 1997, § 98-6)

Sec 44-27 Penalties For Certain Sections

A violation of any of the following sections shall subject the violator to the forfeitures as set forth, together with the costs of prosecution, and, in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of the terms stated: A forfeiture of not less than $10.00 nor more than $100.00 and, in default of payment thereof, imprisonment for not exceeding 30 days, for a violation of division 44-II-3 and section 44-60.

(Code 1975, § 36-1; Code 1997, § 98-7)

DIVISION 44-II-2 PERMITS

Sec 44-58 Required
Sec 44-59 Fees
Sec 44-60 Signs Extending Into Right-Of-Way

Sec 44-58 Required

No person shall erect, construct or maintain any structure referred to in this article unless a permit shall first be obtained from the city planner. Application for such permit shall be made in writing upon a blank form furnished by the city planner and shall state the name and address of the owner or agent and the name and address of the party doing the work. The size, construction and supports of signs and billboards shall be fully described and plans shall be furnished to the city planner where necessary to obtain the complete information.

(Code 1975, § 9-101; Code 1997, § 98-36)

Sec 44-59 Fees

(a) Permit fees to be paid by the applicant prior to issuance of a permit required by this article shall be based on the following schedule:

(1) Nonprojecting signs, poster panels, billboards or signboards erected, posted or painted on any premises:

a. Less than 75 square feet in area: $15.00.

b. 75 to 150 square feet in area: $30.00.

c. More than 150 square feet in area, per square foot: $0.20.

d. Billboards:

1. Single-face not more than 288 square feet: $50.00.
2. Single-face 289 to 500 square feet: $200.00.
3. Single-face back-to-back, one structure with neither panel larger than 288 square feet: $75.00.
4. Single-face side by side, one structure, not wall mounted, with neither panel larger than 288 square feet: $75.00.
5. Single-face stacked or decked, one structure, not wall mounted, with neither panel larger than 288 square feet: $75.00.
6. All other billboards:
    i. Per square foot, per panel: $0.20.
    ii. Per square foot, per second panel on the same structure: $0.10.

(2) Signs projecting over sidewalks, public streets or public alleys:

a. Per square foot: $0.40.

b. Minimum fee: $20.00.

(3) Annual fee for projecting signs, to be paid on July 1:

a. Not exceeding 20 square feet in area: $20.00.

b. Exceeding 20 square feet in area: $40.00.

(b) All fees collected by the building inspector shall be paid to the finance director/treasurer and credited to the general fund.

(c) Fees for electrical work on signs shall be according to the rules of the electrical code in addition to the fees in this section.

(d) This section shall not apply to any sign or advertising painted upon the wall of a building or to letters or numbers painted or attached to a window or to any poster or picture placed in a window.

(Code 1975, § 9-102; Code 1997, § 98-37; Ord. No. 41-01-02, § 6, 10-15-2001)

Sec 44-60 Signs Extending Into Right-Of-Way

(a) As used in this section, the term "sign" means any sign, billboard, posterboard or similar advertising structure.

(b) The common council authorizes the manager of planning and inspection services to issue a permit for signs which extend into, upon or over a public street or alley right-of-way.

(c) No person shall erect, construct or maintain any sign which extends into, upon or over a public street or alley right-of-way unless a permit shall first be obtained from the manager of planning and inspection services.

(d) No permit shall be issued unless the applicant agrees to hold the city free, clear and harmless from any liability resulting from the erection or maintenance of any sign extending into, upon or over any public street or alley right-of-way.

(e) When any sign is situated into, upon or over any public street or alley right-of-way without proper authorization having been granted therefor, the department of engineering and public works shall order the owner or person having or claiming to have control thereof to remove the sign by a certain day, to be not less than three or more than 30 days from the service of such order. The department shall deliver a certified copy of such order to the chief of police who shall, upon receipt thereof, serve such copy upon the person named therein. Such person shall remove the sign from the public street or alley within the time prescribed. Each 24 hours such sign shall remain in the public street or alley after the expiration of the time stated in the order for the removal thereof shall constitute a separate violation.

(Code 1975, § 36-96; Code 1997, § 98-38)

DIVISION 44-II-3 MARQUEES, CANOPIES AND PROJECTING SIGNS

Sec 44-79 Permit
Sec 44-80 Construction And Erection
Sec 44-81 Removal

Sec 44-79 Permit

(a) No person shall erect, construct or maintain any awning, canopy or marquee which extends into, upon or over a public street or alley right-of-way unless a permit shall first be obtained from the manager of planning and inspection services.

(b) The common council authorizes the manager of planning and inspection services to issue a permit for awnings, canopies or marquees which extend into, upon or over a public street or alley right-of-way.

(c) The fee for an erection permit for a marquee or canopy shall be $0.20 per square foot, based upon the area of the underside of such marquee or canopy, but the fee shall not be less than $25.00. The annual fee shall be $25.00 for a marquee or canopy not exceeding 20 square feet in area and $50.00 for a marquee or canopy exceeding such area, payable in the same manner as fees for projecting

signs.

(d) No permit shall be issued unless the applicant agrees to hold the city free, clear and harmless from any liability resulting from the erection or maintenance of any awning, marquee or canopy extending into, upon or over any public street or alley right-of-way.

(Code 1975, §§ 9-106, 36-95(a), (b), (e); Code 1997, § 98-66; Ord. No. 41-01-02, § 5, 10-15-2001; Ord. No. 41-09-10, § 1, 1-18-2010)

Sec 44-80 Construction And Erection

(a) Fixed marquees and canopies over entrances to buildings shall be constructed entirely of incombustible materials and shall be capable of resisting a superimposed load of 60 pounds per square foot, with a safety factor of four.

(b) There shall be a distance of not less than eight feet six inches in the clear from the sidewalk level to the lowest point of any appendage or projection on the marquee or canopy. Any marquee or canopy that may be suspended over any public street or alley right-of-way shall be elevated at least eight feet six inches from its lowest point above the top of the sidewalk and shall not project beyond the curbline.

(c) The overall height of a fixed marquee or canopy, including all projections, ornamentations, appendages or appurtenances, shall not exceed six feet.

(d) Unless approved by the common council, every marquee and canopy shall be supported entirely on the building on which it is erected, and there shall be no posts, brackets or other obstacles located on public property less than eight feet, six inches above the sidewalk level, except where approved by common council action under the procedures of section 48-105. All marquees and canopies, except those constructed of canvas, cloth or soft plastics, shall have gutters pitching toward the building with conductors at this point leading down to grade.

(e) Any awning that may at any time be suspended over any sidewalk shall be elevated at least seven feet from its lowest point above the top of the sidewalk and shall not project beyond the sidewalk. The awning shall be supported without posts by hinge framework attached to the side of the building so as to leave the sidewalk entirely unobstructed and so as to enable the awning to be raised when not in use.

(Code 1975, §§ 9-105, 36-95(c), (d); Code 1997, § 98-67)

Sec 44-81 Removal

(a) The city may at any time require a permit holder to remove any marquee, canopy or projecting sign whenever the council shall so decide. If such person shall

refuse or neglect to remove the marquee, canopy or projecting sign, the building inspector shall cause such to be removed, and the cost of the removal shall be charged to the premises from which the removal was made.

(b) When any awning, canopy or marquee is situated into, upon or over any public street or alley right-of-way without proper authorization having been granted therefor, the department of engineering and public works shall order the owner or person having or claiming to have control thereof to remove such by a certain day, to be not less than three days nor more than 15 days from the date of the service of such order. The department shall deliver a certified copy of such order to the chief of police who shall, upon receipt thereof, serve such copy upon the person named therein. Such person shall remove the awning, canopy or marquee from the public street or alley within the time prescribed. Each 24 hours such awning, canopy or marquee shall remain in the public street or alley after the expiration of the time stated in the order for the removal thereof shall constitute a separate violation.

(Code 1975, §§ 9-108, 36-95(f); Code 1997, § 98-68)

ARTICLE 44-III HANDBILLS

Sec 44-106 Definitions
Sec 44-107 Exemption For Mail And Newspapers
Sec 44-108 Inhabited Private Premises
Sec 44-109 Prohibited Where Signs Are Properly Posted
Sec 44-110 Depositing On Uninhabited Or Vacant Premises

Sec 44-106 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

Newspaper means any newspaper of general circulation, as defined by general law, any newspaper duly entered with the post office department of the United States, in accordance with federal statutes or regulations, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public, and means and includes any other copyrighted material.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon

stationary rails or tracks.

(Code 1975, § 3-16; Code 1997, § 6-31)

Sec 44-107 Exemption For Mail And Newspapers

The provisions of this article shall not apply to the distribution of U.S. mail or to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Code 1975, § 3-17; Code 1997, § 6-32)

Sec 44-108 Inhabited Private Premises

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such premises if such handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulation.

(Code 1975, § 3-18; Code 1997, § 6-33)

Sec 44-109 Prohibited Where Signs Are Properly Posted

No person shall throw, deposit or distribute any handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises a sign bearing the terms: "no trespassing," "no peddlers or agents," or any similar notice, indicating in any manner that the occupants of such premises do not wish to have their right of privacy disturbed, or to have any handbills left upon such premises.

(Code 1975, § 3-19; Code 1997, § 6-34)

Sec 44-110 Depositing On Uninhabited Or Vacant Premises

It is unlawful for any person to throw or deposit any handbill in or upon any private premises which is uninhabited or vacant.

(Code 1975, § 3-20; Code 1997, § 6-35)

CHAPTER 46 SOLID WASTE AND RECYCLING

ARTICLE 46-I SOLID WASTE AND RECYCLING IN GENERAL
ARTICLE 46-II COLLECTION
ARTICLE 46-III RECYCLING

State law reference—Solid waste, hazardous waste and refuse, Wis. Stats. chs. 287, 289 and 291.

ARTICLE 46-I SOLID WASTE AND RECYCLING IN GENERAL

Sec 46-1 Definitions
Sec 46-2 Penalties
Sec 46-3 Burning Or Burying Refuse Prohibited
Sec 46-4 Composting
Sec 46-5 Littering Prohibited Generally
Sec 46-6 Control Of Litter On Business Premises
Sec 46-7 Control Of Litter By Customer
Sec 46-8 Compliance By Commercial Haulers
Sec 46-9 Recordkeeping By Commercial Hauler
Sec 46-10 Illegal Dumping Or Abandonment
Sec 46-11 Anti-Scavenging Or Unlawful Removal Of Refuse/Recyclables

Sec 46-1 Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bi-metal container means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Collectible recyclables means aluminum containers, bi-metal containers, corrugated paper or other container board, glass containers, magazines, newspapers, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, or PP, and steel containers. Collectible recyclables only includes materials that are residential in origin.

Collectible refuse means drained and wrapped garbage, manufactured wood wastes, organic byproducts, and materials not considered recyclable by state law, which are residential in origin, but excluding prohibited materials or noncollectible refuse.

Commercial hauler means any individual, partnership, or corporation, other than the city, engaged in the business of collection, disposal, preprocessing, or marketing of refuse or recyclables.

Commercial recyclables means lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspapers, office paper, plastic containers, steel containers, waste tires, and any other materials prohibited by state law to be placed into a landfill. Commercial recyclables only includes materials that are not residential in origin.

Commercial refuse means all waste produced or accumulated by any business, industry, church, governmental office, public or private educational institution, hospital, charitable organization, or that is not residential in origin, which is not prohibited under state law from being disposed of in a solid waste disposal facility or solid waste treatment facility.

Container board means corrugated paperboard used in the manufacture of shipping containers and related products.

Dump or abandon means to deposit or dispose of collectable or noncollectable refuse or recyclables, prohibited materials, or commercial refuse or recyclables, in any place or in any manner, other than as provided by this chapter.

Foam polystyrene packaging means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(a) Is designed for serving food or beverages.

(b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.

(c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

Glass container means a glass bottle, jar, or other packaging container used to contain a product that is the subject of a retail sale and does not include ceramic cups, dishes, oven ware, plate glass, safety and window glass, heat resistant glass such as Pyrex, lead-based glass, such as crystal, or TV tubes.

HDPE means high density polyethylene, labeled by the SPI code #2.

Infectious waste means solid waste that contains pathogens with sufficient virulence and sufficient quantity that exposure of a susceptible human or animal to the solid waste could cause the human or animal to contract an infectious disease. The following are specifically deemed to constitute infectious waste:

(a) *Blood and body fluids* means whole blood or blood components, blood specimens, body fluids, and peritoneal dialysate.

(b) *Human tissue* means tissue removed from human beings. The term "human tissue" does not include hair or nails but does include teeth.

(c) *Medical wastes* means wastes that contain infectious waste or that are from a treatment area and that are mixed with infectious waste. The term "treatment area," when used in this definition, means a room or area in a hospital or clinic the primary use of which is to provide emergency care, diagnosis, or radiological treatment; an obstetrics delivery room in a hospital, other than a patient's room; or a room or area in a hospital, clinic, or nursing home, in which infectious waste is generated.

(d) *Microbiological laboratory waste* means cultures derived from clinical specimens or laboratory equipment which has come in contact with these cultures.

(e) *Sharps* means medical or laboratory articles that may cause punctures or cuts. Examples include, but are not limited to, hypodermic needles, syringes, Pasteur pipettes, and scalpel blades.

LDPE means low density polyethylene, labeled by the SPI code #4.

Magazines means magazines and other materials printed on similar paper.

Major appliance means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

Multifamily dwelling means a property containing five or more residential units, including those which are occupied seasonally.

Newspaper means a newspaper and other materials printed on newsprint.

Noncollectible recyclables means lead acid batteries, major appliances, waste oil, yard waste, plastic containers that are made of something other than PETE, HDPE, PVC, LDPE, or PP, foam polystyrene packaging, waste tires, and any other material prohibited by state law to be placed into a landfill that is not covered by a variance and that is not a collectable recyclable.

Noncollectible refuse means items that are residential in origin, nonrecyclable, and that do not meet the definition of collectible refuse.

Nonresidential facilities and properties means commercial, retail, industrial, institutional, and governmental facilities and properties. The term "nonresidential facilities and properties" does not include multifamily dwellings.

Office paper means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printouts are examples of office paper generally accepted as high grade. The term "office paper" does not include industrial process waste.

Outdoor precollection storage container means a metal or resinous container which is flyproof and rodentproof with a tight-fitting cover. The term "outdoor precollection storage container" includes, but is not limited to, containers provided by the department of public works.

PETE or PET means polyethylene terephthalate, labeled by the SPI code #1.

PP means polyproplylene, labeled by the SPI code #5.

PVC means polyvinyl chloride, labeled by the SPI code #3.

Plastic container means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

Prohibited materials means explosives; toxic metals and chemicals; asbestos products and wastes; solvents, thinners, and oil- or lead-based paint; fuel oils; gasoline tanks or cans and all liquid storage containers five gallons or larger; automobile, truck, and tractor tires; animal carcasses; infectious wastes and other hazardous wastes; and construction, demolition, and remodeling debris.

Recycling means the marketing or other reuse of materials that have previously been considered wastes.

Resident drop-off site means a municipal facility for the collection of certain noncollectible refuse or noncollectible recyclables.

Residential in origin means produced or accumulated in buildings of four or fewer residential units.

Residential unit means a structure or portion of a structure capable of independent habitation by a family unit.

Solid waste has the meaning specified in Wis. Stats. § 289.01(33).

Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with intact root balls.

(Code 1997, § 102-1; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-2 Penalties

(a) A violation of any of the sections in this chapter which results in any refuse or recyclables being placed at the curb or alley line not suitable for collection shall, after reasonable effort to give 48 hours' notice to the abutting property owner or resident, be deemed just cause to be collected by the department of public works. The department of public works shall keep accurate account of the expenses of collection and disposal, and the whole of these expenses, plus 50 percent, shall be assessed to the property owner and, if not paid within the period fixed by the department of public works, shall become a lien on the property and shall automatically be included in the next tax collection and collected as other taxes are collected.

(b) A violation of any of the sections of this chapter, other than those for which a penalty is specifically provided in this section, shall subject the violator to a forfeiture of not less than $50.00 nor more than $250.00 for the first offense within a 12-month period, a forfeiture of not less than $100.00 nor more than $500.00 for the second offense within a 12-month period, a forfeiture of not less than $250.00 nor more than $2,000.00 for the third and subsequent offense within a 12-month period, together with the cost of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed ten days. In addition, any costs incurred by the city for cleanup and disposal as a result of the violation shall be added as recoverable costs.

(c) A violation of section 46-41, sections 46-43 through 46-46 or section 46-83 shall result in a forfeiture of not less than $50.00 nor more than $250.00, plus the costs of prosecution, plus the expenses of collection and disposal, as provided in subsection (a) of this section for the first offense; a forfeiture of not less than $100.00 nor more than $500.00, plus the costs of prosecution, plus any costs incurred by the city for cleanup and disposal as a result of the violation, plus the elimination of all city collection services for a period not to exceed six months for the second and each subsequent violation. In default of payment of the forfeiture imposed by this subsection, the property owner or resident may be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed ten days.

(d) A violation of section 46-8 or 46-9 shall subject the violator to a forfeiture of not less than $50.00 nor more than $250.00 for the first offense and for any subsequent violation not less than $100.00 nor more than $500.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed ten days.

(Code 1997, § 102-2; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-3 Burning Or Burying Refuse Prohibited

It shall be unlawful for any person to burn out of doors or bury refuse or animal waste within the city or to leave such in the open for a period in excess of 24 hours, except as specified in section 46-4.

(Code 1997, § 102-3; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-4 Composting

It shall be lawful to utilize grass, leaves, and garden waste for composting purposes in a manner which does not create a nuisance or is not offensive in smell or unsightly in appearance.

(Code 1997, § 102-4; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-5 Littering Prohibited Generally

It shall be unlawful for any person to throw, drop, cast, or deposit upon any street, alley, sidewalk, yard, or premises, public or private, any cans, paper, trash, paper containers, rubbish, bottles, filth of any kind, or any other form of litter or waste matter.

(Code 1997, § 102-5; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-6 Control Of Litter On Business Premises

(a) *Generally*. The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep the premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on the premises by customers, and to take reasonable measures to recycle or dispose of these materials in accordance with this chapter and applicable state laws and regulations.

(b) *Receptacles*. Appropriate receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the articles of waste referred to in subsection (a) of this section may be recycled or disposed of in accordance with this chapter and applicable state laws and regulations.

(Code 1997, § 102-6; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-7 Control Of Litter By Customer

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, or other waste materials, except in receptacles provided for such purposes.

(Code 1997, § 102-7; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-8 Compliance By Commercial Haulers

Commercial haulers shall comply with all local and state laws, ordinances, and

regulations relating to the proper collection and disposal of commercial refuse and commercial recyclables.

(Code 1997, § 102-8; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-9 Recordkeeping By Commercial Hauler

Commercial haulers shall keep accurate records of commercial refuse and commercial recyclables collected, accumulated, or processed within the city, by year, for at least the most recent three years, and shall report these volumes to the department of public works at least annually by April 1 and upon request. Copies of these records shall be maintained by commercial haulers for at least three years, in a form consistent with reporting requirements of the state department of natural resources.

(Code 1997, § 102-9; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-10 Illegal Dumping Or Abandonment

It shall be illegal to dump or abandon any collectable or noncollectible residential, commercial, or industrial refuse, recyclables, or prohibited materials at any household, business, industry, government facility, church, school, or public or private lands.

(Code 1997, § 102-10; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-11 Anti-Scavenging Or Unlawful Removal Of Refuse/Recyclables

It shall be unlawful for any person, except law enforcement personnel and authorized city employees, to collect or remove or cause to be collected or removed or otherwise meddle or tamper with any item which has been deposited or placed by any person for refuse/recyclable collection at the appropriate location for collection adjoining the premises.

(Code 1997, § 102-11; Ord. No. 19-19-20, § 1, 10-7-2019)

ARTICLE 46-II COLLECTION

Sec 46-41 Supervision
Sec 46-42 Additional Regulations
Sec 46-43 Outdoor Precollection Storage Container Specifications
Sec 46-44 Curbside Or Alley Collection Container Specifications
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Sec 46-49 City Collection Of Collectable Recyclables
Sec 46-50 Storage Facilities For Commercial Refuse And Recyclables
Sec 46-51 Incineration Of Refuse
Sec 46-52 Commercial And Industrial Refuse

Sec 46-41 Supervision

(a) The collection of collectable refuse and collectable recyclables of residential origin shall be made by the city under the supervision and direction of the department of public works or by a commercial hauler under contract with the city. Regulations for the orderly and efficient collection of such materials shall be established by the department of public works.

(b) For the avoidance of doubt, the department of public works may collect items that are not of residential origin from buildings and properties owned or operated by the city or pursuant to intergovernmental partnership agreement.

(Code 1997, § 102-41; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-42 Additional Regulations

The department of public works shall make such regulations as it deems necessary to carry out the orderly administration and disposal of refuse and recyclables of all kinds, and for efficient administration of the city's recycling program, which rules and regulations shall not be inconsistent with this chapter, and any violation thereof shall be deemed a violation of this chapter.

(Code 1997, § 102-42; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-43 Outdoor Precollection Storage Container Specifications

Collectable refuse, collectable recyclables, and any noncollectible recyclables, noncollectible refuse or prohibited materials that a person stores outside shall be stored in metal or resinous rodentproof and flyproof containers with tight-fitting covers and shall be so placed as to not cause a rodent harborage. All containers used for the storage or accumulation of refuse or recyclables shall be kept in a clean condition so as not to be offensive in spell or unsightly in appearance. No container used for the storage or accumulation of refuse or recyclables may be kept, placed, maintained, or stored directly in front of a residential property or on a front porch or in the public right-of-way, except when placed out for collection in accordance with section 46-45.

(Code 1997, § 102-43; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-44 Curbside Or Alley Collection Container Specifications

(a) The department of public works will provide one container for collectable refuse and one container for collectable recyclables to the owner of each residential unit producing refuse and recycling that is residential in origin.

(b) The department of public works will only accept collectable refuse and collectable recyclables that are contained within a department of public works-

issued container with the lid fully closed. If the lid is not closed, the container is not suitable for collection, and will be collected in accordance with section 46-2(a). Collectable recyclables shall not be separately bagged within the department of public works-issued container.

(c) In the event that the zoning or usage of a residential unit changes so that refuse and recyclables are no longer residential in origin, the residential unit shall, within 14 days, contact the department of public works to arrange for the containers for collectable refuse and collectable recycling to be picked up.

(d) In the event that a container for collectable refuse or collectable recyclables is damaged, lost, stolen, or destroyed, the residential unit shall, within seven days, contact the department of public works to arrange for a replacement cart. The department of public works may impose a container replacement charge of up to $62.00 to recover its costs. The amount charged by the department of public works shall not exceed the reasonable costs incurred by the department of public works.

(e) The containers for collectable refuse and collectable recyclables in subsection (a) of this section stay with the residential unit. In the event that a resident moves, the containers should stay at the residential unit. In the event that the resident moves and does not leave all containers at the residential unit, the department of public works shall impose a container replacement charge of $62.00 to cover the costs of replacing the container.

(Code 1997, § 102-44; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-45 Collection Container Location And Collection Time

(a) *Collection times*. Collectable refuse in a department of public works-issued container shall be made available to the city collection crews by 7:30 a.m. on the scheduled collection date but shall not be made available before 5:00 p.m. on the day preceding the scheduled collection date. The department of public works-issued container shall be removed from the location designated for pickup in subsection (b) of this section prior to 6:00 p.m. on the scheduled collection date.

(b) *Alley collection and areas where no curbs are present*.

(1) If a property is designated by the department of public works for alley refuse and recycling collection, collectable refuse shall be made available to the city collection crews in a department of public works-issued container by being placed in an unobstructed location at and parallel to the alley with the container's numbered side facing the alley.

(2) If a property is not designated by the department of public works for alley refuse and recycling collection, collectable refuse shall be made available to the city collection crews in a department of public works-issued container by being placed in an unobstructed location at and

parallel to the curb of the street with the container's numbered side facing the street.

(3) Where no curbs are present, collectable refuse shall be made available to the city collection crews in a department of public works-issued container by being placed in an unobstructed location at and parallel to the street at the edge of the roadway with the cart's numbered side facing the street.

(4) No collection will be made from within any garage, shed, residence, building, or vehicle.

(c) *Clearance between containers and other obstacles*. Each department of public works-issued container that is made available to the city collection crews shall be at least four feet from any other department of public works-issued container and at least four feet from any other object, such as a tree, mailbox, or parked vehicle.

(d) *Snow*. No department of public works-issued container will be collected from atop or behind a snowbank. When snow is present, the resident shall clear a four-foot square area around each department of public works-issued container. If snow has not been sufficiently cleared around each department of public works-issued container, the container is not suitable for collection, and will be collected in accordance with section 46-2(a).

(e) *Alternative accommodations, requests and appeals*. Requests for an alternative to the provisions of subsections (a) through (d) of this section may be made by application to the superintendent of streets and sanitation who will consider all relevant facts and circumstances and determine what, if any, accommodation is appropriate. An appeal from the decision of the superintendent of streets and sanitation shall be heard by the public works committee.

(Code 1997, § 102-45; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-46 Limitation In Collection

The city shall collect collectable refuse that is residential in origin, as defined in section 46-1. No person shall deposit at the curb or alley for collection any commercial refuse, noncollectible recyclables, noncollectible refuse, or prohibited materials.

(Code 1997, § 102-46; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-47 Resident Drop-Off Site

(a) The city shall provide at least one resident drop-off site to which residents may haul and dispose of certain noncommercial noncollectible refuse or noncollectible recyclables.

(b) The facility shall be regulated by schedules and regulations, including

regulations regarding items accepted by the resident drop-off site, as provided for and deemed necessary by the department of public works under the direction of the public works committee.

(c) The facility shall be restricted to use by persons living in buildings of four or fewer living units in the city. The department of public works may verify residence to restrict the use of this facility to only those city residents.

(Code 1997, § 102-47; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-48 Schedules For Collection

The collection of collectable refuse shall be once weekly from every residential building of four or fewer living units under schedules to be determined by the department of public works.

(Code 1997, § 102-48; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-49 City Collection Of Collectable Recyclables

Collectable recyclables in a department of public works-issued container shall be collected from residential buildings of four or fewer living units under schedules to be determined by the department of public works. The container shall be placed in accordance with the provisions of section 46-45. Collectable recyclables shall not be separately bagged within the department of public works-issued container. If collectable recyclables are separately bagged within the container, the container is not suitable for collection, and will be collected in accordance with section 46-2(a).

(Code 1997, § 102-49; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-50 Storage Facilities For Commercial Refuse And Recyclables

Commercial refuse and recyclables shall be stored in approved storage containers or facilities. These storage facilities shall be so constructed as not to cause an odor nuisance, rat harborage nuisance, or a condition leading to the wind scattering materials, and shall be located as to permit use by the occupants of the dwelling units and commercial establishments without their being extendedly exposed to extreme weather conditions. Failure to provide such storage facilities shall constitute a public nuisance.

(Code 1997, § 102-50; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-51 Incineration Of Refuse

(a) All refuse incinerators in or on the premises of multifamily dwellings defined in section 46-1 and commercial establishments shall be of the type utilizing DNR- and EPA-approved devices to effectively control air pollution. All exhaust stacks

shall be of sufficient height so as not to cause a pollution nuisance to surrounding dwellings or commercial establishments.

(b) All incinerators installed for dwellings with less than four residential living units and on premises other than commercial establishments shall have approved air pollution control devices and exhaust stacks of sufficient heights so as not to cause a pollution nuisance to surrounding dwellings or commercial establishments.

(Code 1997, § 102-51; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-52 Commercial And Industrial Refuse

Commercial refuse, as defined in section 46-1, shall be disposed of by the owner of the premises or by private haulers. Noncollectible commercial refuse, recyclable and prohibited materials shall be disposed of by the business, industry, or agency generating such refuse at its expense in compliance with all local, state, and federal laws and regulations.

(Code 1997, § 102-52; Ord. No. 19-19-20, § 1, 10-7-2019)

ARTICLE 46-III RECYCLING

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Sec 46-78 Purpose

The purpose of this article is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11 and Wis. Admin. Code NR 544. This article is adopted as authorized by Wis. Stats. § 287.09(3)(b).

(Code 1997, § 102-81; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-79 Interpretation

For the avoidance of doubt, this article shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by state law. Where any terms or requirements of this article may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by state statute or by a standard in Wis. Admin. Code ch. NR 544, and where the provision of this article is unclear, the provision shall be interpreted in light of state law and rules in effect on the date of the adoption of the ordinance from which this article is derived, or in effect on the date of the most recent text amendment to the ordinance from which this article is derived.

(Code 1997, § 102-82; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-80 Applicability

The requirements of this article apply to all persons within the city.

(Code 1997, § 102-84; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-81 Administration

The provisions of this article shall be administered by the director of public works or the director's designee.

(Code 1997, § 102-85; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-82 Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Other resins or multiple resins mean plastic resins, labeled by the SPI code #7.

PS means polystyrene, labeled by the SPI code #6.

Postconsumer waste means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 291.01(7), and waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Wis. Stats. § 289.01(17).

Recyclable materials means and includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid

plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers, waste tires; and bi-metal containers.

Solid waste facility has the meaning specified in Wis. Stats. § 289.01(35).

Solid waste treatment means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of solid waste. The term "solid waste treatment" does not include the treatment of post-use plastics or nonrecycled feedstock at a pyrolysis or gasification facility.

(Code 1997, § 102-86; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-83 Separation Of Recyclable Materials

Occupants of single-family and two- to four-unit residences, multifamily dwellings, and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

(a) Lead acid batteries.

(b) Major appliances.

(c) Waste oil.

(d) Yard waste.

(e) Aluminum containers.

(f) Bi-metal containers.

(g) Corrugated paper or other container board.

(h) Foam polystyrene packaging.

(i) Glass containers.

(j) Magazines.

(k) Newspaper.

(l) Office paper.

(m) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins.

(n) Steel containers.

(o) Waste tires.

(Code 1997, § 102-87; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-84 Exemption From Separation Requirements

The separation requirements of section 46-83 do not apply to the following:

(a) Occupants of single-family and two- to four-unit residences, multifamily dwellings, and nonresidential facilities and properties that send their postconsumer waste to a processing facility licensed by the state department of natural resources that recovers the materials specified in section 46-83 in as pure a form as is technically feasible.

(b) Solid waste which is burned as a supplement fuel at a facility, if less than 30 percent of the heat input to the facility is derived from the solid waste burned as supplement fuel.

(c) A recyclable material specified in section 46-83(e) through (o) for which a variance has been granted by the state department of natural resources under Wis. Stats. § 287.11(2m) or Wis. Admin. Code NR 544.14 and is in effect at the time of collection.

(Code 1997, § 102-88; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-85 Care Of Separated Recyclable Materials

To the greatest extent practicable, the recyclable materials separated in accordance with section 46-83 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other nonrecyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

(Code 1997, § 102-89; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-86 Management Of Lead Acid Batteries, Major Appliances, Waste Oil, And Yard Waste

Occupants of single-family and two- to four-unit residences, multifamily dwellings, and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(a) *Lead acid batteries shall be recycled*. This may be done by delivering them to vehicle battery retailers, commercial installers, auto salvage yards, or scrap dealers, some of whom may charge a fee for accepting them.

(b) *Major appliances shall be recycled*. This may be done by delivering them to or arranging for pick-up by private appliance dealers or scrap dealers, some of whom may charge a fee for accepting them.

(c) *Waste oil shall be recycled*. It shall be taken to a state approved used oil collection center. Occupants of single-family and two- to four-unit residences may

deposit waste oil in collection containers at the resident drop-off site.

(d) *Yard waste shall be recycled*. Occupants of single-family and two- to four-unit residences may deposit grass and small branches at the resident drop-off site.

(Code 1997, § 102-90; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-87 Preparation And Collection Of Recyclable Materials

Except as otherwise directed by this chapter, occupants of single-family and two- to four-unit residences shall do the following for the preparation and collection of the separated materials specified in section 46-83.

(a) Aluminum containers shall be prepared and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(b) Bi-metal containers shall be prepared and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(c) Corrugated paper or other container board shall be flattened, reduced, and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(d) Foam polystyrene packaging is currently covered by a statewide variance by the department of natural resources and, therefore, shall be prepared and placed in a department of public works-issued refuse container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(e) Glass containers shall be prepared and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(f) Magazines shall be prepared and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(g) Newspaper shall be prepared and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(h) Office paper shall be prepared and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(i) Rigid plastic containers shall be prepared and collected as follows:

(1) Plastic containers made of PET and with SPI code #1 with screw tops only, shall be clean and empty and placed in a department of public

works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(2) Plastic containers made of HDPE natural and color bottles with SPI code #2, shall be clean and empty and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(3) Plastic containers made of PP with SPI code #5 and their lids, shall be clean and empty and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(4) Other plastic containers are currently covered by a statewide variance by the department of natural resources and, therefore, shall be prepared and placed in a department of public works-issued refuse container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(j) Steel containers shall be clean and empty and placed in a department of public works-issued recycling container and placed at the location specified in section 46-44 at the time specified in section 46-45.

(k) Waste tires shall be delivered to a commercial hauler or other location that accepts waste tires.

(Code 1997, § 102-91; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-88 Responsibilities Of Owners Or Designated Agents Of Multifamily Dwellings

(a) Owners or designated agents of multifamily dwellings shall do all of the following to recycle the materials specified in section 46-83(e) through (o):

(1) Provide adequate, separate containers for the recyclable materials.

(2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods of sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(b) The requirements in subsection (a) of this section do not apply to the owner or

designated agent of a multifamily dwelling if the material specified in section 46-83(e) through (o) is exempt from separation requirements pursuant to section 46-84.

(Code 1997, § 102-92; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-89 Responsibilities Of Owners Or Designated Agents Of Nonresidential Facilities And Properties

(a) Owners or designated agents of nonresidential facilities and properties shall do all of the following to recycle the materials specified in section 46-83(e) through (o):

(1) Provide adequate, separate containers for the recyclable materials.

(2) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.

(3) Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants, and the delivery of the materials to a recycling facility.

(4) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods, or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

(b) The requirements in subsection (a) of this section do not apply to the owner or designated agent of nonresidential facilities and properties if the material specified in section 46-83(e) through (o) is exempt from separation requirements pursuant to section 46-84.

(Code 1997, § 102-93; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-90 Prohibitions On Disposal Of Recyclable Materials Separated From Recycling

No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in section 46-83(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(Code 1997, § 102-94; Ord. No. 19-19-20, § 1, 10-7-2019)

Sec 46-91 Enforcement

(a) For the purpose of ascertaining compliance with the provisions of this article, any authorized officer, employee, or representative of the city may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multifamily dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential to the extent permitted by law to protect proprietary information. In the event that a person refuses access to any authorized officer, employee, or representative of the city who requests access for the purpose of inspection, and who presents appropriate credentials, the authorized officer, employee, or representative may make an inference of noncompliance.

(b) Any person who violates a provision of this chapter may be issued a citation by an authorized official of the city. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

(c) Penalties for violating this article are set forth in section 46-2.

(Code 1997, § 102-95; Ord. No. 19-19-20, § 1, 10-7-2019)

CHAPTER 48 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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ARTICLE 48-I STREETS, SIDEWALKS AND OTHER PUBLIC PLACES IN GENERAL

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Sec 48-1 Penalties For Certain Sections

A violation of any of the following sections shall subject the violator to the forfeitures as set forth, together with the costs of prosecution, and, in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of the terms stated:

(a) A forfeiture of not less than $10.00 nor more than $100.00 and, in default of payment thereof, imprisonment for not exceeding 15 days, for a violation of sections 48-35, 48-65, 48-95, 48-96, 48-101, 48-102, 48-104, 48-105, 48-157, 48-158 and 48-223.

(b) A forfeiture of not less than $25.00 nor more than $250.00 and, in default of payment thereof, imprisonment for not exceeding 30 days, for a violation of sections 48-97, 48-99, 48-67, 48-68, 48-100, 48-102, 48-215, 48-228, 48-223, 48-224, 48-255 and 48-247.

(c) A forfeiture of not less than $50.00 nor more than $500.00 and, in default of payment thereof, imprisonment for not exceeding 60 days, for a violation of section 48-36.

(Code 1975, §§ 26-1, 36-1; Code 1997, § 110-1; Ord. No. 101-05-06, § 18, 3-20-2006; Ord. No. 16-14-15, § 1, 7-7-2014)

Sec 48-2 Fees And Costs For Vacating Streets And Alleys

All petitions filed in the city clerk's office for vacation or discontinuance of streets and alleys, or portions thereof, under Wis. Stats. § 66.1003(2) shall be accompanied by a filing fee of $125.00. In addition thereto, the applicant shall reimburse the city its costs for service and publication of notices required for the vacation or discontinuance.

(Code 1975, § 36-121; Code 1997, § 110-2; Ord. No. 60-00-01, § 29, 10-2-2000; Ord. No. 19-01-02, § 9, 8-6-2001; Ord. No. 53-05-06, § 1, 11-21-2005; Ord. No. 94-06-07, § 1, 3-19-2007)

Sec 48-3 Damage

No person shall maliciously damage or destroy any pavement or improvement on any street, alley, sidewalk or other public place or any drain, sewer or conduit installed therein, nor shall any person enter upon or operate any vehicle on that portion of any street, alley, sidewalk or other public place which is being paved, repaired or otherwise improved, until such is opened for traffic.

(Code 1975, § 36-34; Code 1997, § 110-3)

Sec 48-4 Groundwater Monitoring Wells

Privilege for placement of any groundwater monitoring well required by a state or federal agency in, upon or under any public street or alley right-of-way may be granted by the director of engineering and public works, pursuant to, and in accordance with Wis. Stats. § 66.0425.

(Code 1975, § 36-97; Code 1997, § 110-4; Ord. No. 60-00-01, § 30, 10-2-2000)

Sec 48-5 Depositing Debris, Refuse Or Snow On Public Streets

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Property owner includes any owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of any building or land abutting public streets.

Public street means any highway, street, avenue, bridge, viaduct, underpass or overpass in the city dedicated or devoted to public use, being that portion of:

(1) A paved public street to the curbs at the edges thereof.

(2) A paved public street without curbs between the extreme edges of the paved public way.

(3) A public street which is unpaved but lying within the graveled public way.

(b) *Prohibited without permission*. Property owners are prohibited from moving onto public streets any debris, refuse or snow at any time or placing objects placed thereon, without permission of the department of engineering and public works, the police department or the council.

(c) *Notice to owner to remove; removal by city; costs*. Upon receipt of notice from the department of engineering and public works, the property owner shall have such debris, refuse, snow or other objects removed from the public street within 24 hours. Failure of the property owner to comply with such notice constitutes a violation of this section. For such noncompliance, the city shall cause such debris, refuse, snow or other objects to be removed, and the cost thereof shall be charged to the property owner.

(d) *Violation*. Each day a violation of this section is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Code 1975, § 36-5; Code 1997, § 110-5)

Sec 48-6 Stop Work Orders

The director of public works, the director's designee, or a department of public works inspector may halt any work being carried on in violation of the provisions of this chapter, post stop work signs therefor and order such work removed or corrected to conform herewith; provided, however, that no stop work order so posted shall affect work not governed by this chapter, except where the progress of any such work would interfere with inspection of work governed by this chapter.

(Code 1997, § 110-6; Ord. No. 17-14-15, § 1, 7-7-2014)

ARTICLE 48-II CONSTRUCTION AND REPAIR

DIVISION 48-II-1 CONSTRUCTION AND REPAIR GENERALLY
DIVISION 48-II-2 GRADES
DIVISION 48-II-3 TEMPORARY OBSTRUCTIONS
DIVISION 48-II-4 DRIVEWAYS

DIVISION 48-II-1 CONSTRUCTION AND REPAIR GENERALLY

Sec 48-31 Authorization And Supervision
Sec 48-32 Assessments
Sec 48-33 Construction Procedures For New Streets
Sec 48-34 Installation Of Sewers, Water And Gas Mains
Sec 48-35 Hindrance
Sec 48-36 Removal Of Barriers And Lights
Sec 48-37 City's Construction Of Median Crossovers
Sec 48-38 Street Trees

Sec 48-31 Authorization And Supervision

The construction and major repair of streets and alleys in the city shall be performed pursuant to authorization of the common council and in the manner prescribed by it. The department of engineering and public works, under direction of the common council, shall superintend all such construction and shall keep the streets and alleys in good repair.

(Code 1975, § 36-31; Code 1997, § 110-36)

Sec 48-32 Assessments

In levying and collecting special assessments for public street improvements, the city shall proceed in the following manner:

(a) Whenever the common council shall deem it necessary, in the best interests of the city, to construct or cause to be constructed any such improvements, all or part of the cost of which is to be assessed against the property benefited, it shall follow the provisions of Wis. Stats. § 66.0703, relating to the repaving and relating to the paving, resurfacing of streets and alleys and providing for the costs of constructing such and the manner of levying special assessments against the property benefited thereby. The provisions are adopted by and for the city and shall be in full force and effect as ordinances of the city as if fully set forth in this section.

(b) Through the exercise of the city's police power, all special assessments for street improvements shall be levied against abutting property on a linear-foot basis. All assessments shall be based upon the full cost of each project levied per linear foot on the street or alley frontage.

(c) Each year, before introduction of the resolution authorizing letting of bids on public construction under this section, the common council shall, via resolution, establish a schedule of flat fees per foot to be levied. Multiple fees may be established related to different types of construction, including, but not limited to, construction, resurfacing, curb and gutter, etc. In no case may such flat fee exceed the maximum cost of construction allowed under Wis. Stats. § 66.0703.

(d) Notwithstanding any other subsection of this section, the due date of any special assessment levied against property located within a general floodplain district (GFP) under the city's floodplain zoning ordinance or within a wetland area under the city's wetland ordinance abutting on or benefited by the paving, repaving or resurfacing of a street or alley shall be deferred while no use of the street or alley is made in connection with the property. At such time as the property no longer qualifies for deferral of the special assessment, such expense may be paid in the manner and upon the terms provided in subsection (e) of this section. Any such special assessment shall be a lien against the property from the date of the levy.

(e) Notwithstanding any other subsection of this section, the common council may, by resolution, permit the deferral of the due date of certain special assessments

for grading and graveling streets in certain new residential subdivisions for five years and may permit payment thereafter in five equal annual installments, with interest at the rate in place at the commencement of the deferral accruing from the commencement of the deferral until paid in full, in accordance with guidelines established by resolution of the common council. However, any such certain special assessments for grading and graveling streets deferred under this subsection shall become due in full immediately upon sale of such lot. Any such special assessment for grading and graveling streets shall be a lien against the property from the date of the levy.

(Code 1975, § 36-32; Code 1997, § 110-37; Ord. No. 119-96-97, § 1, 2-3-1997; Ord. No. 2-97-98, § 1, 5-19-1997; Ord. No. 18-98-99, §§ 1—4, 6-15-1998; Ord. No. 60-00-01, §§ 31, 32, 10-2-2000; Ord. No. 86-08-09, § 2, 4-20-2009; Ord. No. 30-10-11, § 1, 10-4-2010; Ord. No. 42-16-17, § 1, 3-20-2017)

State law reference—Special assessments generally, Wis. Stats. § 66.073 et seq.

Sec 48-33 Construction Procedures For New Streets

(a) No grading and graveling of any street shall commence without written notice to the department of engineering and public works of the intent to do such work. Upon receipt of this written notice, the department of engineering and public works shall schedule the necessary grade staking required.

(b) The earth subgrade shall be graded to a width three feet wider than the back-to-back of the curb width of the proposed street improvement and ten inches to below the bottom of the proposed concrete pavement. The remainder of the street right-of-way shall be graded four inches below the established sidewalk grade. The earth subgrade shall be shaped to conform to the typical cross section of the street improvement. All earth subgrade shall be compacted to the degree that no further appreciable consolidation is evidenced under the action of the compaction equipment. The subgrade shall be approved prior to placement of base course materials. No base course materials shall be placed on a frozen subgrade.

(c) A ten-inch-thick gravel base course shall be placed and compacted on the earth subgrade in two five-inch lifts. The top of the gravel base course shall be seven inches below the established grade.

(d) If soil conditions are such that, in the opinion of the city engineer, a crushed stone and gravel base course may be substituted for the gravel base course, a crushed stone of two inches in diameter or smaller shall be placed and compacted on the earth subgrade to a four-inch thickness. A crushed gravel base of six-inch thickness shall be placed over the crushed stone base course. The top of this layer shall be seven inches below the established grade.

(e) All utility and service trenches required in these graveled streets shall be

required to be surfaced with base course as described in subsections (c) and (d) of this section. All excess excavation from these trenches shall be removed from the graveled street by the excavating contractor.

(f) Excavating contractors not complying with this prescribed procedure shall be billed the actual cost for correction of the situation.

(g) Building contractors, haulers, etc., damaging or depositing earth or other construction debris on the base course of these streets shall repair or remove such at the end of each working day. Building contractors, haulers, etc., failing to comply with this prescribed procedure shall be billed the actual costs for repair of the base course or removal of the earth or debris.

(h) No building permit shall be issued for any building or dwelling fronting any street until the street has been accepted in writing by the department of engineering and public works.

(i) The minimum street width of the permanent improved street shall be 32 feet from back of curb to back of curb. A two-foot Portland cement concrete curb and gutter section shall be mandatory. The traveled roadway shall be seven-inch-thick Portland cement concrete; provided, however, that new local (minor) streets, as that term is used in the city subdivision code, constructed wholly or partially within RRD-N or RRD-E rural residential overlay zoning districts may be four-inch-thick bituminous concrete consisting of 1 1/2 inches of surface and 2 1/2 inches of binder on the top of three additional inches of gravel base course.

(j) There shall be a four-inch Portland cement concrete sidewalk installed with a minimum width of 4 1/2 feet located on the property line, with the exception that sidewalks shall not be mandatory on new local (minor) streets, as that term is used in the city subdivision code, constructed wholly or partially within RRD-N or RRD-E rural residential overlay zoning districts where the traveled roadway is bituminous concrete.

(Code 1975, § 36-31.1; Code 1997, § 110-38; Ord. No. 19-98-99, § 1, 6-15-1998)

Sec 48-34 Installation Of Sewers, Water And Gas Mains

No street shall be improved unless the necessary water, heat and gas mains and service pipes and required sewers and their connections shall be first laid and constructed in that portion of the street to be so improved.

(Code 1975, § 36-33; Code 1997, § 110-39)

Sec 48-35 Hindrance

No person shall in any manner hinder or obstruct the construction or repair of any street, alley, sidewalk or other public place.

(Code 1975, § 36-35; Code 1997, § 110-40)

Sec 48-36 Removal Of Barriers And Lights

No person shall remove any barrier, light, guard or sign placed on any city street, alley, sidewalk or bridge by the department of engineering and public works or by any contractor for the purpose of warning the public against the use of such street, alley, sidewalk or bridge while under construction or repair.

(Code 1975, § 26-20; Code 1997, § 110-41)

Sec 48-37 City's Construction Of Median Crossovers

Any public construction relating to the installation of median crossovers may be done directly by the city without submitting such public work for bids.

(Code 1975, § 36-36; Code 1997, § 110-42)

Sec 48-38 Street Trees

Except as otherwise provided by the common council, any street construction, rebuilding or resurfacing of streets, where trees have not previously been planted in the parkway in accordance with the city parkway master tree plan, shall have as part of the project the planting of trees in the parkway. The cost of planting shall not be assessed to the abutting property owner but will be part of the city's cost for that project and will be reflected in the project budget, rather than in the park department budget for the city's normal tree planting program. The planting shall be in accordance with the city parkway master tree plan under the direction of the city forester and shall take place within one year of the completion of the rest of the street project.

(Code 1975, § 36-37; Code 1997, § 110-43)

DIVISION 48-II-2 GRADES

Sec 48-65 Establishment Required
Sec 48-66 Adoption Of Grade Ordinances
Sec 48-67 Alteration
Sec 48-68 Removal Of Grading Material

Sec 48-65 Establishment Required

No street, sidewalk or alley shall be altered or constructed until the grade therefor is established.

(Code 1975, § 36-16; Code 1997, § 110-71)

State law references—Grade establishment, Wis. Stats. § 62.16; grade charge, right of action, Wis. Stats. § 32.18.

Sec 48-66 Adoption Of Grade Ordinances

The grades of all streets, sidewalks and alleys shall be established and described by the adoption of grade ordinances. All established grades shall be kept on file in the city engineer's office.

(Code 1975, § 36-17; Code 1997, § 110-72)

Sec 48-67 Alteration

No person shall alter the grade of any street, sidewalk, alley or public ground by taking from or adding to the surface of the street, sidewalk, alley or public ground or by digging, plowing or otherwise changing or disturbing the surface thereof, unless authorized by the common council or the department of engineering and public works.

(Code 1975, § 36-18; Code 1997, § 110-73)

Sec 48-68 Removal Of Grading Material

No person shall take or remove any filling material placed or deposited on a street, sidewalk, alley or public ground for grading purposes.

(Code 1975, § 36-19; Code 1997, § 110-74)

DIVISION 48-II-3 TEMPORARY OBSTRUCTIONS

Sec 48-95 Prohibition
Sec 48-96 Permit Required
Sec 48-97 Permit Fees
Sec 48-98 Permit Restrictions
Sec 48-99 Time Limitation On Permit
Sec 48-100 Removal Of Material
Sec 48-101 Temporary Sidewalk And Fence
Sec 48-102 Obstructing Gutters
Sec 48-103 Lights Required
Sec 48-104 Reflectors Required On Dumpsters
Sec 48-105 Buildings, Fences
Sec 48-106 Compensation For Encroachments

Sec 48-95 Prohibition

No person shall encroach upon, occupy, obstruct or encumber any public street or highway or part thereof, unless expressly authorized to do so by the common council or by permit in accordance with this Code.

(Code 1975, § 36-115; Code 1997, § 110-101)

Sec 48-96 Permit Required

(a) No person shall place or cause to be placed any building materials, machinery, tools, supplies or equipment used in construction work, the demolition, razing, removal of buildings, tree removal or trimming, or for excavating for any purpose whatsoever or deposit any debris or rubbish in connection with such projects in or upon any street, alley or public ground without first having obtained a written permit from the department of engineering and public works.

(b) No person shall place or cause to be placed a dumpster in or upon any street, alley or public ground without first obtaining a written permit from the department of engineering and public works.

(Code 1975, § 36-104; Code 1997, § 110-102; Ord. No. 35-96-97, § 1, 9-16-1996)

Sec 48-97 Permit Fees

Permit fees to be paid by the applicant prior to issuance of a permit required by this division shall be $25.00. All permits shall be effective a maximum of 15 days, after which a new permit and $25.00 fee shall be required.

(Code 1997, § 110-103; Ord. No. 35-96-97, § 6, 9-16-1996; Ord. No. 17-16-17, § 1, 9-19-2016)

Sec 48-98 Permit Restrictions

The written permits issued under this division shall be restricted to matters stipulated in section 48-96, and permittees must notify the police and fire departments, bus companies and private ambulance services 24 hours prior to the use of the permit to barricade a street.

(Code 1975, § 36-105; Code 1997, § 110-104)

Sec 48-99 Time Limitation On Permit

The department of engineering and public works may grant a permit, as provided in section 48-96 for a period not to exceed three months, but such permit shall not authorize the obstructing of more than one-third of the traveled portion of the street opposite the lot on which the work is performed. Such permit may be revoked at any time by the common council or the department of engineering and public works.

(Code 1975, § 36-107; Code 1997, § 110-105; Ord. No. 35-96-97, § 2, 9-16-1996)

Sec 48-100 Removal Of Material

Every person to whom permission is granted, as provided in this division shall cause all such materials to be removed from the street at the expiration of the time limited in the permit. If, before the expiration of the time set forth, it shall no longer be necessary to keep such street obstructed, all obstructions shall be removed within 24 hours thereof.

(Code 1975, § 36-106; Code 1997, § 110-106)

Sec 48-101 Temporary Sidewalk And Fence

Every person to whom a permit is granted under section 48-96(a) shall construct a temporary sidewalk at least two feet in width around the obstruction placed in the street under such permit. Such sidewalks shall be constructed with a fence and overhead protection to pedestrian traffic whenever there exists a dangerous condition because of the building, demolition, excavation or removal. The type and need of such protection shall be determined by the department of engineering and public works.

(Code 1975, § 36-108; Code 1997, § 110-107; Ord. No. 35-96-97, § 3, 9-16-1996)

Sec 48-102 Obstructing Gutters

The person holding a permit granted under this division and all contractors with the city doing work in city streets are prohibited from placing any obstruction to the free passage of water in or within three feet of any gutter of any street or alley or so placing any material that the material is liable to be washed into any gutter. The department of engineering and public works may grant a written license to a permit holder to place temporary bridges over any gutters to permit the free passage of surface water thereunder.

(Code 1975, § 36-109; Code 1997, § 110-108)

Sec 48-103 Lights Required

Every person who shall receive a permit provided for in section 48-96(a) shall cause a light to be placed and kept burning during the whole of every night such excavation or obstruction shall be continued, so as to cause light to shine upon such excavation or obstruction.

(Code 1975, § 36-110; Code 1997, § 110-109; Ord. No. 35-96-97, § 4, 9-16-1996)

Sec 48-104 Reflectors Required On Dumpsters

No person shall allow a dumpster to be left standing upon or in any street or alley during the night unless such dumpster is equipped with red reflectors not less than three inches in diameter in size on the left and right rear sides facing traffic and the left and right front sides facing traffic of any such dumpster and unless a band of black and white reflectorized tape not less than three inches in width is affixed three to four feet from ground level on the three sides of such dumpster which face traffic. The reflectors and reflectorized tape shall remain visible at all times while the dumpster is in the street or alley.

(Code 1975, § 36-111; Code 1997, § 110-110; Ord. No. 35-96-97, § 5, 9-16-1996)

Sec 48-105 Buildings, Fences

No building or fence or portion thereof or other structure shall be erected or placed into, upon or over any public street or alley right-of-way without proper common council authorization, pursuant to Wis. Stats. § 66.0425. After council authorization, the applicant shall obtain a permit from the manager of planning and inspection services.

(Code 1975, § 36-94; Code 1997, § 110-111; Ord. No. 60-00-01, § 33, 10-2-2000)

Sec 48-106 Compensation For Encroachments

Compensation for encroachments or privileges in streets pursuant to Wis. Stats. § 66.0425 shall be paid into the general fund and shall be fixed by a board consisting of the mayor, city attorney and director of public works and engineering.

(Code 1997, § 110-112; Ord. No. 54-05-06, § 1, 11-21-2005)

DIVISION 48-II-4 DRIVEWAYS

Sec 48-126 Approval Of Construction Plans
Sec 48-127 Agreement To Restore
Sec 48-128 Specifications
Sec 48-129 Culverts, Conduits And Other Drainage Devices

Sec 48-126 Approval Of Construction Plans

(a) Any person desiring to construct or install a rolling curb or driveway connecting with a public street or alley or any person desiring to use an existing street with a roll-back curb as a driveway shall, before the commencement of such work or utilization of such street, submit plans therefor to the department of engineering and public works for approval.

(b) Where such construction, installation or use of streets with preexisting roll-back curbs will involve an excess of 30 linear feet of any type curbing, including roll-back curbing, or will be made in connection with a parking lot or a commercial or industrial establishment, approval of the plans shall be obtained from the city plan commission. The plan commission may approve, conditionally approve or deny the application. In its deliberations, the commission shall consider distances from intersections, the location and number of existing driveway openings in the vicinity, the effects on traffic capacity of the streets involved, the creation of undue congestion or other such traffic hazards and the impact on adjacent properties.

(c) Such action shall be final except that the applicant or other interested parties may appeal the decision to the common council by filing, within ten days of the commission's decision, a written appeal with the city clerk. Such written appeal shall stay all action until the common council reviews the appeal and either reaffirms, modifies or reverses the decision of the commission.

(Code 1975, § 36-79; Code 1997, § 110-141)

Sec 48-127 Agreement To Restore

Any approval granted for the construction of any driveway, rolling curb or parking apron shall be conditioned upon the owner of the premises agreeing to restore the adjacent sidewalks and curbs to the condition in which such sidewalks and curbs existed prior to such construction, when the use for such driveway shall no longer exist or when the common council shall order such restoration in the interests of the general public.

(Code 1975, § 36-80; Code 1997, § 110-142)

Sec 48-128 Specifications

(a) The person obtaining permission to construct a driveway pursuant to this division where the driveway abuts on a street that is paved shall construct the driveway with either Portland cement concrete or asphaltic concrete of a thickness and density sufficient to carry the anticipated superimposed load.

(b) A driveway abutting on a street that is paved shall be permanently improved with Portland cement concrete or asphaltic concrete of a thickness and density sufficient to carry the anticipated superimposed load within one year of the street being paved.

(Code 1975, § 36-82; Code 1997, § 110-143)

Sec 48-129 Culverts, Conduits And Other Drainage Devices

(a) *Installation required*. A culvert, pipe, conduit or other drainage device approved by the city planner shall be installed at each driveway location on each lot or parcel of land abutting a street which is not paved with Portland cement concrete.

(b) *Plot plan*. Each application for a building permit for the construction of any structure on a lot or parcel of land abutting a street which is not paved with Portland cement concrete shall be accompanied by a plot plan which shows the location, length, diameter and material of the required culvert, pipe, conduit or other approved drainage device. The building permit shall be revoked, and all construction stopped unless the required culvert, pipe, conduit or other approved drainage device is installed according to the approved plot plan within one month from the date the permit was issued.

(c) *Damage, destruction or modification*. No person shall damage, destroy or modify any drainage ditch, drain, sewer, conduit, culvert, pipe or any other device for the transmission or control of stormwater, surface water or groundwater which is located within a public right-of-way or easement. Written permission may be obtained from the director of engineering and public works where a modification

is deemed beneficial by the director of engineering and public works.

(d) *Driveway interfering with drainage*. No person shall construct a driveway which in any manner adversely affects the drainage or flow of surface water or stormwater.

(Code 1975, § 36-83; Code 1997, § 110-144)

ARTICLE 48-III SIDEWALKS

DIVISION 48-III-1 SIDEWALKS GENERALLY
DIVISION 48-III-2 CONSTRUCTION AND REPAIR

State law reference—Authority regarding sidewalks generally, Wis. Stats. § 66.0907.

DIVISION 48-III-1 SIDEWALKS GENERALLY

Sec 48-157 Merchandise; Collection Boxes
Sec 48-158 Advertising Fixtures
Sec 48-159 Removal Of Obstructions

Sec 48-157 Merchandise; Collection Boxes

(a) No person shall place any goods, wares, merchandise or any other article for sale or exhibition upon any sidewalk, city property or city right-of-way. However, any goods, wares or merchandise which is being delivered may, for a period not exceeding two hours, be placed or left within three feet of the curb, measured from the curbline to the property line abutting the building to which delivery is made.

(b) No person shall place any collection box or other receptacle for the deposit of new or used goods upon any sidewalk, city property or city right-of-way without proper authority.

(c) This section may be waived to permit the display and sale of merchandise on sidewalks which are sanctioned by the common council and approved by an appropriate resolution.

(d) Nothing contained in this section shall prevent the common council from increasing the period of time during which the items referred to can be stored or placed in the area referred to therein or from placing such items on the sidewalk area, when it deems such action to be in the public interest.

(Code 1975, § 36-47; Code 1997, § 110-171; Ord. No. 81-07-08, § 1, 1-21-2008)

Sec 48-158 Advertising Fixtures

No owner, occupant or person in charge of any dwelling, house, store or other building

shall affix or erect any temporary showbill, showcase, canvas or other thing projecting from any building over the adjacent sidewalk more than three feet from the front wall of such building, except as permitted under section 98-38, 48-111 or article III of chapter 98. Each day a violation of this section continues shall constitute a separate offense.

(Code 1975, § 36-48; Code 1997, § 110-172)

Sec 48-159 Removal Of Obstructions

The department of engineering and public works may cause any post or other obstruction erected, placed or continued on or over any sidewalk contrary to this division to be removed after due notice has been given for removal, and the cost of such removal shall be recovered by the city in any action against the owner or occupant of the premises abutting such sidewalk or by placing the charge upon the tax roll to be collected as a special charge.

(Code 1975, § 36-49; Code 1997, § 110-173)

DIVISION 48-III-2 CONSTRUCTION AND REPAIR

Sec 48-187 Repair Of Unsafe Sidewalk
Sec 48-188 Construction Standards; Waiver Of Sidewalk Requirement
Sec 48-189 Notice To Property Owner
Sec 48-190 Construction Bids
Sec 48-191 Contract And Bond
Sec 48-192 Notice To Contractor To Work
Sec 48-193 Assessment Of Costs
Sec 48-194 Minor Repairs
Sec 48-195 Maximum Height Of Curbs

Sec 48-187 Repair Of Unsafe Sidewalk

The department of engineering and public works may order the abutting owner of any unsafe, defective or insufficient sidewalk to be repaired or removed and replaced with a sidewalk in accordance with the standards fixed by the council.

(Code 1975, § 36-61; Code 1997, § 110-204)

Sec 48-188 Construction Standards; Waiver Of Sidewalk Requirement

(a) The common council may from time to time by ordinance designate and determine the location and establish the width, determine the material and prescribe the method of construction of standard sidewalks, and the standard so fixed may be different for different streets. The council may order by ordinance for sidewalks to be laid in the manner provided in this section.

(b) Standard cement sidewalks for the several streets or parts of streets shall be as

follows: A new sidewalk upon any street, the grade of which shall have been established and which shall have been improved by paving or macadamizing, shall be constructed of cement within two years of the completion of the pavement or macadamizing.

(c) No variation from subsection (b) of this section shall be granted to any subdivision or annexation commenced after July 1, 1979. If, in subdivisions or annexations commenced prior to July 1, 1979, it can be shown that it is not physically reasonable to construct sidewalks, the property owners may petition the department of engineering and public works for relief from the requirements to construct sidewalks. If the owners dispute the decision of the department, they may petition the public streets committee of the common council to review and decide the issue. The decision of the committee shall be binding and not subject to appeal to the common council, other council committees or to any city department.

(Code 1975, § 36-60; Code 1997, § 110-205)

Sec 48-189 Notice To Property Owner

The department of engineering and public works shall serve a copy of the ordinance, resolution or order directing the laying, removal, replacement or repair of a sidewalk under this article, including the sidewalk installation requirement within two years of abutting pavement installation, upon the owner of each lot or parcel of land in front of which such work shall have been ordered, by either:

(a) Personal delivery.

(b) Certified or registered mail.

(c) Publication in the official newspaper as a Class 1 notice if the owner or owner's agent cannot be found in the city.

(Code 1975, § 36-62; Code 1997, § 110-206)

Sec 48-190 Construction Bids

The department of engineering and public works, prior to May 1 of each year, shall advertise for bids for sidewalk construction, reconstruction or repair work to be undertaken by the city and shall report all bids received to the common council prior to its first meeting in May of each year. The person awarded the sidewalk construction and repair contract for the ensuing year by the council shall perform the work under the direction of the department of engineering and public works.

(Code 1975, § 36-63; Code 1997, § 110-207)

Sec 48-191 Contract And Bond

Pursuant to section 48-190, no bid shall be received or considered, or contract awarded thereon unless the bid contains a provision that the bidder will, within five days after notice of the bidder's successful bid, enter into a written contract with the city and file a performance bond signed by a corporate surety in the amount of $500.00. The contract shall contain a further provision that the bidder shall pay to the city the sum of $50.00 as liquidated damages for failure to enter into such contract or file the performance bond within the five-day period, and that the bidder shall pay an additional $50.00 as liquidated damages for failure to comply with the contract.

(Code 1975, § 36-64; Code 1997, § 110-208)

Sec 48-192 Notice To Contractor To Work

At the expiration of 20 days following the service or publication of an ordinance or order by the city for the construction, reconstruction or repair of a sidewalk, the department of engineering and public works shall notify the official sidewalk contractor in writing of any work to be performed, and the contractor shall thereupon proceed to perform the work in accordance with the terms of the bid and contract.

(Code 1975, § 36-65; Code 1997, § 110-209)

Sec 48-193 Assessment Of Costs

(a) The department of public works shall keep an accurate account of the expenses of the work done by contract or otherwise under this division and shall report the expenses to the finance director/treasurer.

(b) The expenses so incurred as a result of sidewalk damage relating to street trees will be paid by the city, up to a maximum of 75 square feet of sidewalk per parcel per year.

(c) The expenses which are:

(1) Incurred as a result of sidewalk damage relating to street trees beyond the 75 square foot maximum in subsection (b) of this section; or

(2) Not incurred as a result of sidewalk damage relating to street trees;

will be assessed to the abutting property owner at 100 percent of the cost.

(d) In certain circumstances, pursuant to Wis. Stats. § 66.0715(3), expenses which are assessed against the property owner as a result of subsection (c) of this section may be paid in annual installments. If the assessment is in excess of $100.00, it may be paid in five annual installments. If the assessment is in excess of $5,000.00, it may be paid in ten annual installments. Interest accrues on the unpaid balance of the assessment at the rate determined by the finance director/treasurer prior to the issuance of the special assessment based on the interest rate of the city's most recent general obligation borrowing. The interest

rate for the special assessment may not be changed during the course of the installment payments for a particular special assessment. Upon the determination, the finance director/treasurer shall prepare the expense statement as required in this subsection in such manner and with such frequency as the improvement installment payment schedule allows. The city clerk shall charge the amount of the installment to each lot or parcel of land and enter it on the tax roll as a special assessment against such lot or parcel each year until all installments have been entered, and the assessment shall be collected in all respects as other taxes upon real estate.

(e) The city will not pay for mudjacking of sidewalks, and the approved city contractor must do the sidewalk replacement work.

(Code 1975, § 36-66; Code 1997, § 110-210; Ord. No. 60-00-01, § 34, 10-2-2000; Ord. No. 86-08-09, § 3, 4-20-2009; Ord. No. 35-10-11, § 2, 10-18-2010; Ord. No. 39-20-21, § 1, 3-15-2021)

Sec 48-194 Minor Repairs

When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed the sum of $100.00, the department of engineering and public works may immediately repair such sidewalk, without notice or letting the work by contract, and shall charge the cost thereof to the owner of such lot or parcel of land in the manner provided in section 48-193.

(Code 1975, § 36-67; Code 1997, § 110-211)

Sec 48-195 Maximum Height Of Curbs

All curbs constructed or reconstructed in the city shall not exceed 7 1/2 inches in height. Where such curb is contiguous to a sidewalk area and such construction or reconstruction effects a difference in the grade of adjoining sidewalks, semipermanent surfacing shall be used to taper off the difference in grades and to render the sidewalk safe for pedestrian use.

(Code 1975, § 36-81; Code 1997, § 110-212)

ARTICLE 48-IV EXCAVATIONS

Sec 48-214 Definitions
Sec 48-215 Permit Required
Sec 48-216 Excavation Permit Application
Sec 48-217 Excavation Permit Fee
Sec 48-218 Permit Issuance, Suspension, Revocation
Sec 48-219 Appeals
Sec 48-220 Other Obligations
Sec 48-221 Reservation Of Regulatory And Police Powers

Sec 48-222 Deposit Of Material
Sec 48-223 Lights And Barriers; Liability
Sec 48-224 Restoring Surface
Sec 48-225 Technical Standards
Sec 48-226 Guarantee Period

Sec 48-214 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person requesting permission to excavate, obstruct or occupy the street right-of-way.

Department means the department of public works of the city.

Department inspector means any person authorized by the department to carry out inspections related to the provisions of this article.

Diggers' hotline means the statewide one-call notification system, which was developed in order to provide excavators and the general public with the ability to inform multiple owners of underground facilities of intended nonemergency excavation via a single telephone call.

Director means the director of public works of the city and the director's designee.

Emergency means a condition that:

(a) Poses a clear and immediate danger to life or health, or a significant loss of property; or

(b) Requires immediate repair or replacement in order to restore service to a customer.

Excavation means any operation in which earth, rock, or other material in or on the ground is moved, removed or otherwise displaced by means of any tools, equipment or explosives and includes grading, trenching, digging, drilling, auguring, tunneling, scraping, cable or pipe plowing, and driving and means any operation by which a structure or mass of materials is wrecked, razed, rendered, moved or removed within the street right-of-way or any city property.

Performance bond means a bond, letter of credit, or cash deposit posted to ensure the availability of sufficient funds to assure that right-of-way excavation repair and restoration work is completed in both a timely and quality manner, per department specifications.

Permittee means a person who has obtained a permit as required by this article.

(Code 1997, § 110-241; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-215 Permit Required

(a) Except as otherwise provided in this chapter or other Code chapters, no person shall excavate any right-of-way or place facilities in a right-of-way without first having obtained an excavation permit from the department.

(b) No person shall excavate the right-of-way or maintain an excavation in the right-of-way beyond the date or area specified in the permit unless such person makes a supplementary application before the expiration of the initial permit, and a new permit or permit extension is granted.

(c) A copy of any permit issued under this chapter shall be made available at all times by the permittee at the indicated worksite and shall be available for inspection by the department upon request.

(Code 1997, § 110-242; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-216 Excavation Permit Application

(a) *Application forms and submittal*. Application for a permit shall be made to the department upon department forms. To be considered complete, permit applications shall also include all required attachments and scale drawings showing the location and area of the proposed excavation and the location of all existing and proposed equipment in connection with the object of the excavation work, including, but not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

(b) *Application deadlines*.

(1) Except as otherwise provided herein, applications must be submitted at least two business days prior to permit issuance.

(2) The following types of projects shall require applications to be submitted at least 15 business days prior to permit issuance:

a. Excavations involving 1,000 linear feet or more of underground installation.

b. Excavations associated with major construction projects.

c. Excavations that are expected to have conflicts with other utilities or facilities in the right-of-way.

(Code 1997, § 110-243; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-217 Excavation Permit Fee

(a) The excavation permit fee shall be $100.00; provided, however, that permits for driveway openings or sidewalk repair/replacement shall be $25.00.

(b) For excavation work within the right-of-way started without a permit, except in emergency cases, the fees shall be calculated as follows, per calendar year:

(1) First incident, double the regular permit fee;

(2) Second incident, double the regular permit fee, plus $250.00;

(3) Third and subsequent incidents, double the regular permit fee, plus $500.00.

(Code 1997, § 110-244; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-218 Permit Issuance, Suspension, Revocation

(a) No excavation permit shall be issued without payment of the permit fee and posting of a performance bond with the city in the amount of $5,000.00 during the term of the guarantee period; provided, however, that permits limited to driveway openings or sidewalk repair/replacement shall not require posting of a performance bond.

(b) Fees paid for a permit which has been issued by the department are not refundable.

(c) The department may refuse to issue a permit or may suspend, revoke, or refuse to extend an existing permit if it finds any of the following grounds:

(1) Issuance of the permit for the requested date would interfere with an exhibition, celebration, festival, or other event;

(2) Misrepresentation of any fact by the applicant or permittee;

(3) Failure of the applicant to post or maintain required bonds;

(4) Failure of the applicant or permittee to complete work in a timely manner;

(5) The proposed activity is contrary to the public health, safety or welfare;

(6) Where or to the extent that inadequate right-of-way space is available;

(7) Where there are competing demands for the particular space in the right-of-way;

(8) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the applicant;

(9) The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;

(10) The condition and age of the right-of-way; and whether or when it is scheduled for total or partial reconstruction;

(11) The applicant or permittee is otherwise not in full compliance with the requirements of this chapter or state or federal law;

(12) Failure to submit a complete application or pay applicable permit fees;

(13) Failure to comply with the requirements of section 2-839.

(d) *Discretionary issuance*. Notwithstanding subsections (a) through (c) of this section, the department may issue a permit where, in its discretion, issuance is necessary to:

(1) Prevent substantial economic hardship to a customer of the applicant; or

(2) Allow a customer of the applicant to comply with state or federal law or city ordinance or an order of a court or administrative agency with appropriate jurisdiction.

(Code 1997, § 110-245; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-219 Appeals

Any person aggrieved by a decision of the department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review by the public works committee. A request for review shall be filed within ten days of the decision being appealed. Following a hearing, the committee may affirm, reverse or modify the decision of the department.

(Code 1997, § 110-246; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-220 Other Obligations

(a) *Compliance with other laws*. Obtaining a permit to excavate or occupy the right-of-way does not relieve a permittee of its duty to obtain all other necessary permits, licenses and approvals, and to pay all fees required by any other city, county, state or federal laws, rules or regulations. A permittee shall comply with all requirements of local, state and federal law. A permittee shall perform all work in conformance with all applicable codes, rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

(b) *Prohibited work*. Except in an emergency, or with the approval of the department, no right-of-way excavation may be done when seasonally prohibited or when

conditions are unreasonable for such work.

(Code 1997, § 110-247; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-221 Reservation Of Regulatory And Police Powers

(a) The city, by granting of a permit to excavate, obstruct or occupy the right-of-way under this chapter, does not surrender or to any extent lose, waive, impair or lessen the lawful powers and rights which it has or may hereafter be granted under the constitution and statutes of the state to regulate the use of the right-of-way by the permittee.

(b) The permittee, by accepting a permit to excavate, obstruct or occupy the right-of-way under this chapter, agrees that all lawful powers and rights, regulatory authority, police power, or otherwise as may be, from time to time, vested in or reserved to the city shall be in full force and effect and subject to the exercise thereof by the city at any time.

(c) The permittee is deemed to have acknowledged that its rights are subject to the regulatory authority and police powers of the city to adopt and enforce general ordinances necessary to the safety, health and welfare of the public and is deemed to have agreed to comply with all applicable general laws, ordinances and resolutions enacted by the city pursuant to such powers.

(Code 1997, § 110-248; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-222 Deposit Of Material

All sand, gravel, stone and other material and supplies and all refuse at the site of an excavation or opening in a street, alley, sidewalk or other public place shall be deposited in a manner to cause the least inconvenience for pedestrian and vehicular traffic and shall provide for the passage of water along the gutters.

(Code 1997, § 110-249; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-223 Lights And Barriers; Liability

Each contractor or other person making any excavation, opening, repair, grading or other work which shall in any manner obstruct or render unsafe any street, alley, sidewalk or public place shall erect and maintain adequate barriers and lights to prevent accidents and shall be liable for all damages for failure to do so. Such contractor or person shall also be liable for all damages caused by the negligent digging in streets, alleys, sidewalks or public places or which may result from carelessness in the prosecution of such work.

(Code 1997, § 110-250; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-224 Restoring Surface

(a) Where a paved street has been evacuated by the city or its water utility or a private contractor with a permit granted by the city for the purposes of repair of sewer or water laterals in the street right-of-way serving owner-occupied one- or two-family residential properties, the department of public works shall rebuild and restore the street pavement, and the costs of such restoration shall be borne by the city.

(b) Except as provided in subsection (a) of this section, every contractor or other person authorized to make an excavation or opening in any street, alley, sidewalk or public place for laying any drain, sewer, gas or water pipes, or other utilities, or for any other purpose shall rebuild and restore such to as good, substantial and permanent a condition as existed prior to commencement of the work, in accordance with the standards and methods for excavation and backfilling adopted by the city and on file with the department, or as otherwise directed by the department.

(Code 1997, § 110-251; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-225 Technical Standards

A permittee shall be fully responsible for restoring the right-of-way and appurtenances in complete compliance with the city's technical street right-of-way excavation, backfilling, restoration and repair standards and methods on file with the department, adopted by the common council, and as amended from time to time. Copies of such standards and methods shall be made available by the department to any permittee.

(Code 1997, § 110-252; Ord. No. 15-14-15, § 1, 7-7-2014)

Sec 48-226 Guarantee Period

(a) A permittee shall guarantee all street excavation repairs and restoration conform to the requirements of this chapter for a minimum of 18 months from completion of the repair or restoration work under the permit.

(b) The guarantee period shall terminate if the repair or restoration work under the permit is disturbed by street rehabilitation work performed by the city prior to the expiration of the permittee's guarantee period.

(Code 1997, § 110-253; Ord. No. 15-14-15, § 1, 7-7-2014)

ARTICLE 48-V SNOW AND ICE

Sec 48-246 Locations Designated
Sec 48-247 Water From Eaves
Sec 48-248 Removal From Sidewalks By Owner

Sec 48-249 Costs Charged To Property Owners
Sec 48-250 Accounting
Sec 48-251 Collection

State law reference—Damages caused by snow, ice generally, Wis. Stats. § 893.83.

Sec 48-246 Locations Designated

Designation of streets or portions thereof from which snow and ice shall be cleared and removed shall be at the discretion and under the supervision and direction of the department of engineering and public works, and the costs of such shall be borne by the city.

(Code 1975, § 36-147; Code 1997, § 110-276)

Sec 48-247 Water From Eaves

The owner of any building shall cause the pipes conducting the water from the eaves of the building to be so constructed as not to spread the water over the sidewalks.

(Code 1975, § 36-140; Code 1997, § 110-277)

Sec 48-248 Removal From Sidewalks By Owner

(a) The owner, occupant or person in charge of any building fronting upon or adjoining any street and the owner or person in charge of an unoccupied dwelling or lot fronting any street shall clean the sidewalk in front of or adjoining such building or unoccupied lot or dwelling, as the case may be, of snow and ice from such sidewalk within 48 hours after the precipitation that caused the accumulation of such snow and ice on the sidewalks ceases.

(b) When ice has formed on any sidewalk that it is difficult or impossible to remove, the person referred to in subsection (a) of this section shall keep the sidewalk sprinkled with salt, sand or any other chemical ice remover.

(Code 1975, § 36-139; Code 1997, § 110-278)

Sec 48-249 Costs Charged To Property Owners

The costs of clearing and removal of snow and ice from sidewalks shall be paid out of the city's general fund, which fund shall be reimbursed by the charges to be assessed, as provided in this article against the owners of the lots and parcels of land abutting those portions of the sidewalks from which snow is removed.

(Code 1975, § 36-148; Code 1997, § 110-279)

Sec 48-250 Accounting

The department of engineering and public works shall keep an accurate account of the hourly equipment rental and labor costs of removing snow and ice from sidewalks in front of each lot or parcel of land abutting that portion of a sidewalk from which snow is removed. Such costs, plus an additional charge of 30 percent thereof for equipment repair, supervision and other general expenses and an additional minimum charge of $10.00 for hand shoveling and mechanized work for snow removal from sidewalks shall be charged to the owners of each of such lot or parcel of land. The department shall render statements of such charges to the property owners as soon as practicable.

(Code 1975, § 36-149; Code 1997, § 110-280)

Sec 48-251 Collection

The department of engineering and public works shall file a report with the common council and city finance director/treasurer on or before the first Monday of each November of the snow and ice removal charges remaining unpaid. Unless otherwise ordered by the council, such unpaid charges shall be entered in the tax roll against the lots or parcels of land involved and collected as other taxes are collected.

(Code 1975, § 36-150; Code 1997, § 110-281)

ARTICLE 48-VI BLOCK PARTIES

Sec 48-281 Definitions
Sec 48-282 Penalty
Sec 48-283 Application For Permit
Sec 48-284 Street Closing
Sec 48-285 Responsibilities Of Permittee
Sec 48-286 Permit Hours

Sec 48-281 Definitions

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block party means a gathering of abutting neighbors and their relatives and friends held within a city street right-of-way or other public thoroughfare located within a primarily residential neighborhood that has been temporarily closed for the occasion.

(Code 1997, § 110-311; Ord. No. 61-05-06, § 1, 12-5-2005

Sec 48-282 Penalty

Any violation of or noncompliance with this article shall subject the violator to a forfeiture

of not less than $10.00 nor more than $100.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 15 days.

(Code 1997, § 110-312; Ord. No. 61-05-06, § 1, 12-5-2005)

Sec 48-283 Application For Permit

(a) An application for a block party permit shall specify and include the following:

(1) The time and date during which the street will be closed.

(2) The exact portion of the street to be closed.

(3) A list of all adults who reside or do business on that portion of the street.

(4) A statement that all such adults have been contacted concerning the proposed closing, together with a list of all those who objected to the closing.

(5) A description of the steps that will be taken to ensure the safety of all concerned.

(6) Any other rules promulgated by the common council.

(b) If any person who resides or does business in the blocked-off portion of the street objects to such closing, application for the permit shall be denied.

(Code 1997, § 110-313; Ord. No. 61-05-06, § 1, 12-5-2005)

Sec 48-284 Street Closing

Upon application by a resident of the affected portion of the street, the chief of police may grant a permit to close a definite and limited portion of a city street for a block party in a primarily residential neighborhood. No such permit shall be granted when:

(a) The street sought to be closed or portion thereof is part of the federal, state or county trunk highway system or is a major through street as determined by the chief of police or the chief's designee.

(b) Such closure will, will be likely or will tend to cause unreasonable traffic congestion; result in a disturbance of the peace; or endanger the public health, welfare and safety.

(c) Access to a business place would be hampered.

(Code 1997, § 110-314; Ord. No. 61-05-06, § 1, 12-5-2005)

Sec 48-285 Responsibilities Of Permittee

(a) Acceptance of a permit required by this article shall make the applicant primarily liable for damages to persons or property because of the closing. The city shall not be liable for any damage caused by the street closing.

(b) A permittee issued a permit under this article shall notify the police and fire departments, bus companies and private ambulance services 24 hours prior to the street closing.

(c) The permittee shall be responsible for procurement, placement and maintenance of barricades used to barricade streets under this article.

(d) It shall be unlawful to hold a block party under circumstances where barricades do not completely block off vehicular traffic from the portion of the street being closed by authority of the permit.

(e) If the street is barricaded during hours in which vehicles are required to use headlights, lights and reflectors must be clearly and visibly placed and maintained on the barricades by the permittee, and it shall be unlawful to fail to have such light or reflectors on the barricades.

(f) Music or noise levels must be kept at a reasonable level as not to disturb others. Amplified noise or music is prohibited at block parties.

(g) Upon denial of such application for the permit, an appeal may be made to the common council.

(Code 1997, § 110-315; Ord. No. 61-05-06, § 1, 12-5-2005)

Sec 48-286 Permit Hours

Block parties shall start no earlier than 10:00 a.m. and end no later than 10:00 p.m.

(Code 1997, § 110-316; Ord. No. 61-05-06, § 1, 12-5-2005)

ARTICLE 48-VII HOUSE NUMBERING

Sec 48-306 Penalty
Sec 48-307 Duty Of Department
Sec 48-308 System Established
Sec 48-309 Baselines
Sec 48-310 Initial Numbers
Sec 48-311 Diagonal Streets
Sec 48-312 Assignment Of Block Numbers
Sec 48-313 Assignment Of House Number
Sec 48-314 Extension Of Street To Baseline
Sec 48-315 Survey
Sec 48-316 Plat Book
Sec 48-317 Numbers Generally
Sec 48-318 Location Of Numbers

Sec 48-319 Assignment Of New Numbers

Sec 48-306 Penalty

If the owner or occupant of any building required to be numbered by this article shall neglect for the period of 20 days to duly attach and maintain the proper number on such building, the building inspection department shall serve upon the owner or occupant a notice requiring such owner or occupant to properly number the building. If the owner or occupant neglects to do so within ten days after the service of such notice, the owner or occupant shall be deemed to have violated this article. Upon conviction thereof, the owner or occupant shall forfeit not less than $50.00 nor more than $200.00, together with the costs of prosecution, and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until the forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

(Code 1975, § 36-219; Code 1997, § 110-346; Ord. No. 101-05-06, § 19, 3-20-2006)

Sec 48-307 Duty Of Department

It shall be the duty of the building inspection department to inform any party applying therefor of the number belonging or embraced within the limits of the lot or property, as provided in this article. If there is doubt as to the proper number to be assigned to any lot or building, the city planner shall determine the number of such lot or building.

(Code 1975, § 36-217; Code 1997, § 110-347)

Sec 48-308 System Established

A uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the city is established, and all houses and buildings shall be numbered in accordance with this article.

(Code 1975, § 36-206; Code 1997, § 110-348)

Sec 48-309 Baselines

Pennsylvania Avenue shall constitute the baseline for numbering along all streets running north and south, and Lake Michigan shall constitute the baseline for numbering along all streets running east and west.

(Code 1975, § 36-207; Code 1997, § 110-349)

Sec 48-310 Initial Numbers

The numbering of houses and buildings north and south of Pennsylvania Avenue shall start with 500 North and 500 South. All houses and buildings west of Lake Michigan,

commencing at the most easterly point of the city, shall be numbered commencing with number 1. Variations in the extended corporate limits and the easterly baseline shall be adjusted by the city engineer's office, as provided in this article.

(Code 1975, § 36-208; Code 1997, § 110-350)

Sec 48-311 Diagonal Streets

All buildings and lots on diagonal streets shall be numbered the same as north and south streets if the diagonal runs more from the north to the south, and the same on east and west streets if the diagonal runs more from the east to the west.

(Code 1975, § 36-209; Code 1997, § 110-351)

Sec 48-312 Assignment Of Block Numbers

(a) The numbering for each street shall begin at the baseline.

(1) The numbers within the first north and south block shall be from 500 to 599, and the numbers in each succeeding block shall increase from the baseline in units of 100; namely, the first block shall be 500 to 599, the second block shall be 600 to 699, the third block shall be 700 to 799, etc.

(2) There shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other, and one number shall be assigned to each 20 feet of frontage.

(3) In a block or equivalent space longer than 750 feet which is not intersected by a street, if extended, the total length of space divided by 50 shall be used to determine the feet of frontage assigned to each number.

(b) Where blocks of different lengths occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter blocks, unless the city engineer otherwise determines.

(Code 1975, § 36-210; Code 1997, § 110-352)

Sec 48-313 Assignment Of House Number

(a) All lots and houses shall be numbered, each commencing with the hundred assigned to that block, and shall increase from the baseline one number for each 20 feet of frontage or fraction thereof, except as provided in section 48-312. Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, provided the building is 20 feet or more in width. If the building is not 20 feet or more in width and the entrances are not that far apart, the next consecutive

number shall be marked fractionally. Buildings fronting on two or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.

(b) Where only one number can be assigned to any house or building and the owner, occupant or agent of such house or building desires distinctive numbers for the upper and lower portion of any such house or building or for any part of such house or building fronting on any street, such owner, occupant or agent shall use a suffix, such as A, B, C, etc., as may be required.

(Code 1975, § 36-211; Code 1997, § 110-353)

Sec 48-314 Extension Of Street To Baseline

All streets not extending through to the baseline shall be assigned the same relative numbers as if the street had extended to the baseline.

(Code 1975, § 36-212; Code 1997, § 110-354)

Sec 48-315 Survey

(a) The common council shall cause the necessary survey to be made, and there shall be assigned to each house and building located on any street, avenue, alley or highway in the city its respective number under the uniform system provided for in this article. When the survey shall have been completed and each house and building has been assigned its respective number, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by said person the number assigned under the uniform system provided for in this article.

(b) Any deviation from the uniform system of house numbering provided in this article shall be approved by resolution of the common council.

(Code 1975, § 36-213; Code 1997, § 110-355)

Sec 48-316 Plat Book

For the purpose of facilitating correct numbering under this article, a plat book of all streets, avenues and public highways within the city, showing the proper numbers of all lots or houses fronting upon all streets, avenues or highways, shall be kept on file in the city office engineer. These plats shall be open to inspection of all persons during the office hours of the engineer. Duplicate copies of such plats shall be furnished to the clerk and city planner by the city engineer.

(Code 1975, § 36-216; Code 1997, § 110-356)

Sec 48-317 Numbers Generally

Under this article, the numbers and holders shall be uniform throughout the city. The numbers shall be 2 1/4 inches by 3 1/2 inches, numbered in black enamel upon either white plastic tile or white enameled vitrified tile. Such numbers shall be placed within 20 days after the assigning of the proper number. The cost of the numbers shall be paid by the property owner and shall be procured from the city planner. Replacement of numbers shall be procured from the city and paid for by the property owner.

(Code 1975, § 36-214; Code 1997, § 110-357)

Sec 48-318 Location Of Numbers

Under this article, the numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street. Whenever any building is situated more than 50 feet from the street line, the number of such building shall be conspicuously displayed at the street line, near the walk, driveway or common entrance to such building and upon the gatepost, fence, tree, post or other appropriate place so as to be easily discernible from the sidewalk.

(Code 1975, § 36-215; Code 1997, § 110-358)

Sec 48-319 Assignment Of New Numbers

Whenever any house, building or structure shall be erected or located in the city, after the entire work of establishing a uniform system of house numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to procure the correct number as designated from the building inspection department for the property and to immediately fasten the number so assigned upon the building as provided by this article. No building permit shall be issued for any house, building or structure until the owner has procured from the clerk the official number of the premises.

(Code 1975, § 36-218; Code 1997, § 110-359)

CHAPTER 50 TAXATION

ARTICLE 50-I TAXATION IN GENERAL
ARTICLE 50-II ROOMS OR LODGINGS
ARTICLE 50-III SPECIAL ASSESSMENT PARKING DISTRICTS

State law reference—Power of municipalities to levy taxes generally, Wis. Stats. § 65.07.

ARTICLE 50-I TAXATION IN GENERAL

Sec 50-1 Base Of Assessment And Tax Rolls
Sec 50-2 Penalty On Delinquent Personal Property Taxes
Sec 50-3 Tax Incremental District Financing For Environmental Remediation Programs
Sec 50-4 Confidentiality Of Income And Expense Information
Sec 50-5 Direct Distribution Of Various State Tax Credits

Sec 50-1 Base Of Assessment And Tax Rolls

The assessment and tax rolls, and the matters pertaining thereto, shall be based on the representation wards designated in section 50-3.

(Code 1975, § 2-5; Code 1997, § 114-1)

Sec 50-2 Penalty On Delinquent Personal Property Taxes

(a) Pursuant to the authority of Wis. Stats. § 74.47, the city hereby imposes a penalty of one-half of one percent per month or fraction of a month in addition to the interest prescribed by Wis. Stats. § 74.47 on all overdue or delinquent personal property taxes retained for collection by the city or eventually charged back to the city by the county for the purposes of collection under Wis. Stats. § 74.31.

(b) This penalty of one-half of one percent per month or fraction of a month shall apply to any personal property taxes which are overdue or delinquent on the effective date of January 1, 1984, or which subsequently become overdue or delinquent.

(Code 1975, § 2-13; Code 1997, § 114-2)

Sec 50-3 Tax Incremental District Financing For Environmental Remediation Programs

(a) *Legislative findings.*

(1) Many areas of the city which are in need of development or

redevelopment have been used for purposes which could have resulted in soil contamination and other environmental problems;

(2) State and federal environmental laws and regulations place the responsibility for environmental remediation on the owner of land regardless of whether or not the owner caused or knew of the environmental problem;

(3) Uncertainty regarding environmental liability inhibits both public and private entities from acquiring and improving areas of the city in need of development or redevelopment;

(4) It is in the best interests of the city to encourage and facilitate remediation of environmental problems and economic development; and

(5) Blight elimination, economic development and environmental protection are primary purposes for which tax incremental financing was intended.

(b) *Purpose*. The city may utilize tax incremental financing by creating tax incremental districts for the purpose, undertaking public works and providing assistance to private developers.

(c) *Remediation program*.

(1) *Remediation actions*. The city may utilize any of the following remediation actions:

a. Acquire land, undertake remediation and convey the land to developers;

b. Make grants or loans to assist private developers with remediation costs, or make contributions to the city redevelopment authority (RDA) to enable the RDA to make grants or loans to assist private developers with remediation costs;

c. Establish a fund to reimburse developers for remediation costs incurred by the developer which, after environmental surveying and testing, were discovered and known at the time a project is undertaken and remediated by the developer pursuant to a plan approved by the city; or

d. Establish a fund to assist developers with remediation costs which, after environmental surveying and reasonable testing, were not discovered or could not have been known (e.g., change of law) at the time a project is undertaken.

(2) *Remediation types*.

a. Remediation described in subsections (c)(1)a and b of this section shall be referred to as primary remediation; and

b. Remediation described in subsections (c)(1)c and d of this section shall be referred to as secondary remediation.

(d) *Program discretionary*. Undertaking environmental remediation under this program shall be at the sole discretion of the common council. Primary remediation will only be undertaken for the most meritorious projects. The sole source of funds for secondary remediation assistance shall be positive tax increments generated by a developer's project. Each project, developer and remediation plan will be judged by the criteria set forth below. The common council may reject any or all proposed projects for any reason.

(e) *Project criteria*. The nature and purposes of tax incremental financing requires that the city only undertake projects requiring significant environmental remediation or involving significant economic benefit to the city and other taxing authorities. The significance of environmental remediation shall be evaluated on the basis of the hazard presented by the contaminants and the cost involved in remediation. The significance of economic benefit shall be evaluated on the basis of increased tax base and employment.

(f) *Developer criteria*. Prior to agreeing to provide remediation assistance to the private developer, the city shall consider the financial strength, experience and reputation of the developer and the economic viability of the project. The city may engage independent consultants in this regard or rely on reports, studies or financial commitments provided by the developer.

(g) *Remediation criteria*. Prior to agreeing to provide remediation assistance to a private developer, the city shall require the developer to provide the city with an environmental survey of the property and the remediation plan, including cost estimates and quotations, for the project. The developer must provide the city with copies of EPA/DNR remediation orders, related documents and correspondence. The developer must provide the city with the name of the engineers which designed the remediation and the contractors who will do the work. The city reserves the right to insist that the developer obtain second opinions or quotes and engage other engineers or contractors.

(h) *Development agreements*. Any commitment to provide a developer with environmental remediation assistance shall be pursuant to a development agreement with the city or redevelopment agreement with the RDA. The development/redevelopment agreement may include provisions regarding architectural quality and style. The development/redevelopment agreement may also include provisions which would reimburse or compensate the city for assisting the developer with environmental remediation.

(Code 1997, § 114-3; Ord. No. 12-98-99, § 1, 9-21-1998; Ord. No. 152-98-99, § 1, 4-19-1999)

Sec 50-4 Confidentiality Of Income And Expense Information

Income and expense information obtained by the assessor in the performance of the assessor's duties, such information shall be held by the assessor on a confidential basis, except that the information may be revealed to and used by authorized persons in the discharging of duties imposed by law; in the discharge of duties imposed by the office, including, but not limited to, use by the assessor in performance of official duties of the assessor's office and use by the board of review in performance of its official duties, or pursuant to order of a court. Income and expense information provided to the assessor under Wis. Stats. § 70.47(7)(af), unless a court determines that it is inaccurate, is, per Wis. Stats. § 70.47(7)(af), not subject to the right of inspection and copying under Wis. Stats. § 19.35(1).

(Code 1997, § 114-4; Ord. No. 90-99-00, § 1, 1-21-2000)

Sec 50-5 Direct Distribution Of Various State Tax Credits

The city approves the distribution of the amounts determined under Wis. Stats. § 79.10(4), (5), and (5m), directly to the city as provided under Wis. Stats. § 79.10(7m)(cm)1.a. beginning in 2018 and in all subsequent years until the repeal of this section or such time as the total amounts to be distributed fall below $3,000,000.00.

(Code 1997, § 114-5; Ord. No. 36-17-18, § 1(42-3), 2-19-2018)

ARTICLE 50-II ROOMS OR LODGINGS

Sec 50-29 Definitions
Sec 50-30 Imposition Of Rooms Or Lodging Tax; Rate
Sec 50-31 Quarterly Collection Of Tax
Sec 50-32 Permit Required; Suspension And Revocation
Sec 50-33 Tax Liability On Transfer Of Business
Sec 50-34 Determination Of Tax
Sec 50-35 Audits; Failure To Comply With Request To Audit
Sec 50-36 Delinquent Tax Returns
Sec 50-37 Interest On Unpaid Taxes
Sec 50-38 Failure To Pay Tax
Sec 50-39 Fraudulent Tax Returns
Sec 50-40 General Penalty
Sec 50-41 Security
Sec 50-42 Records To Be Maintained
Sec 50-43 Confidentiality Of Records

Sec 50-29 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Additionally, the words, terms, phrases, and their derivations shall

have the meanings given in Wis. Stats. § 66.0615(1).

Room tax means a tax imposed by this article on the privilege of furnishing, at retail (except sales for resale), rooms or lodging to transients by hotels and motels and other persons furnishing accommodations which are available to the public, including accommodations available or reserved through internet-based networks (collectively, "operators"), irrespective of whether membership is required for use of the accommodations, pursuant to the state law.

Room tax commission means shall mean the room tax commission created by the municipalities within the Sheboygan Area Tourism Zone through that room tax commission and tourism zone agreement dated, November 21, 2016.

Zone shall have the meaning set forth in Wis. Stats. § 66.0615(1)(h), and shall, for the purposes of this article, refer to that geographic area encompassing the city, the Town of Sheboygan, and the Town of Wilson. The term "zone" means a single destination as perceived by the traveling public.

(Code 1997, § 114-36; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-30 Imposition Of Rooms Or Lodging Tax; Rate

(a) Pursuant to Wis. Stats. § 66.0615, there is hereby imposed upon the privilege of furnishing, at retail (except sales for resale) rooms or lodging to transients by hotels and motels and other persons furnishing accommodations that are available to the public, including accommodations available or reserved through internet-based networks, except private residential properties, irrespective of whether membership is required for use of the accommodations, within the city.

(b) Any tax imposed under this section is not subject to the selective sales tax imposed by Wis. Stats. § 77.52(2)(a)(1) and may not be imposed on sales to the federal government and persons listed under Wis. Stats. § 77.54(9a).

(c) Such room tax shall be imposed at the total rate of eight percent on the gross receipts from such retail furnishing of rooms or lodgings within the city.

(d) Operators shall remit all collected room tax revenues to the finance director/treasurer in accordance with the requirements of this article and Wis. Stats. § 66.0615. The proceeds shall then be paid to the room tax commission or its designees or assigns, unless otherwise indicated herein, to be used for the purposes of coordinating tourism promotion and tourism development within the zone.

(Code 1997, § 114-37; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-31 Quarterly Collection Of Tax

(a) This section shall be administered by the finance director/treasurer. The tax imposed for each calendar quarter is due and payable on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the finance director/treasurer by those furnishing at retail such rooms and lodging on or before the same date on which such tax is due and payable. Such return shall show the gross receipts of the preceding calendar quarter from such retail furnishing of rooms or lodging, the amount of taxes imposed for such period, and such other information as the finance director/treasurer deems necessary, provided it is directly related to the tax.

(b) Every person required to file such quarterly returns shall also file an annual calendar year return which shall be filed within 90 days of the close of each calendar year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain certain such additional information as the finance director/treasurer requires, provided it is directly related to the tax. Such annual returns shall be made on forms prescribed by the finance director/treasurer. All annual returns shall be signed by the person required to file a return, or such person's duly authorized agent, but need not be verified by oath.

(Code 1997, § 114-38; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-32 Permit Required; Suspension And Revocation

(a) Every operator under this article shall file with the finance director/treasurer an application for a permit for each place of business that is required to collect room tax hereunder. Every application for a permit shall be made upon a form prescribed by the city and shall set forth the name under which the applicant transacts or intends to transact business, the location of the applicant’s place of business, and such other information as the city requires. The application shall be signed by the owner if a sole proprietor and, if not a sole proprietor, by the person authorized to act on behalf of such sellers. At the time of making an application, the applicant shall pay the city an initial fee of $100.00, and annually thereafter, for each permit. A permit issued hereunder is non-transferable. The permit shall be renewed each year by July 1.

(b) After compliance with subsection (a) of this section, the city clerk shall issue a separate permit to each applicant for each place of business within the city. Such permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. The city clerk shall issue the permit no later than 45 days after application. If the application for a permit is denied, the applicant shall be given written notice of the reasons for denial and shall be given an opportunity to be heard thereon. If the applicant desires a public hearing, the applicant shall file a written request therefor with the city clerk. The law and licensing committee of the common council shall hold a public hearing thereon no later than 30 days following filing

of the request for hearing.

(c) Any permit issued under this article may be suspended or revoked by the common council for a violation of any provision of this article. The permittee shall be given notice of the reasons for the suspension or revocation and opportunity to be heard before the law and licensing committee of the common council for the purpose of determining whether such suspension shall be imposed or whether the permit shall be revoked. Upon sworn, written complaint of the finance director/treasurer filed with the city clerk's office alleging that a person holding a permit under this article has violated this article, the common council shall issue a summons signed by the clerk and directed to any peace officer in the city. The summons shall command the permittee complained of to appear before the law and licensing committee of the common council on a day and place named in the summons, not less than three days and not more than ten days from the date of issuance and show cause why the permit should not be revoked or suspended. The summons and a copy of the complaint shall be served on the permittee at least three days before the time at which the permittee is commanded to appear. Service shall be in the manner provided under Wis. Stats. ch. 801 for service in civil actions in circuit court.

(d) If the permittee does not appear as required by the summons, the allegations of the complaint shall be taken as true; and if the common council or a designated committee of the council finds the allegations sufficient, the permit shall be revoked. The city clerk shall give notice of the revocation to the person whose permit is revoked. If the permittee appears as required by the summons and denies the complaint, both the complainant and the permittee may produce witnesses, cross examine witnesses and be represented by counsel. The permittee shall be provided a written transcript of the hearing at the permittee's expense, upon request. If, upon the hearing, the law and licensing committee of the common council finds the complaint to be true, the permit shall either be suspended or revoked. The city clerk shall give notice of the suspension or revocation to the person whose permit is suspended or revoked. If the law and licensing committee of the common council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. Upon suspension or revocation, the permittee shall surrender the permit to the city clerk's office.

(e) The city clerk shall not issue a new permit during any period of suspension or revocation or to any applicant who is in noncompliance with this article.

(Code 1997, § 114-39; Ord. No. 28-16-17, § 1, 11-21-2016; Ord. No. 6-22-23, § 1, 7-5-2022)

Sec 50-33 Tax Liability On Transfer Of Business

If any person liable for any amount of tax under this article sells their business or stock of goods or quits the business, their successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the

finance director/treasurer that it has been paid or a certificate stating that no amount is due. If a person subject to the tax imposed by this article fails to withhold such amount of tax from the purchase price as required, that person shall become personally liable for payment of the amount required to be withheld to the extent of the price of the accommodations valued in money.

(Code 1997, § 114-40; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-34 Determination Of Tax

If a person required to make a return under this article fails, neglects, or refuses to do so, the finance director/treasurer may determine the tax due under this article according to the finance director/treasurer's best judgment and may require that person to pay the amount of taxes the finance director/treasurer determines to be due, plus interest at the rate of one percent per month on the unpaid balance. No refund or modification of the payment determined may be granted until the person files a correct room tax return and permits the city to inspect and audit the person's financial records.

(Code 1997, § 114-41; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-35 Audits; Failure To Comply With Request To Audit

If the city has probable cause to believe that the correct amount of room tax has not been assessed by any person or that any person's tax return is not correct, the finance director/treasurer may inspect and audit the financial records of that person pertaining to the furnishing of accommodations to determine whether the correct amount of room tax is assessed and whether any room tax return is correct. If a person fails to comply with a request by the finance director/treasurer to inspect and audit financial records pursuant to this article, that person shall be subject to a forfeiture of five percent of the tax due, together with the costs of prosecution.

(Code 1997, § 114-42; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-36 Delinquent Tax Returns

Delinquent tax returns shall be subject to a $25.00 late filing fee. The tax imposed by this article is delinquent if not paid on the last day of the month succeeding the calendar quarter for which the tax was imposed.

(Code 1997, § 114-43; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-37 Interest On Unpaid Taxes

All unpaid taxes under this article shall bear interest at the rate of one percent per month from the due date of the return until the first day of the month following the month in which the tax was paid.

(Code 1997, § 114-44; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-38 Failure To Pay Tax

Any person who fails to pay the room tax prescribed by this article shall be subject to a forfeiture of not less than 15 percent or more than 25 percent of the tax due, together with the costs of prosecution.

(Code 1997, § 114-45; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-39 Fraudulent Tax Returns

If a person files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this article, a penalty of 50 percent shall be added to the tax required to be paid, exclusive of interest and other penalties.

(Code 1997, § 114-46; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-40 General Penalty

Any violation of, or noncompliance with, any of the provisions of this article for which a penalty has not been prescribed in this section shall subject the violator to a forfeiture of not less than $100.00 nor more than $500.00. Any party deemed to have violated any of the provisions of this article shall be obligated to pay the costs of prosecution, in addition to actual attorney fees expended in the course of the enforcement. Each room or unit separately rented or offered for rent, and each day of such rental or offer for rental of such unit shall be a separate violation. In addition, injunctive relief is hereby authorized to discontinue any violation of this article. The city may revoke or suspend any permit issued hereunder for failure to comply with the provisions hereof.

(Code 1997, § 114-47; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-41 Security

If any person fails to timely file a return, as required by this article, or fails to timely pay the tax liability as required by this article, the finance director/treasurer may require such person to place security, not to exceed $5,000.00 with the city.

(Code 1997, § 114-48; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-42 Records To Be Maintained

Every person liable for the tax imposed by this article shall keep or cause to be kept such records, receipts, invoices and other pertinent papers in such form as the finance director/treasurer requires.

(Code 1997, § 114-49; Ord. No. 28-16-17, § 1, 11-21-2016)

Sec 50-43 Confidentiality Of Records

To the extent permitted under the law, the information provided to the city under Wis. Stats. § 66.0615(2), shall remain confidential; provided, however, that the city or any employee thereof may use such information in the discharge of duties imposed by law or of the duties of their office or by order of a court. Persons violating the provisions of this section may be required to forfeit not less than $100.00 nor more than $500.00.

(Code 1997, § 114-50; Ord. No. 28-16-17, § 1, 11-21-2016)

ARTICLE 50-III SPECIAL ASSESSMENT PARKING DISTRICTS

DIVISION 50-III-1 SPECIAL ASSESSMENT PARKING DISTRICTS GENERALLY, (RESERVED)
DIVISION 50-III-2 DISTRICT NO 1
DIVISION 50-III-3 DISTRICT NO 2
DIVISION 50-III-4 DISTRICT NO 3
DIVISION 50-III-5 DISTRICT NO 4
DIVISION 50-III-6 DISTRICT NO 5

DIVISION 50-III-1 SPECIAL ASSESSMENT PARKING DISTRICTS GENERALLY, (RESERVED)

DIVISION 50-III-2 DISTRICT NO 1

Sec 50-92 Definitions
Sec 50-93 Operation And Maintenance
Sec 50-94 Special Assessments Levied
Sec 50-95 Methodology Of Establishing Special Assessments
Sec 50-96 Residential Property Exempted
Sec 50-97 Reduction Of Assessment
Sec 50-98 Collection Of Special Assessments
Sec 50-99 Responsibility For Accumulating Statistical Information

Sec 50-92 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cost of operation and maintenance means expenses, less revenues therefor, of the cost of maintaining and operating public off-street parking facilities within the parking assessment district.

First-floor square footage means the horizontal area of the ground floor of any building located in the parking assessment district measured from the exterior faces of the exterior walls or from the centerline of walls separating buildings.

Off-street parking facilities means those municipally-owned or -controlled parking facilities described as follows:

(a) *Parking Lot 1*. The parking facility located south of and adjacent to the H.C. Prange Department Store, more particularly described as:

The south 101 feet of Lots 9, 10, 11 and 12 of Block 129 of the original plat of the city; and Lots 1, 2, 3, and the north 84 feet of the east 23 feet of Lot 4 of Block 152 of the original plat of the city; and the east 240 feet of that portion of New York Avenue located between the west right-of-way line of North Seventh Street and the east right-of-way line of Plaza 8; and the east 180 feet of the east-west alley in Block 152 of the original plat of the city; and lots 9, 10, 11 and 12 of Block 152 of the original plat of the city.

(b) *Parking Lot 2*. The parking facility located north of and adjacent to the H.C. Prange Department Store, more particularly described as:

Lots 1, 2, 3, 10, 11, 12, and the north 130 feet of lot 4, all in block 105 of the original plat; and Lots 1, 2, 3, the south 74 feet of Lot 4 and the north 146 feet of Lots 9, 10, 11 and 12, all in Block 128 of the original plat; and the east 180 feet of the east-west alley in block 105 of the original plat; and the east 180 feet of that portion of Niagara Avenue located between the west right-of-way line of North Seventh Street and the east right-of-way line of Plaza 8; and the east 240 feet of the east-west alley in Block 128 of the original plat.

(c) *Parking lot 3*. Lot 10 in Block 106 of the original plat of the city (parking lot behind Peoples Apparel).

(d) *Parking lot 4*. Lots 4, 5 and 6 in Block 127 of the original plat of the city (Niagara Avenue parking lot).

(e) *Parking lot 5*. Lots 5, 6, 8 and the north 75 feet of Lot 7 in Block 130 of the original plat of the city (library parking lot).

Parking assessment District No. 1 means that area of the city generally bounded by North Seventh Street on the east, North Ninth Street on the west, Ontario Avenue on the north, and Center Avenue on the south and more particularly described as Blocks 105, 106, 127 through 130, 152, and the north half of Block 151, all in the original plat of the city.

(Code 1975, § 26.5-1; Code 1997, § 106-51)

Sec 50-93 Operation And Maintenance

The operation and maintenance of the city off-street parking facilities located within the parking assessment district shall be made in accordance with and pursuant to the authorization of the common council and in the manner prescribed by it. The parking and

transit utility, under the direction of the parking and transit commission, shall superintend all such operation and maintenance of such off-street parking facilities in the parking assessment district and shall keep the parking facility in good repair.

(Code 1975, § 26.5-2; Code 1997, § 106-52)

Sec 50-94 Special Assessments Levied

In accordance with Wis. Stats. § 66.0829, the city exercises its police power and levies special assessments annually against all benefited property in the parking assessment district for the assessment of the cost of operation and maintenance therefor.

(Code 1975, § 26.5-3; Code 1997, § 106-53; Ord. No. 60-00-01, § 17, 10-2-2000)

Sec 50-95 Methodology Of Establishing Special Assessments

(a) All special assessments levied against benefited property in the parking assessment district shall be determined in the manner prescribed in Wis. Stats. § 66.0703. Notwithstanding section 50-96, such assessments shall be levied on a pro rata basis calculated by using the first-floor square footage of all existing buildings situated on property benefited thereby. Unless otherwise determined by the common council, the preliminary resolution and report required by Wis. Stats. § 66.0703(4) and (5) shall be made by December 31 of each year, and the final resolution and report shall be adopted prior to April 1 of each year.

(b) All special assessments levied against benefited property in the parking assessment district upon which newly constructed buildings are situated shall be assessed on a pro rata basis for the initial year in accordance with the procedure set forth in subsection (a) of this section. Such proration shall be calculated as described in subsection (c) of this section.

(c) To calculate proration amounts, the number of days after completion of construction until the end of the initial year shall be divided by 365; such quotient shall then be multiplied by the annual special assessment determined in subsection (a) of this section. Completion of construction shall be the date when the building is ready for occupancy, as determined by the issuance of an occupancy permit.

(Code 1975, § 26.5-4; Code 1997, § 106-54; Ord. No. 60-00-01, §§ 18, 19, 10-2-2000)

Sec 50-96 Residential Property Exempted

No assessment, as authorized by this division, shall be made against any property used wholly for residential purposes.

(Code 1975, § 26.5-5; Code 1997, § 106-55)

Sec 50-97 Reduction Of Assessment

Private parking spaces within the parking assessment district shall entitle such benefited property to a reduction of special assessments as follows:

A 400-square-foot reduction in first-floor square footage for each allotted parking space (for the average-sized American automobile) owned, operated, maintained and provided for the entire year preceding the levy of the special assessment.

(Code 1975, § 26.5-6; Code 1997, § 106-56)

Sec 50-98 Collection Of Special Assessments

(a) All special assessments levied under this division shall be collected and paid on or before May 1 of each year. Any payment received after May 1 shall be charged interest at the rate of one percent per month or fraction thereof.

(b) All assessments which are not paid shall be extended upon the tax roll with interest accrued through December as a lien against the property, and all proceedings in relation to the collection of real estate taxes shall apply to such special assessment, except as otherwise provided by statute.

(Code 1975, § 26.5-7; Code 1997, § 106-57)

Sec 50-99 Responsibility For Accumulating Statistical Information

(a) The parking and transit utility shall be responsible for determining whether any benefited property located within the parking assessment district shall be entitled to a reduction of assessment pursuant to section 50-97. If any property is entitled to such reduction, the parking and transit utility shall ascertain the amount of the reduction and submit this information, in writing, to the finance director/treasurer prior to the date the preliminary resolution called for in section 50-95 is introduced for action before the common council.

(b) The city assessor shall be responsible for determining and establishing the first-floor square footage of all assessable property located within the parking assessment district in accordance with section 50-95. The city assessor shall submit such information to the finance director/treasurer prior to the date the preliminary resolution referred to in section 50-95 is placed before the common council.

(Code 1975, § 26.5-8; Code 1997, § 106-58)

DIVISION 50-III-3 DISTRICT NO 2

Sec 50-127 Definitions
Sec 50-128 Operation And Maintenance

Sec 50-129 Special Assessments Levied
Sec 50-130 Residential Property Exempted
Sec 50-131 Methodology Of Establishing Special Assessments
Sec 50-132 Reduction Of Assessment
Sec 50-133 Collection Of Special Assessments
Sec 50-134 Responsibility For Accumulating Statistical Information

Sec 50-127 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefited area means the area comprising parking assessment District No. 2.

Cost of operation and maintenance means expenses, less revenues therefor, of the cost of maintaining and operating public off-street parking facilities within the district.

District means parking assessment District No. 2.

Parking assessment District No. 2 means that area of the city bounded by a line described as:

Commencing at the SW corner of Virginia Avenue and South Franklin Street, also described as the NE corner of Lot 1, Block 205 of the original plat of the city; thence west 240 feet along the S.L. of Virginia Avenue to the NW corner of Lot 4, Block 205, original plat (O.P.); thence south 273 feet along the west lot line of Lots 4 and 9, Block 205, O.P.; thence east 50 feet at a right angle to the west lot line of Lot 9, Block 205, O.P.; thence south 125 feet, parallel with such lot line to the S.L. of New Jersey Avenue; thence west 50 feet along such S.L. to the west lot line of Lot 4, Block 211, O.P.; thence south 90 feet along such lot line; thence east 103.12 feet at a right angle to such lot line to the westerly line of South Franklin Street; thence southwesterly 246.89 feet along such westerly line to an intersection with the west lot line of Lot 9, Block 211, O.P. and the N.L. of Maryland Avenue, as originally platted; thence 60 feet south to the S.L. of Maryland Avenue; thence 60 feet east along the such S.L. to the west lot line of Lot 3, Block 234, O.P.; thence south 145 feet, more or less, along such lot line to the northwesterly shore of the Sheboygan River; thence northeasterly downstream along such shore to the N.L. of Virginia Avenue; thence west 245 feet, more or less, along such N.L. to the E.L. of South Franklin Street; thence 80 feet south along extension of such E.L. to the S.L. of Virginia Avenue; thence 66 feet west along such S.L. to the point of beginning. Being a part of the NE 1/4 of the NW 1/4 of section 26, T15N, R23E.

Required number of spaces means the number of off-street parking spaces required by the city zoning regulations as accessory to the permitted use of the relevant property within the benefited area.

(Code 1975, § 26.6-1; Code 1997, § 106-86)

Sec 50-128 Operation And Maintenance

The operation and maintenance of the city off-street parking facilities located within parking assessment District No. 2 shall be in accordance with and pursuant to the authorization of the common council and in the manner prescribed by it. The parking and transit utility, under the direction of the parking and transit commission, shall superintend all such operation and maintenance of such off-street parking facilities in the district and shall keep the parking facilities in good repair.

(Code 1975, § 26.6-2; Code 1997, § 106-87)

Sec 50-129 Special Assessments Levied

In accordance with Wis. Stats. § 66.0829, the city exercises its police power and levies special assessments annually against all benefited property in parking assessment District No. 2 for the cost of operation and maintenance therefor.

(Code 1975, § 26.6-3; Code 1997, § 106-88; Ord. No. 60-00-01, § 20, 10-2-2000)

Sec 50-130 Residential Property Exempted

No assessment, as authorized by this division, shall be made against any property used wholly for residential purposes.

(Code 1975, § 26.6-5; Code 1997, § 106-89)

Sec 50-131 Methodology Of Establishing Special Assessments

(a) All special assessments levied against benefited property in parking assessment District No. 2 shall be determined in the manner prescribed by Wis. Stats. § 66.0703. Such assessments shall be levied on a pro rata basis and shall be calculated by using the minimum number of parking spaces required under the city zoning regulations, depending upon the use to which the buildings within the assessment district are used, and shall be calculated using the following formula:

$$\frac{\text{Cost of Operation and Maintenance for the Calendar Year Preceding the Levy}}{\text{Total Number of Public Off-Street Parking Spaces Within the District}}$$

Unless otherwise determined by the common council, the preliminary resolution and report required by Wis. Stats. § 66.0703(4) and (5) shall be made by December 31 of each year, and the final resolution and report shall be adopted prior to April 1 of each year.

(b) All special assessments levied against benefited property in the district upon which newly constructed buildings are situated or upon which there is a change

of use during the year which the city zoning regulations requires a different number of off-street parking spaces shall be assessed on a pro rata basis for the year in accordance with the procedure set forth in subsection (a) of this section. The required number of off-street parking spaces for a benefited property in these circumstances shall be computed using the following formula:

Required Off-Street Parking Spaces for First Use	x	No. of Days Property Subject to First Use 365	+
Required Off-Street Parking Spaces for Second Use	x	No. of Days Property Subject to Second Use 365	+
(Same formula to be applied for each additional use)			

Resulting fractions shall be rounded off to the nearest whole number.

(c) For the purposes of determining the number of days the property was subject to a particular use, the permitted use to which a property is put shall be deemed to remain unchanged until such time as the property is put to a different permitted use.

(Code 1975, § 26.6-4; Code 1997, § 106-90; Ord. No. 60-00-01, §§ 21, 22, 10-2-2000)

Sec 50-132 Reduction Of Assessment

Private parking spaces within parking assessment District No. 2 which are owned, operated, maintained and provided for the entire year preceding the levy of the special assessment by a benefited property shall entitle such benefited property to a reduction in the special assessment by reducing on a one-to-one basis the minimum number of off-street parking spaces required by the city zoning regulations for the purposes of calculating the year's special assessment.

(Code 1975, § 26.6-6; Code 1997, § 106-91)

Sec 50-133 Collection Of Special Assessments

(a) All special assessments levied under this division shall be collected and paid on or before May 1 of each year. Any payments received after May 1 shall be charged interest at the rate of one percent per month or fraction thereof.

(b) All assessments which are not paid shall be extended upon the tax roll, with interest accrued through December, as a lien against the property, and all proceedings in relation to the collection of real estate taxes shall apply to such special assessment except as otherwise provided by statute.

(Code 1975, § 26.6-7; Code 1997, § 106-92)

Sec 50-134 Responsibility For Accumulating Statistical Information

(a) The parking and transit utility shall be responsible for determining whether any benefited property located within parking assessment District No. 2 shall be entitled to a reduction of assessment pursuant to section 50-132. If any property is entitled to such reduction, the parking and transit utility shall ascertain the amount of the reduction and submit this information, in writing, to the finance director/treasurer prior to the date the preliminary resolution called for in section 50-131 is introduced for action before the common council.

(b) The director of city development shall be responsible for determining and establishing the minimum number of required off-street parking spaces accessory to each benefited property in accordance with section 50-131. The director of city development shall submit such information to the finance director/treasurer prior to the date the preliminary resolution referred to in section 50-131 is placed before the common council.

(Code 1975, § 26.6-8; Code 1997, § 106-93)

DIVISION 50-III-4 DISTRICT NO 3

Sec 50-152 Definitions
Sec 50-153 Operation And Maintenance
Sec 50-154 Special Assessments Levied
Sec 50-155 Methodology Of Establishing Special Assessments
Sec 50-156 Residential Property Exempted
Sec 50-157 Reduction Of Assessment
Sec 50-158 Collection Of Special Assessments

Sec 50-152 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefited area means the area comprising parking assessment District No. 3.

Cost of operation and maintenance means expenses, less revenues therefor, of the cost of maintaining and operating public off-street parking facilities within the district.

District means parking assessment District No. 3.

Parking assessment District No. 3 means that area of the city bounded by a line described as follows:

Beginning at the SE corner of Block 181, original plat, city; thence N. 89°59′11″ W. along the N.L. of Virginia Avenue, a distance of 346.70 feet to a point on the E.L. of South

Eighth Street; thence the following bearings and distances along such E.L., N. 00°18′50″ W. 150.71 feet to a point of curvature, northeasterly along the arc of a curve to the right, 235.51 feet, such curve having a radius of 180.11 feet and a main chord which bears N. 37°08′43″ E., 219.09 feet to a point of tangency, N. 74°36′16″ E., 83.81 feet to a point of curvature, northeasterly along the arc of a curve to the left 298.50 feet, such curve having a radius of 291.00 feet and a main chord which bears N. 45°13′09″ E., 285.58 feet to a point on the S.L. of a public alley; thence S. 89°46′30″ E. along the S.L. 373.82 feet to a point on the W.L. of South Franklin Street; thence the following bearing and distances along such W.L., southwesterly along the arc of a curve to the right, 210.88 feet, such curve having a radius of 155.00 feet and a main chord which bears S. 42°59′55″ W., 194.99 feet to a point of tangency, S. 81°58′25″ W., 36.11 feet to a point of curvature, southwesterly along the arc of a curve to the left, 455.89 feet, such curve having a radius of 318.00 feet and a main chord which bears S. 40°54′16″ W., 417.84 feet to a point of tangency, S. 00°09′55″ E., 83.92 feet to the point of beginning, and also;

Part of Blocks 179, 180 and 313 and various vacated streets and alleys, original plat of the City of Sheboygan, Sheboygan County, Wisconsin, described as follows:

Commencing at the SE corner of Block 181, original plat, city; thence S. 89°59′11″ E., 66.00 feet to a point on the E. R.O.W. line of South Franklin Street, such point being the point of beginning; thence from such point of beginning, the following bearings and distances along such E.L., N. 00°09′55″ W., 84.13 feet to a point of curvature, northeasterly along the arc of a curve to the right, 361.27 feet, such curve having a radius of 252.00 feet and a main chord which bears N. 40°54′15″ E., 331.12 feet to a point of tangency, N. 81°58′25″ E., 36.11 feet to a point of curvature, northeasterly along the arc of a curve to the left, 245.48 feet, such curve having a radius of 221.00 feet and a main chord which bears N. 50°04′41″ E., 233.54 feet; thence S. 88°18′09″ E., 47.02 feet; thence S. 01°18′04″ W., 97.80 feet; thence S. 02°48′37″ E., 51.64 feet; thence S. 40°05′32″ W., 32.66 feet; thence S. 85°07′12″ W., 20.49 feet; thence S. 05°06′45″ E., 20.05 feet; thence S. 40°26′04″ W., 53.05 feet; thence S. 34°24′03″ W., 62.22 feet; thence S. 78°04′05″ W., 20.49 feet; thence S. 10°51′01″ E., 20.31 feet; thence S. 34°06′38″ W., 113.89 feet; thence S. 78°57′06″ W., 19.53 feet; thence S. 08°33′46″ E., 20.27 feet; thence S. 34°23′40″ W., 70.30 feet to a point on the N.L. of Virginia Avenue; thence N. 89°58′11″ W. along such N.L. 233.56 feet to the point of beginning.

(Code 1975, § 26.7-1; Code 1997, § 106-121)

Sec 50-153 Operation And Maintenance

The operation and maintenance of the city off-street parking facilities located within parking assessment District No. 3 shall be in accordance with and pursuant to the authorization of the common council and in the manner prescribed by it. The parking and transit utility, under the direction of the parking and transit commission, shall superintend the operation and maintenance of such off-street parking facilities in the district and shall keep the parking facilities in good repair.

(Code 1975, § 26.7-2; Code 1997, § 106-122)

Sec 50-154 Special Assessments Levied

In accordance with Wis. Stats. § 66.0829, the city exercises its police power and levies special assessments annually against all benefited property in parking assessment District No. 3 for the following:

(a) The cost of operation and maintenance thereof; and

(b) Over a ten-year period, the acquisition costs, if any, and the capital improvement costs.

(Code 1975, § 26.7-3; Code 1997, § 106-123; Ord. No. 60-00-01, § 23, 10-2-2000)

Sec 50-155 Methodology Of Establishing Special Assessments

(a) All special assessments levied against benefited property in parking assessment District No. 3 shall be determined in the manner prescribed by Wis. Stats. § 66.0703. Such assessments shall be levied on a pro rata basis calculated by using the square footage of all of the floor area of all buildings situated on real property benefited thereby.

(b) Unless otherwise determined by the common council, the preliminary resolution and report required by Wis. Stats. § 66.0703(4) and (5) shall be made by December 31 of each year and the final resolution and report shall be adopted prior to April 1 of each year.

(Code 1975, § 26.7-4; Code 1997, § 106-124; Ord. No. 60-00-01, §§ 24, 25, 10-2-2000)

Sec 50-156 Residential Property Exempted

No assessment, as authorized by this division, shall be made against any property used wholly for residential purposes.

(Code 1975, § 26.7-5; Code 1997, § 106-125)

Sec 50-157 Reduction Of Assessment

Private parking spaces within parking assessment District No. 3 which are owned, operated, maintained and provided for the entire year preceding the levy of the special assessment by a benefited property shall entitle such benefited property to a reduction in the special assessment by reducing the special assessment in a manner deemed appropriate by the parking and transit commission. If any property is entitled to such reduction, the parking and transit commission shall ascertain the amount of the reduction and submit this information, in writing, to the finance director/treasurer prior to the date the preliminary resolution called for in section 50-155 is introduced for action before the

common council.

(Code 1975, § 26.7-6; Code 1997, § 106-126)

Sec 50-158 Collection Of Special Assessments

(a) All special assessments levied under this division shall be collected and paid on or before May 1 of each year. Any payments received after May 1 shall be charged interest at the rate of one percent per month or fraction thereof.

(b) All assessments which are not paid shall be extended upon the tax roll with interest accrued through December as a lien against the property, and all proceedings in relation to the collection of real estate taxes shall apply to such special assessment, except as otherwise provided by statute.

(Code 1975, § 26.7-7; Code 1997, § 106-127)

DIVISION 50-III-5 DISTRICT NO 4

Sec 50-185 Definitions
Sec 50-186 Operation And Maintenance
Sec 50-187 Special Assessments Levied
Sec 50-188 Methodology Of Establishing Special Assessments
Sec 50-189 Residential Property Exempted
Sec 50-190 Collection Of Special Assessments

Sec 50-185 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefited area means the area comprising parking assessment District No. 4.

Cost of operation and maintenance means expenses, less revenues therefor, of the cost of maintaining and operating public off-street parking facilities within the district.

District means parking assessment District No. 4.

Parking assessment District No. 4 means that area of the city bounded by a line described as follows:

Commencing at the intersection of the centerline of South 12th Street with the south right-of-way of Clara Avenue; thence west to the northwest corner of Lot 1, Block 6, Assessment Subdivision No. 19; thence south to the southwest corner of Lot 48, Block 6, Assessment Subdivision No. 19; thence east to the southeast corner of such Lot 48; thence south to the southeast corner of Lot 46, Block 6, Assessment Subdivision No. 19;

thence west to the southwest corner of such Lot 46; thence south to the southwest corner of Lot 43, Block 6, Assessment Subdivision No. 19; thence west to the northwest corner of Lot 40, Block 6, Assessment Subdivision No. 19; thence south to the southwest corner of such lot; thence east to the northeast corner of Lot 39, Block 6, Assessment Subdivision No. 19; thence south to the southeast corner of Lot 35, Block 6, Assessment Subdivision No. 19; thence east to the southeast corner of Lot 2, Block 7, Assessment Subdivision No. 19; thence north to the northeast corner of such Lot 2; thence east to the northeast corner of Lot 1, Block 7, Assessment Subdivision No. 19; thence south along the east line of such Lot 1 to a point in such east line opposite the westerly extension of the south line of Lot 17, Block 8, Assessment Subdivision No. 19; thence east to the southeast corner of such Lot 17; thence north to the northeast corner of Lot 15, Block 8, Assessment Subdivision No. 19; thence west along the north line of such Lot 15 to the centerline of South 12th Street; thence north along such centerline to point of beginning.

Required number of spaces means the number of off-street parking spaces required by the city zoning regulations as accessory to the permitted use of the relevant property within the benefited area.

(Code 1975, § 26.8-1; Code 1997, § 106-156)

Sec 50-186 Operation And Maintenance

The operation and maintenance of the city off-street parking facilities located within parking assessment District No. 4 shall be in accordance with and pursuant to the authorization of the common council and in the manner prescribed by it. The parking and transit utility, under the direction of the parking and transit commission, shall superintend all such operation and maintenance of such off-street parking facilities in the district and shall keep the parking facilities in good repair.

(Code 1975, § 26.8-2; Code 1997, § 106-157)

Sec 50-187 Special Assessments Levied

In accordance with Wis. Stats. § 66.0829, the city exercises its police power and levies special assessments annually against all benefitted property in parking assessment District No. 4 for the cost of acquisition, operation and maintenance therefor.

(Code 1975, § 26.8-3; Code 1997, § 106-158; Ord. No. 60-00-01, § 26, 10-2-2000)

Sec 50-188 Methodology Of Establishing Special Assessments

(a) All special assessments levied against benefited property in parking assessment District No. 4 shall be determined in the manner prescribed by Wis. Stats. § 66.0703. Notwithstanding such manner of determination, it has been determined that the primary users of the parking lot will be assessed, at least initially, in the following manner:

Primary User	*Percent of Assessment*
Tenant in Rutkauskas Building	33
Ramm-Ziegler Funeral Home	27
H&R Block Office	10
Van De Kreeke & Sorenson, CPA	10
Al & Al's	10
Haack's Factory Outlet	5
Olson's Floral Shop	5
=	100

(b) Unless otherwise determined by the common council, the preliminary resolution and report required by Wis. Stats. § 66.0703(4) and (5) shall be made by December 31 of each year, and the final resolution and report shall be adopted prior to April 1 of each year.

(Code 1975, § 26.8-4; Code 1997, § 106-159; Ord. No. 60-00-01, §§ 27, 28, 10-2-2000)

Sec 50-189 Residential Property Exempted

No assessment, as authorized by this division, shall be made against any property used wholly for residential purposes.

(Code 1975, § 26.8-5; Code 1997, § 106-160)

Sec 50-190 Collection Of Special Assessments

(a) All special assessments levied under this division shall be collected and paid on or before May 1 of each year. Any payments received after May 1 shall be charged interest at the rate of one percent per month or fraction thereof.

(b) All assessments which are not paid shall be extended upon the tax roll with interest accrued through December as a lien against the property, and all proceedings, in relation to the collection of real estate taxes, shall apply to such special assessment except as otherwise provided by statute.

(Code 1975, § 26.8-6; Code 1997, § 106-161)

DIVISION 50-III-6 DISTRICT NO 5

Sec 50-219 Definitions
Sec 50-220 Operation And Maintenance

Sec 50-221 Special Assessments Levied
Sec 50-222 Residential Property Exempted
Sec 50-223 Methodology Of Establishing Special Assessments
Sec 50-224 Reduction Of Assessment
Sec 50-225 Collection Of Special Assessments
Sec 50-226 Responsibility For Accumulating Statistical Information

Sec 50-219 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Benefited area means the area comprising parking assessment District No. 5.

Cost of operation, maintenance and replacement means expenses, less revenues therefor, of the cost of maintaining, operating and replacing public off-street parking facilities and the public promenade within the district and interest on any unpaid capital cost for the facilities.

District means parking assessment District No. 5.

Parking assessment District No. 5 means that area of the city described as:

Lots 1 through 9 and Lot 11, South Pier Subdivision, City of Sheboygan, Wisconsin.

Public promenade means the walkway and other public improvements within Lot 1, South Pier subdivision.

Required number of spaces means the number of off-street parking spaces required for the particular land use of the relevant property within the benefited area as set forth in chapter 105, article III.

Resort project means the resort hotel, indoor water park, family entertainment center, and/or restaurant situated on Lot 11, South Pier subdivision.

(Code 1997, § 106-171; Ord. No. 54-04-05, § 1, 3-7-2005)

Sec 50-220 Operation And Maintenance

The operation and maintenance of the city off-street parking facilities and public promenade located within parking assessment District No. 5 shall be in accordance with and pursuant to the authorization of the common council and in the manner prescribed by it. The parking and transit utility, under the direction of the parking and transit commission, shall superintend all such operation and maintenance of such off-street parking facilities and public promenade in the district and shall keep same in repair.

(Code 1997, § 106-172; Ord. No. 54-04-05, § 1, 3-7-2005)

Sec 50-221 Special Assessments Levied

In accordance with Wis. Stats. § 66.0829, the city exercises its police power and levies special assessments annually against all privately leased benefited property in parking assessment District No. 5 for the cost of operation, maintenance and replacement thereof and, over a 20-year period, the capital improvement costs thereof.

(Code 1997, § 106-173; Ord. No. 54-04-05, § 1, 3-7-2005)

Sec 50-222 Residential Property Exempted

No assessment, as authorized by this division, shall be made against any property used wholly for residential purposes.

(Code 1997, § 106-174; Ord. No. 54-04-05, § 1, 3-7-2005)

Sec 50-223 Methodology Of Establishing Special Assessments

(a) All special assessments levied against benefited property in parking assessment District No. 5 shall be determined in the manner prescribed by Wis. Stats. § 66.0703. Such assessments shall be levied on a pro rata basis and shall be calculated by using the minimum number of parking spaces required under chapter 105, article 105-III, depending upon the use to which the buildings within the assessment district are used, and shall be calculated using the following formula:

(1) *Lots 2 through 9*.

a. Total cost of operation and maintenance for the calendar year preceding the levy divided by the total number of public off-street parking spaces within the district multiplied by the required number of parking spaces for the benefited property.

b. Notwithstanding the foregoing, the aggregate costs paid by the benefited properties within Lots 2 through 9, collectively, shall not exceed 75 percent of the total costs assessed in the district, and to the extent the aggregate amount assessed against the benefited properties within Lots 2 through 9, collectively, will exceed 75 percent of the total, then the amount paid by each benefited property within Lots 2 through 9 shall be reduced proportionately.

(2) *Lot 11 (the Resort Project)*. The owner of the Resort Project shall be assessed for and pay the balance of all costs not assessed to the benefited properties in Lots 2 through 9, Plat of South Pier, so that 100 percent of all costs assessed in parking assessment District No. 5 are

paid each year by the benefited properties in Lots 2 through 9 and Lot 11. Notwithstanding the foregoing, the Resort Project on Lot 11 shall pay not less than 25 percent of the total costs assessed each year in assessment District No. 5.

(3) *Report to be made and adopted, when*. Unless otherwise determined by the common council, the preliminary resolution and report required by Wis. Stats. § 66.0703(4) and (5) shall be made by December 31 of each year, and the final resolution and report shall be adopted prior to April 1 of each year.

(b) All special assessments levied against benefited property in the district upon which newly constructed buildings are situated or upon which there is a change of use during the year which the city zoning regulations requires a different number of off-street parking spaces shall be assessed on a pro rata basis for the year in accordance with the procedure set forth in subsection (a) of this section. The required number of off-street parking spaces for a benefited property in these circumstances shall be computed using the following formula:

Required off-street parking spaces for first use	x	No. of days property subject to first use 365	+
Required off-street parking spaces for second use	x	No. of days property subject to second use 365	+
(Same formula to be applied for each additional use)			

Resulting fractions shall be rounded off to the nearest whole number.

(c) For the purpose of determining the number of days the property was subject to a particular use, the permitted use to which a property is put shall be deemed to remain unchanged until such time as the property is put to a different permitted use.

(Code 1997, § 106-175; Ord. No. 54-04-05, § 1, 3-7-2005)

Sec 50-224 Reduction Of Assessment

Private parking spaces within parking assessment District No. 5 which are leased, operated, maintained and provided for the entire year preceding the levy of the special assessment by a benefited property shall entitle such benefited property to a reduction in the special assessment by reducing on a one-to-one basis the minimum number of off-street parking spaces required by the city zoning regulations for the purposes of calculating the year's special assessment.

(Code 1997, § 106-176; Ord. No. 54-04-05, § 1, 3-7-2005)

Sec 50-225 Collection Of Special Assessments

(a) All special assessments levied under this division shall be collected and paid on or before May 1 of each year. Any payments received after May 1 shall be charged interest at the rate of one percent per month or fraction thereof.

(b) All assessments which are not paid shall be extended upon the tax roll with interest accrued through December as a lien against the property, and all proceedings in relation to the collection of real estate taxes shall apply to such special assessment except as otherwise provided by statute.

(Code 1997, § 106-177; Ord. No. 54-04-05, § 1, 3-7-2005)

Sec 50-226 Responsibility For Accumulating Statistical Information

(a) The parking and transit utility shall be responsible for determining whether any benefited property located within parking assessment District No. 5 shall be entitled to a reduction of assessment pursuant to section 50-224. If any property is entitled to such reduction, the parking and transit utility shall ascertain the amount of the reduction and submit this information, in writing, to the finance director/treasurer prior to the date the preliminary resolution called for in section 50-225 is introduced for action before the common council.

(b) The director of city development shall be responsible for determining and establishing the minimum number of required off-street parking spaces accessory to each benefited property in accordance with section 50-225. The director of city development shall submit such information to the finance director/treasurer prior to the date the preliminary resolution referred to in section 50-225 is placed before the common council.

(Code 1997, § 106-178; Ord. No. 54-04-05, § 1, 3-7-2005)

CHAPTER 52 TRAFFIC AND VEHICLES

ARTICLE 52-I TRAFFIC AND VEHICLES IN GENERAL
ARTICLE 52-II ADMINISTRATION AND ENFORCEMENT
ARTICLE 52-III MOTOR VEHICLES REGISTRATION FEES
ARTICLE 52-IV STOPPING, STANDING AND PARKING
ARTICLE 52-V ABANDONED VEHICLES
ARTICLE 52-VI TRUCK ROUTES
ARTICLE 52-VII SNOWMOBILES
ARTICLE 52-VIII CYCLES, SCOOTERS AND PLAY VEHICLES
ARTICLE 52-IX RAILROADS
ARTICLE 52-X PARADES AND PROCESSIONS

State law references—Vehicle regulation authorities of local authorities, Wis. Stats. § 349.01 et seq.; Rules of the Road, Wis. Stats. § 346.01 et seq.

ARTICLE 52-I TRAFFIC AND VEHICLES IN GENERAL

Sec 52-1 State Traffic Laws Adopted
Sec 52-2 Definitions
Sec 52-3 Penalties For Violation Of Chapter
Sec 52-4 Ratification Of Existing Traffic-Control Signs, Signals, Devices And Markings
Sec 52-5 Operation Of Motor Vehicles
Sec 52-6 Vehicles Creating Unnecessary And Annoying Noise
Sec 52-7 Vehicles On Sidewalks; Obstructing Passage
Sec 52-8 Load Limits On Unimproved Streets
Sec 52-9 Standing Water Conditions Requiring Reduced Vehicle Speed
Sec 52-10 Neighborhood Electric Vehicles

Sec 52-1 State Traffic Laws Adopted

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. chs. 340 to 348, and the Wis. Admin. Code ch. TRANS. 305, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted by reference in this section and made a part of this chapter. Any future amendments, revisions or modifications of the statutes or administrative code sections incorporated in this section are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the state.

(Code 1975, § 38-1; Code 1997, § 118-1; Ord. No. 15-98-99, § 1, 6-15-1998; Ord. No. 52-03-04, § 1, 12-1-2003)

Sec 52-2 Definitions

Except as otherwise provided in this chapter, the definitions of Wis. Stats. § 340.01, adopted by reference in section 52-1, shall apply to this chapter. In addition, the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Trailer means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle but does not include a mobile home.

Truck means any vehicle designed or operated for the transport of property.

Truck tractor means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(Code 1975, § 38-54(b); Code 1997, § 118-2)

Sec 52-3 Penalties For Violation Of Chapter

(a) *Forfeiture penalty*. The penalty for violation of any provision of this chapter shall be a forfeiture as provided in this section, together with the costs of prosecution and the penalty assessments imposed by law. Payment of the judgment may be suspended by the sentencing judge for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution and penalty imposed for violation of any provision of this chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding 90 days.

(b) *Penalties for certain sections*. A violation of any of the following sections shall subject the violator to the forfeitures as set forth, together with the costs of prosecution, and, in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of the terms stated:

(1) A forfeiture of not more than $25.00 and, in default of payment thereof, imprisonment for not exceeding five days, for a violation of section 52-7(b).

(2) A forfeiture of not less than $30.00 nor more than $50.00 and, in default of payment thereof, imprisonment for not exceeding five days, for a violation of section 52-7(a).

(3) A forfeiture of not less than $25.00 nor more than $100.00 and, in default of payment thereof, imprisonment for not exceeding 30 days, for a violation of section 52-8.

(4) A forfeiture of not less than $50.00 nor more than $250.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days for a violation of section 52-376.

(5) A forfeiture of not less than $50.00 nor more than $250.00, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days for a violation of section 52-376.

(c) *Other sanctions*. Nothing in this section shall preclude or affect the power of the sentencing court to exercise additional authorities granted by state statutes to suspend or revoke the operating privileges of the defendant or to order the defendant to submit to assessment and rehabilitation or attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

(d) *Forfeitures for uniform traffic offenses*. Forfeitures for violations of any traffic regulation set forth in the state statutes adopted by reference in section 52-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable state statute, including any variations or increases for subsequent offenses. However, this subsection shall not permit prosecution under this chapter of any offense for which an imprisonment penalty or fine may be imposed upon the defendant.

(e) *General penalty*. A violation of any of the provisions of this chapter or of any order, rule or regulation promulgated under the authority of this chapter for which no penalty has been provided in this chapter shall subject the violator to a forfeiture of not less than $50.00 nor more than $500.00, together with the costs of prosecution, and in default of payment thereof to imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed 90 days.

(Code 1975, §§ 26-1, 36-1, 38-2; Code 1997, § 118-3; Ord. No. 101-05-06, §§ 20, 21, 3-20-2006)

Sec 52-4 Ratification Of Existing Traffic-Control Signs, Signals, Devices And Markings

The common council expressly ratifies and confirms all traffic-control signs, signals, devices and markings in place on the date of adoption of the ordinance from which this chapter is derived.

(Code 1997, § 118-4)

Sec 52-5 Operation Of Motor Vehicles

The operation of motor vehicles within the city, other than in designated areas or where permitted by the rules of the road of the state statutes, is prohibited.

(Code 1975, § 38-9; Code 1997, § 118-5)

Sec 52-6 Vehicles Creating Unnecessary And Annoying Noise

No person shall make unnecessary and annoying noise with a motor vehicle by squealing tires or the excessive acceleration of the engine. A violation of any of the provisions of this section shall subject the violator to a forfeiture of not less than $30.00 and not more than $50.00, and in default of payment thereof, imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed ten days.

(Code 1975, § 38-10; Code 1997, § 118-6)

Sec 52-7 Vehicles On Sidewalks; Obstructing Passage

(a) No person shall ride or drive any motorcycle, motorbike, automobile or other vehicle of any kind or description, except bicycles as defined in section 52-400, on any sidewalks or in any public park of the city, except mechanized snow removal equipment weighing not more than 5,000 pounds, and except park equipment used for construction and park service work.

(b) No person shall park or stand any vehicle of any kind or description on any street, sidewalk, alley, wharf, dock or park within the city in such a manner as to encumber the same or prevent the free passage thereover, except mechanized snow removal equipment weighing not more than 5,000 pounds, and except park equipment used for construction and park service work.

(Code 1975, § 36-2; Code 1997, § 118-7)

Sec 52-8 Load Limits On Unimproved Streets

The department of engineering and public works shall establish emergency load limits upon any unimproved street whenever soil, water, frost, road surface or subsurface conditions indicate that continued use of such road would cause additional expense to the city. The department shall erect adequate signs indicating that such street has a load limit and specifying the amount of the limit.

(Code 1975, § 36-3; Code 1997, § 118-8)

Sec 52-9 Standing Water Conditions Requiring Reduced Vehicle Speed

(a) Consistent with Wis. Stats. § 346.57(2), (3), the operator of every vehicle shall drive at an appropriate reduced speed when approaching and crossing standing water upon any street so as to not create a wake in standing water which causes damage to private or public property.

(b) *Penalty*. Forfeitures for violation of this section shall conform to the forfeiture penalty permitted to be imposed for violations of Wis. Stats. § 346.57(3),

including any variations or increases for subsequent violations.

(Code 1997, § 118-9; Ord. No. 12-01-02, § 1, 7-2-2001)

Sec 52-10 Neighborhood Electric Vehicles

(a) The term "neighborhood electric vehicle (NEV)" means neighborhood electric vehicle as defined in Wis. Stats. § 340.01(36r) and currently registered and licensed by the state department of transportation.

(b) Individuals may operate an NEV on or across the following streets:

(1) Any street within the jurisdictional limits of the city having a posted speed limit of 35 miles per hour or less that is not a part of the State Trunk Network.

(2) Any street within the jurisdictional limits of the city having a posted speed limit of 35 miles per hour or less that is a part of the State Trunk Network, except:

a. On State Highway 23, NEV use and crossing is prohibited west of North 29th Street.

b. On State Highway 42, NEV use and crossing is prohibited northwest of the Pigeon River Bridge.

(c) The operation of NEVs shall comply with all traffic statutes and ordinances applicable to vehicles traveling upon streets and highways in the city.

(d) Any person operating an NEV within the jurisdictional limits of city shall hold a valid state driver's license.

(Code 1997, § 118-10; Ord. No. 48-08-09, § 1, 11-17-2008)

ARTICLE 52-II ADMINISTRATION AND ENFORCEMENT

Sec 52-39 Stipulation Of Guilt Or No Contest
Sec 52-40 Deposits
Sec 52-41 Notice Of Demerit Points And Receipt
Sec 52-42 Forfeitures In Treasury; Officer To Post Bond And Qualify By Oath
Sec 52-43 Applicable Court Procedures
Sec 52-44 Police To Direct Traffic
Sec 52-45 Emergency Regulations
Sec 52-46 Traffic Courtesy Stickers
Sec 52-47 Officer May Move Vehicles
Sec 52-48 Crosswalk Designations
Sec 52-49 Erection Of Official Signs
Sec 52-50 Certain Signs Prohibited

Sec 52-51 Neighborhood Signs
Sec 52-52 Police Traffic Division

Sec 52-39 Stipulation Of Guilt Or No Contest

Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with Wis. Stats. § 66.0114(1)(b), whenever the provisions of Wis. Stats. § 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under Wis. Stats. § 345.11 and may be accepted within five days of the date of the alleged violation. Stipulations may be accepted by the clerk of county court or the city police department.

(Code 1975, § 38-3; Code 1997, § 118-41; Ord. No. 60-00-01, § 37, 10-2-2000)

Sec 52-40 Deposits

Any person stipulating guilt or no contest under section 52-39 must make the deposit required under Wis. Stats. § 345.26, or, if the deposit is not established under such state statute, shall deposit a forfeited penalty as provided in the schedule established by the chief of police and approved by the common council. Deposits may be brought or mailed to the office of the police department (clerk of county court) as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the city finance director/treasurer.

(Code 1975, § 38-4; Code 1997, § 118-42)

Sec 52-41 Notice Of Demerit Points And Receipt

Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate, as provided in Wis. Stats. § 345.26(3)(b). Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of Wis. Stats. §§ 343.28, 345.26(1)(a) and 345.27(2), and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Wis. Stats. § 345.11.

(Code 1975, § 38-5; Code 1997, § 118-43)

Sec 52-42 Forfeitures In Treasury; Officer To Post Bond And Qualify By Oath

Any officer accepting deposits or forfeited penalties under this chapter shall deliver them to the city finance director/treasurer within 20 days after receipt. Any officer authorized to accept deposits under Wis. Stats. § 345.26 or this chapter shall qualify by taking the oath prescribed by Wis. Stats. § 19.01 and filing an official bond in the sum of $5,000.00 as described by Wis. Stats. § 19.01.

(Code 1975, § 38-6; Code 1997, § 118-44)

Sec 52-43 Applicable Court Procedures

Except as otherwise specifically provided by the laws of the state or the provisions of this chapter, the traffic regulations in this chapter shall be enforced in the county circuit court in accordance with the provisions of Wis. Stats. §§ 66.0114 and 345.20(2)(a) and Wis. Stats. ch. 799.

(Code 1975, § 38-11; Code 1997, § 118-45; Ord. No. 60-00-01, § 38, 10-2-2000)

Sec 52-44 Police To Direct Traffic

The police department shall enforce the provisions of this chapter. Officers of the department shall direct all traffic either in person or by means of visible or audible signals; provided, however, that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of either the police or fire departments may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

(Code 1975, § 38-21; Code 1997, § 118-46)

Sec 52-45 Emergency Regulations

The police department may make and enforce regulations necessary to make effective the provisions of this chapter, and to make and enforce temporary regulations to cover emergencies or special conditions.

(Code 1975, § 38-22; Code 1997, § 118-47)

Sec 52-46 Traffic Courtesy Stickers

The chief of police or the chief's designated subordinate may authorize and regulate the issuance of traffic courtesy stickers for the convenience of guests and visitors to the city. However, it shall be unlawful for any other person or agency to issue the stickers.

(Code 1975, § 38-23; Code 1997, § 118-48)

Sec 52-47 Officer May Move Vehicles

(a) Whenever any traffic officer finds a vehicle standing upon a street or alley in violation of a prohibition, limitation or restriction on stopping, standing or parking imposed under Wis. Stats. ch. 346 or § 349.13, or a city ordinance in conformity therewith, the officer is authorized to move, or cause to be moved, such vehicle or to require the operator in charge thereof to move such vehicle to a position where parking is not prohibited or to either private or public parking or storage premises. The removal may be performed by, or under the direction of, the traffic officer or may be contracted for by the police department.

(b) When the removal is performed by or under the direction of a traffic officer and not

by a towing company contracted by the police department, the charges for removal under this section shall be the actual towing fee, plus administrative costs of $15.00, and storage costs shall be charged at the rate of $7.00 per day. The charges for removal and storage shall be paid to the chief of police or the chief's duly authorized representative, and the vehicle may be released from storage upon presentation of an authorization from the chief of police or the chief's duly authorized representative and the execution and delivery of a properly signed receipt by the owner of the vehicle. The owner of the vehicle is entitled to an informal hearing before the chief of police or the chief's duly authorized representative concerning the amount of accrued towing and storage charges. A notice informing the owner of the location of the vehicle, the procedure for reclaiming the vehicle and the availability of an informal hearing before the chief of police or the chief's duly authorized representative shall be mailed to the last-known address within 24 hours after removal.

(c) When the removal is performed by a towing company contracted by the police department, the operator or owner of the vehicle removed shall pay to the contractor the charges for moving or towing and any storage as provided in the contract; notwithstanding the provisions of the contract, no operator or owner shall be required to pay any sum for moving, towing, or storage that is unreasonable under the circumstances.

(d) A person wishing their vehicle to be released must provide proper identification and a receipt showing all outstanding parking citations are paid in full, including the citation for which the towing occurred as well as any towing, storage or administration fee assessed pursuant to subsections (b) and (c) of this section. Whenever all such charges are paid, the vehicle shall be released to its owner. If a citation upon which removal and storage is authorized is released by the chief of police or the chief's duly authorized representative or dismissed by the court because the citation was improperly issued, the chief of police or the chief's duly authorized representative shall release the vehicle without payment of charges for removal and storage and shall refund any charges for removal and storage of such vehicle which shall have previously been paid.

(e) A person who has custody of a vehicle removed or stored under this section or otherwise at the request of a law enforcement officer shall release the personal property within the vehicle to the owner of the vehicle during regular office hours upon presentation by the owner of proper identification. No charge may be assessed against the owner for the removal or release of the personal property.

(f) If the owner removes the personal property from a motor vehicle under this section, the vehicle shall be deemed abandoned unless the person enters into a written agreement, acceptable to all parties, to pay the full charges for towing and storage. The owner shall be informed of this subsection by the person who has custody of the vehicle before the property is released. A vehicle deemed abandoned under this subsection may be disposed of as an abandoned vehicle pursuant to section 52-264.

(g) Any vehicle removed pursuant to this section and not released to the owner or operator within 48 hours of the notice provided for in subsection (b) of this section shall be deemed an abandoned vehicle pursuant to section 52-264.

(Code 1975, § 38-24; Code 1997, § 118-49; Ord. No. 35-02-03, § 2, 9-16-2002; Ord. No. 99-06-07, § 2, 4-4-2007)

Sec 52-48 Crosswalk Designations

The police department shall establish and designate, and the department of engineering and public works shall thereafter maintain by appropriate devices, marks or lines upon the surface of the roadway, the location of crosswalks at such intersections and other places where in its opinion there is particular danger to pedestrians crossing the roadway.

(Code 1975, § 38-25; Code 1997, § 118-50)

Sec 52-49 Erection Of Official Signs

The police department and the department of engineering and public works shall erect and maintain, in conformity with the state highway commission manual on uniform traffic, signals and markings, proper and adequate signs in each area of any street, alley or other public place for which parking regulations have been established, which signs shall specify the regulations and restrictions applicable.

(Code 1975, § 38-26; Code 1997, § 118-51)

Sec 52-50 Certain Signs Prohibited

The erection of signs reading, "slow children at play" and "slow protect children," are hereby declared illegal in the city.

(Code 1975, § 38-27; Code 1997, § 118-52)

Sec 52-51 Neighborhood Signs

(a) The police department shall establish and designate locations for placement, and the department of engineering and public works shall thereafter erect and maintain appropriate neighborhood watch warning signs in areas of the city which may, from time to time, be recognized by resolution of the common council as actively participating in the neighborhood watch program sponsored by the National Sheriff's Association. The local watch program group shall be responsible for purchase of the approved watch warning signs.

(b) The police department shall establish and designate locations for placement, and the department of engineering and public works shall thereafter erect and

maintain appropriate neighborhood identification signs in areas of the city which may, from time to time, be recognized by resolution of the common council as actively participating in the neighborhood association program sponsored by Sheboygan Neighborhood Pride, Inc. The local neighborhood association shall be responsible for purchase of the approved signs. No sign may be erected in violation of any state statute.

(c) The police department shall establish and designate locations for placement, and the department of engineering and public works shall thereafter erect and maintain appropriate signs identifying a particular neighborhood to be drug dealer free in areas of the city which may, from time to time, be recognized by resolution of the common council as having fully participated and declared victory against drug dealers as part of the Neighbors Against Drugs program sponsored by Sheboygan Neighborhood Pride, Inc. The local Neighbors Against Drugs organization shall be responsible for purchase of the approved signs. No sign may be erected in violation of any state statute.

(Code 1975, § 38-30; Code 1997, § 118-54; Ord. No. 22-05-06, § 1, 7-18-2005)

Sec 52-52 Police Traffic Division

(a) *Established; supervision; rules*. A police traffic division shall be established within the police department by the chief of police who shall supervise the division and prescribe rules and regulations for its operation.

(b) *System of accounts, records and procedures; printing of forms; functions*. The chief of police shall establish a proper and adequate system of accounts, records and procedure for the traffic division and shall procure the necessary printed forms and consecutively numbered summons and stipulations required to carry out the provisions of this section. The traffic division shall carry out the functions assigned to it in this section and such other functions as may be prescribed.

(Code 1975, § 38-81; Code 1997, § 118-55)

ARTICLE 52-III MOTOR VEHICLES REGISTRATION FEES

Sec 52-78 Imposition
Sec 52-79 Exemptions
Sec 52-80 Replacement Vehicles
Sec 52-81 Payment
Sec 52-82 Administration

State law reference—Municipal registration fees generally, Wis. Stats. § 341.35.

Sec 52-78 Imposition

(a) Pursuant to Wis. Stats. § 341.35, an annual flat city registration fee of $20.00 is hereby imposed on all motor vehicles registered in the state which are customarily kept in the city. The city registration fee shall be in addition to state registration fees.

(b) In this section, the term "motor vehicle" means an automobile or motor truck registered under Wis. Stats. § 341.25(1)(c), at a gross weight of not more than 8,000 pounds.

(Code 1975, § 38-226; Code 1997, § 118-91; Ord. No. 116-99-00, § 1, 4-17-2000; Ord. No. 24-03-04, § 1, 9-15-2003; Ord. No. 17-15-16, § 1, 10-19-2015)

Sec 52-79 Exemptions

The following vehicles are exempt from the city vehicle registration fee:

(a) All vehicles exempted by Wis. Stats. ch. 341, from payment of a state vehicle registration fee.

(b) All vehicles registered by the state under Wis. Stats. § 341.26 for a fee of $5.00.

(Code 1975, § 38-227; Code 1997, § 118-92)

Sec 52-80 Replacement Vehicles

The city vehicle registration fee may not be imposed on a motor vehicle which is a replacement for a motor vehicle for which a current city vehicle registration fee has been paid.

(Code 1975, § 38-228; Code 1997, § 118-93)

Sec 52-81 Payment

(a) The city registration fee shall be paid, as provided in Wis. Stats. § 341.35(5).

(b) All monies remitted to the city by the state department of transportation pursuant to Wis. Stats. § 341.35, shall be directed for use by the city for the operation and maintenance of the streets within the city.

(c) Notwithstanding the provisions of section 2-868, no transfer shall be made of any portion of the funds raised from the city registration fee to any other purpose, fund, or object.

(Code 1975, § 38-229; Code 1997, § 118-94; Ord. No. 24-03-04, § 2, 9-15-2003; Ord. No. 17-15-16, § 2, 10-19-2015)

Sec 52-82 Administration

The city finance director/treasurer shall be responsible for the administration of this article.

(Code 1975, § 38-230; Code 1997, § 118-95)

ARTICLE 52-IV STOPPING, STANDING AND PARKING

DIVISION 52-IV-1 STOPPING, STANDING AND PARKING GENERALLY
DIVISION 52-IV-2 METERED PARKING
DIVISION 52-IV-3 RESIDENTIAL DAYTIME PARKING PRIVILEGES
DIVISION 52-IV-4 WINTER SEASON PARKING REGULATIONS

State law reference—Restrictions on stopping and parking generally, Wis. Stats. § 346.50 et seq.

DIVISION 52-IV-1 STOPPING, STANDING AND PARKING GENERALLY

Sec 52-108 Prohibitions And Restrictions Authorized
Sec 52-109 Continuous Parking On Streets
Sec 52-110 Interference With Monitoring Of Parking Limitations
Sec 52-111 Parking In Alleys
Sec 52-112 Parking Exemptions For Emergency Vehicles
Sec 52-113 Parking Motor Vehicles Between Curb And Sidewalk
Sec 52-114 Use Of Vehicles For Storage Purposes; Prohibited; Exceptions
Sec 52-115 Procedures For Violators; Administrative Fees; Failure To Pay; Remedies
Sec 52-116 Notice Of Parking Violations
Sec 52-117 Forfeitures For Parking, Stopping And Standing
Sec 52-118 Large Vehicle Parking
Sec 52-119 Overnight Parking Of Trailers Prohibited
Sec 52-120 Parking On Grass Surfaces On Public Property Prohibited

Sec 52-108 Prohibitions And Restrictions Authorized

The common council shall establish regulations limiting the time and prescribing the hours for parking, standing and stopping of vehicles and shall designate the areas in streets, alleys and other public places to which the regulations apply.

(Code 1975, § 38-38; Code 1997, § 118-126)

Sec 52-109 Continuous Parking On Streets

No owner or operator of any vehicle shall park such vehicle or permit the vehicle to be parked on any street or alley for longer than 24 continuous hours.

(Code 1975, § 38-48; Code 1997, § 118-127; Ord. No. 30-97-98, § 1, 7-7-1997)

Sec 52-110 Interference With Monitoring Of Parking Limitations

(a) No person shall remove, obliterate, disguise or alter any markings, indicia or parking summons used by the city police department so as to interfere with or hinder the ability of the police to monitor and enforce the provisions of this article regulating motor vehicle parking time limits.

(b) A violation of the provisions of this section shall subject the violator to a forfeiture of not less than $50.00 and not more than $500.00, together with the costs of prosecution, and in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of 30 days.

(Code 1975, § 38-49; Code 1997, § 118-128; Ord. No. 101-05-06, § 22, 3-20-2006)

Sec 52-111 Parking In Alleys

No owner or operator of any vehicle shall park any vehicle on any portion of an alley or in such a position that such vehicle:

(a) Restricts the safe maneuvering of another vehicle for ingress or egress to a garage or parking space; or

(b) Restricts the safe maneuvering of an emergency vehicle or public service vehicle for passage into, from or through an alley.

(Code 1975, § 38-50; Code 1997, § 118-129)

Sec 52-112 Parking Exemptions For Emergency Vehicles

The provisions of this article regulating the parking, standing and stopping of vehicles shall not apply to authorized emergency vehicles while the operator of such vehicle is operating it in an emergency in the necessary performance of public duties. This exemption shall not, however, protect such operator from the consequences of a reckless disregard for the safety of others.

(Code 1975, § 38-51; Code 1997, § 118-130)

Sec 52-113 Parking Motor Vehicles Between Curb And Sidewalk

No person shall stop or leave standing any motor vehicle or trailer on any parkway except when parking in such area is clearly indicated by official traffic signs, markers or parking meters. The term "parkway," as used in this section, means that portion of street right-of-way located between the street curb and sidewalk.

(Code 1975, § 38-53; Code 1997, § 118-131)

Sec 52-114 Use Of Vehicles For Storage Purposes; Prohibited; Exceptions

No truck, truck tractor, truck trailer, bus or portion thereof, shall be used for or converted for use as office, mercantile, residential, or storage purposes in a residential, office or commercial district, except the following:

(a) A truck, truck tractor, truck trailer, bus or portion thereof, owned by or operated exclusively for a charitable organization and while being used for charitable purposes.

(b) A truck, truck tractor, truck trailer, bus or portion thereof, owned by a construction contractor and located where a building or other structure is in the process of being constructed by the contractor.

(Code 1975, § 38-54(a); Code 1997, § 118-132)

Sec 52-115 Procedures For Violators; Administrative Fees; Failure To Pay; Remedies

(a) Upon receipt from a police officer or parking monitor of a notice of parking violation, as set forth in this article, the violator may:

(1) Stipulate guilt and deliver in person or mail the notice of parking violation together with the forfeiture payment to the city finance department; or

(2) Contest the parking ticket by contacting the police department.

(b) Failure to make payment of the forfeiture, or to contest the citation within ten days of the issuance of the citation, shall result in the generation of a first notice of violation. With generation of such notice, a $10.00 administrative fee shall be assessed. Failure to make payment of the forfeiture and administrative fee as assessed, or to contest the citation within 21 days of the issuance of the citation, shall result in the generation of a second and final notice of violation. With generation of the second notice, an additional administrative fee of $10.00 shall be assessed. Failure to make payment of the forfeiture and administrative fees as assessed, or to contest the citation within 31 days of the issuance of the citation, shall result in suspension of the vehicle registration and assessment of the state administration fee, as provided for in Wis. Stats. § 345.25(4)(d).

(Code 1975, § 38-82; Code 1997, § 118-133)

Sec 52-116 Notice Of Parking Violations

The chief of police shall authorize the printing of a notice of parking violation for use in enforcing the nonmoving traffic offenses in this article. Such notice shall be used for enforcement of nonmoving traffic regulations created or adopted by this article, including violations of nonmoving traffic regulations defined and described in the state statutes, adopted by reference in section 52-1. The notice of parking violations for nonmoving

traffic violations shall contain a notice that the person cited may discharge the forfeiture for violations of a nonmoving traffic regulation and penalty thereof by complying with section 52-115. Notice of parking violations for nonmoving traffic offenses may be issued by law enforcement officers or by parkette civilian employees of the police department.

(Code 1975, § 38-83; Code 1997, § 118-134)

Sec 52-117 Forfeitures For Parking, Stopping And Standing

(a) The forfeiture for violations of parking regulations as contained in the city parking schedules, on file in the traffic division and section 52-145 shall be $10.00 for the first three violations within a calendar year, $15.00 for the fourth through sixth violations within a calendar year and $25.00 for seven or more violations within a calendar year. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.

(b) All other forfeitures for violations of parking, stopping and standing regulations as adopted by this article, except for violations enumerated in subsections (a) and (c) of this section shall be $25.00. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.

(c) Minimum and maximum forfeiture for violations of offenses described in Wis. Stats. § 346.505, adopted by reference in section 52-1, shall be:

Offense		*Forfeiture*		
		Minimum	*Maximum*	*Deposit*
346.505	Parking in area reserved for disabled	$20.00	$200.00	$75.00

(Code 1975, § 38-84; Code 1997, § 118-135; Ord. No. 39-96-97, § 1, 9-3-1996; Ord. No. 81-01-02, § 1, 2-18-2002; Ord. No. 27-03-04, § 1, 9-15-2003; Ord. No. 101-05-06, § 23, 3-20-2006)

Sec 52-118 Large Vehicle Parking

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Large vehicle means a vehicle, trailer or combination thereof that meets any of the following criteria:

(1) Has a weight of more than 10,000 pounds;

(2) Has a length of greater than 30 feet;

(3) Has an enclosed area with a height of more than eight feet from the roadway; or

(4) Is of such a width that when parked in accordance with the provisions of Wis. Stats. § 346.54, encroaches on the normal traveled way of the street on which it is parked.

(b) *Restrictions*. Except as provided in subsection (c) of this section, no large vehicle may be stopped or parked:

(1) On any street in the city other than a truck route; or

(2) On any street within a residential district in the city.

(c) *Exceptions*. The parking restrictions of this section do not apply when:

(1) Any of the exceptions to stopping and parking restrictions in Wis. Stats. § 346.50, is applicable;

(2) The vehicle is actively loading or unloading or is parked for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from a place of business or residence, provided that in no event shall the weight of the vehicle and load exceed the limitations of Wis. Stats. §§ 348.15 through 348.22;

(3) The vehicle is a construction vehicle directly engaged in construction work;

(4) The vehicle is necessary for on-call service in responding to police and fire emergencies;

(5) The vehicle is a recreational vehicle, whether designed to be towed or to move under its own power, provided that the recreational vehicle is parked or stored in compliance with all other applicable statutes and ordinances.

(Code 1997, § 118-136; Ord. No. 30-04-05, § 1, 10-4-2004)

Sec 52-119 Overnight Parking Of Trailers Prohibited

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Trailer means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle

but does not include a mobile home.

(b) *Restrictions*. Except as provided in subsection (c) of this section, no trailer or boat may be parked on a street within the city between the hours of 11:00 p.m. and 5:00 a.m.

(c) *Exceptions*. The restrictions on parking in this section do not apply when:

(1) The trailer, or a motor vehicle to which the trailer is attached, becomes disabled while on the highway in such a manner or to such an extent that it is impossible to avoid stopping or temporarily leaving the vehicle in the prohibited place;

(2) The stopping of the trailer is necessary to avoid conflict with other traffic or to comply with traffic regulations or the directions of a traffic officer or traffic-control sign or signal;

(3) The trailer is actively being loaded or unloaded;

(4) The trailer is legally attached to a registered and operable motor vehicle, provided that trailer and vehicle are in compliance with all other parking provisions, including the provisions of section 52-109; or

(5) The owner or operator of any trailer or boat has requested and obtained a waiver of the restrictions of this section from the police department. The police department shall give no more than a total of six such waivers to people living at a given address in one calendar year.

(Code 1997, § 118-137; Ord. No. 24-13-14, § 1(118-136), 10-7-2013)

Sec 52-120 Parking On Grass Surfaces On Public Property Prohibited

No owner or operator of any vehicle shall park a vehicle or permit a vehicle to be parked on the grass on public property located in the city unless otherwise directed by an authorized city official.

(Code 1997, § 118-138; Ord. No. 11-16-17, § 1, 7-5-2016)

DIVISION 52-IV-2 METERED PARKING

Sec 52-139 Designation Of Zones, Time Limits And Fees
Sec 52-140 Meter Installation And Operation; Responsibility Of Police Department
Sec 52-141 Use Of Meters; Overtime Parking
Sec 52-142 Marking Spaces; Parking Within Marked Spaces Required
Sec 52-143 Use Of Slugs Or Substitutes
Sec 52-144 Damage To Meters
Sec 52-145 Collection Of Fees And Maintenance Of Meters; Disposition Of Fees; Bond
Sec 52-146 Disbursements

Sec 52-139 Designation Of Zones, Time Limits And Fees

The transit commission shall by resolution establish parking areas or zones in any street or public place in the city, including off-street parking lots, for the placement of parking meters to regulate the time limits and fees for parking of vehicles, and shall establish the days and hours when no fee shall be required for parking in any such parking spaces. Copies of such resolutions shall be certified by the transit commission to the city clerk and the areas or zones so established, and the designations of time limits and parking fees applicable to them shall be on file in the city clerk's office.

(Code 1975, § 38-61; Code 1997, § 118-161)

Sec 52-140 Meter Installation And Operation; Responsibility Of Police Department

(a) The transit commission or its designated agent shall provide for the installation, regulation, control, operation and use of the parking meters in the areas or zones designated by the transit commission and shall maintain the meters in good workable condition. Each parking meter shall be set so as to display a signal showing the legal parking upon the deposit of the specified fee for the period designated. Each meter shall, by its device, clearly set out and continue in operation from the time of deposit of the fee until the expiration of the time fixed as the parking limit for the fee deposited. Each meter shall also be so arranged that upon the expiration of the parking limit period it will so indicate by a mechanical operation and the appearance of a proper signal that the parking period has expired.

(b) The chief of police and police department shall issue written summons to the transit commission for use by the parkettes. The chief of police and police department shall also provide the use of radio communications, license checks, the processing of written summons and other related procedures to the transit commission. The chief of police and police department shall have operational control over all services rendered.

(Code 1975, § 38-62; Code 1997, § 118-162)

Sec 52-141 Use Of Meters; Overtime Parking

When any vehicle shall be parked in any parking meter space, the owner or operator of the vehicle shall, upon entering the parking space, immediately deposit the required coin into the parking meter alongside or next to the parking space, whereupon the parking space may then be used by such vehicle during the parking limit provided. If the vehicle shall remain parked in the parking space beyond the time period designated on the meter, such vehicle shall be considered as having been parked overtime.

(Code 1975, § 38-63; Code 1997, § 118-163)

Sec 52-142 Marking Spaces; Parking Within Marked Spaces Required

(a) The chief of police and director of engineering and public works shall cause lines or marks to be placed about or alongside each on-street parking meter to designate parking spaces for which the meter is to be used.

(b) The transit commission or its appointed agent shall cause lines or marks to be placed about or alongside each parking meter to designate the parking space on off-street parking stalls.

(c) The transit commission or its appointed agent shall cause lines or marks to be placed on the surface of all city-owned and city-operated parking lots to designate the parking space for off-street parking stalls.

(d) The common council may, by resolution, direct the chief of police and director of engineering and public works to cause lines or marks to be placed within the parking lanes of specified streets within a business district of the city to designate parking spaces on the streets.

(e) It shall be unlawful to park any vehicle across any such line or mark, or outside of any such marked parking spaces.

(f) The forfeiture for violation of this section shall be $25.00.

(Code 1975, § 38-64; Code 1997, § 118-164; Ord. No. 36-07-08, § 1, 9-17-2007)

Sec 52-143 Use Of Slugs Or Substitutes

No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States.

(Code 1975, § 38-65; Code 1997, § 118-165)

Sec 52-144 Damage To Meters

No person shall deface, damage, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed by the city.

(Code 1975, § 38-66; Code 1997, § 118-166)

Sec 52-145 Collection Of Fees And Maintenance Of Meters; Disposition Of Fees; Bond

Collection of coins deposited in the parking meters and the repairs and maintenance of the meters shall be performed under the direct supervision of the transit commission. All revenue shall be deposited with the city finance director/treasurer. Before entering upon the duties of the office, the meter supervisor shall be covered by the public employees' blanket surety bond conditioned upon the faithful performance of the duties of the office

and accounting for all monies collected by the supervisor.

(Code 1975, § 38-67; Code 1997, § 118-167)

Sec 52-146 Disbursements

The finance director/treasurer's annual budget shall include an estimate of the cost of the transit commission for any accounting services which they perform. Such amount shall be paid into the general fund out of the parking meter and transit division revenues.

(Code 1975, § 38-68; Code 1997, § 118-168)

DIVISION 52-IV-3 RESIDENTIAL DAYTIME PARKING PRIVILEGES

Subdivision 52-IV-3-I Residential Daytime Parking Privileges In General
Subdivision 52-IV-3-II Permit

Subdivision 52-IV-3-I Residential Daytime Parking Privileges In General

Sec 52-176 Declaration Of Necessity
Sec 52-177 Definitions
Sec 52-178 Violations Of Division; Remedies
Sec 52-179 Criteria For Determining Impacted Streets
Sec 52-180 Factors To Be Considered In Designation Of Eligible Streets As Residential Permit Parking Streets
Sec 52-181 Procedure For Designating Streets Or Removing Designation

Sec 52-176 Declaration Of Necessity

There is hereby declared the necessity to establish, as provided in this division, a permit system whereby vehicles bearing a valid residential parking permit issued pursuant to this division may, as hereinafter provided, park in excess of the posted time limits on specifically designated streets within certain areas between the hours of 6:00 a.m. and 6:00 p.m. weekdays, except Sundays and holidays.

(Code 1975, § 38-69; Code 1997, § 118-191)

Sec 52-177 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief means the city chief of police or the chief's designated agent.

Commuter vehicle means a motor vehicle parked in a residential area by a person who is not a resident of such area.

Dwelling unit means one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed, shall always be included with each dwelling unit.

Residential area means a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and nonbusiness property (such as schools, parks, churches, hospitals and nursing homes).

(Code 1975, § 38-70; Code 1997, § 118-192)

Sec 52-178 Violations Of Division; Remedies

(a) It shall constitute a violation of this division for any person to falsely represent their eligibility for a residential parking permit or to furnish any false information in an application to the chief in order to obtain a residential parking permit.

(b) The chief is authorized and directed to revoke the residential parking permit of any permittee found to be in violation of this division and, upon written notification thereof, the permittee shall surrender such permit to the chief. Failure when so requested to surrender a residential parking permit so revoked shall constitute a violation of this division.

(c) It shall be a violation of this division for any person to copy, reproduce or resell a permit.

(Code 1975, § 38-79; Code 1997, § 118-193)

Sec 52-179 Criteria For Determining Impacted Streets

A residential street shall be deemed eligible for residential permit parking if it meets all of the following criteria:

(a) For the purposes of administration and enforcement the boundaries of areas, within which streets are being considered for residential permit parking, must generally coincide with the boundaries of grid areas.

(b) Each street and block for which residential parking permits are to be issued must be within 1,200 feet of access to regular mass transit services.

(c) At least one side or 50 percent of each street and block for which residential parking permits are to be issued must be zoned residential (R-1, R-1-A, R-2, R-3, R-4, R-5).

(d) Residential parking permits will only be issued to residents living on streets and blocks governed by two-hour parking limitations, and specifically will not be issued to residents living on streets and blocks having parking meters.

(e) Each street and block for which residential parking permits are to be issued must

have more dwelling units than legal off-street parking spaces, except for single-family dwelling units.

(f) On streets that have unrestricted parking, a two-thirds majority of the on-street parking spaces must be occupied by commuter vehicles a majority of the time between 6:00 a.m. and 6:00 p.m., except Sundays and holidays.

(Code 1975, § 38-71; Code 1997, § 118-194)

Sec 52-180 Factors To Be Considered In Designation Of Eligible Streets As Residential Permit Parking Streets

In determining whether a street identified as eligible for residential permit parking shall be designated as a residential permit parking street, the chief shall take into consideration the following factors:

(a) The necessity of reducing automobile commuting and its accompanying energy waste and air pollution;

(b) The possibility of a reduction in total vehicle miles of travel in the affected area;

(c) The likelihood of alleviating traffic congestion, illegal parking, and related health and safety hazards;

(d) The proximity of public transportation to the residential area; and

(e) The desire and need of two-thirds of the residents for residential permit parking and their willingness to bear the administrative costs in connection therewith.

(Code 1975, § 38-72; Code 1997, § 118-195)

Sec 52-181 Procedure For Designating Streets Or Removing Designation

(a) The chief, or the chief's designee, shall recommend by report to the council, based on the record of the investigation, whether or not to designate any street under consideration as a residential permit parking street or to retain or remove the designation in the case of an established residential permit parking street.

(b) The council will call for a public hearing on any proposed street for residential permit parking or to remove a residential permit parking street.

(c) Within 60 days following the receipt of the report and the public hearing, the council shall approve or disapprove the recommendation of the chief.

(Code 1975, § 38-73; Code 1997, § 118-196)

Subdivision 52-IV-3-II Permit

Sec 52-201 Application

Sec 52-202 Issuance; Duplicate; Renewal; Contents
Sec 52-203 Display; Limitations
Sec 52-204 Fees; Disposition
Sec 52-205 Transferability

Sec 52-201 Application

The application for a permit shall contain the name of the owner or operator of the motor vehicle, residential address, the make of the motor vehicle, model, registration number, and the number of the applicant's operator's permit. The motor vehicle's registration and operator's license shall be required to be presented to the chief or the chief's designee at the time of making such application in order to verify that the applicant legally resides at the address for which the permit is requested. The owner or operator of any motor vehicle applying for a residential parking permit shall have valid state motor vehicle license plates.

(Code 1975, § 38-74; Code 1997, § 118-216)

Sec 52-202 Issuance; Duplicate; Renewal; Contents

(a) Following council approval of the designation of a residential permit parking street, the chief shall issue appropriate permits on a first-come-first-served basis. A permit shall be issued upon application and payment of the applicable fee, only to the owner or the operator of a motor vehicle who resides on property immediately adjacent to a residential permit parking street. A duplicate permit shall be issued only if all or part of the original permit is produced at the time that a duplicate permit is applied for, or if proof of theft of the vehicle is demonstrated to the satisfaction of the chief. A residential parking permit will not be issued to the owner or operator of a motor vehicle currently having an outstanding parking warrant.

(b) Such permits shall be renewed annually upon such conditions and procedures as the chief shall specify.

(c) The permit shall display the motor vehicle's license and expiration date.

(Code 1975, § 38-75; Code 1997, § 118-217)

Sec 52-203 Display; Limitations

(a) A residential parking permit is valid only when visibly and properly displayed on the vehicle when parked in the street and block where the resident lives. While a vehicle for which a residential parking permit has been issued is so parked, such permit shall be displayed on the lower left side of the rear window of the vehicle. A residential parking permit shall not guarantee or reserve to the holder a parking space on residential streets designated for permit parking.

(b) A residential parking permit shall not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as stopping, standing or parking of motor vehicles is prohibited or set aside to specified types of vehicles, nor exempt the holder from the observance of any traffic regulation other than the specified hourly parking limit. Residential parking permits do not exempt holders from street abandonment regulations. Residential parking permits may be temporarily suspended by the city for snow removal, emergency or construction purposes.

(Code 1975, § 38-76; Code 1997, § 118-218)

Sec 52-204 Fees; Disposition

(a) A permit fee of $6.00 per year shall be charged for the first permit, and $6.00 for each additional permit. The charge for a duplicate permit shall be $3.00.

(b) All monies received from such permit fees shall be placed in the residential permit parking fund to cover the costs of administering this permit program. All costs for the printing of application forms and permits, stationery, postage, office supplies, the engineering studies, notices and signing costs to implement this system shall be paid for out of this fund.

(Code 1975, § 38-77; Code 1997, § 118-219)

Sec 52-205 Transferability

Only the registered motor vehicle named on the residential parking permit shall be eligible to display the permit. Any transference of a permit to a vehicle other than that named on the permit shall constitute a violation of this division.

(Code 1975, § 38-78; Code 1997, § 118-220)

DIVISION 52-IV-4 WINTER SEASON PARKING REGULATIONS

Sec 52-234 Definitions
Sec 52-235 No Parking Areas; Exceptions For Snow Emergencies

Sec 52-234 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway.

Winter season means the period from December 1 through April 30 of the next calendar

year.

(Code 1975, § 38-90; Code 1997, § 118-241; Ord. No. 110-99-00, § 1, 4-5-2000; Ord. No. 25-17-18, § 2, 8-20-2018)

Sec 52-235 No Parking Areas; Exceptions For Snow Emergencies

(a) During the winter season, between the hours of 12:00 midnight and 6:00 a.m., no owner or operator of any vehicle shall park or permit the vehicle to be parked:

(1) On the even-numbered sides of the street (west and north sides) on odd-numbered days of the month, except that parking shall be permitted on the even-numbered side when the odd-numbered side is posted no parking.

(2) On the odd-numbered sides of the street (east and south sides) on even-numbered days of the month, except that parking shall be permitted on the odd-numbered side when the even-numbered is posted no parking.

(b) Notwithstanding subsection (a) of this section, all posted no parking restrictions shall remain in effect. Additionally, the restrictions in subsection (a) of this section shall not apply to vehicles legally parked in the parkway where such parking is clearly indicated by official traffic signs, markers or parking meters. The term "parkway," as used in this subsection, means that portion of street right-of-way located between the street curb and sidewalk.

(c) Whenever the common council or mayor or acting mayor proclaims a snow emergency in accordance with section 20-4, the parking restrictions enumerated therein shall supersede this section and be in effect. Immediately upon termination of the snow emergency, the winter season parking restrictions shall become effective.

(Code 1975, § 38-91; Code 1997, § 118-242; Ord. No. 39-01-02, § 1, 10-15-2001; Ord. No. 84-08-09, § 1, 3-16-2009; Ord. No. 53-10-11, § 1, 3-7-2011; Ord. No. 14-11-12, § 1, 7-5-2011; Ord. No. 25-17-18, § 3, 8-20-2018)

ARTICLE 52-V ABANDONED VEHICLES

Sec 52-264 Prohibited Acts; Deemed Nuisance
Sec 52-265 Exceptions
Sec 52-266 Removal And Impoundment
Sec 52-267 Reclamation Or Disposal
Sec 52-268 Owner Responsible For Impoundment And Sale Costs; Fee For Administrative Costs
Sec 52-269 Storage And Disposition Costs
Sec 52-270 Notice Of Sale Or Disposition
Sec 52-271 Penalty For Violation Of Article

State law reference—Abandoned vehicles generally, Wis. Stats. § 342.40.

Sec 52-264 Prohibited Acts; Deemed Nuisance

(a) No person shall abandon or cause to be abandoned any motor vehicle, trailer, semitrailer or mobile home on any highway or public or private property within the city.

(b) A motor vehicle, trailer, semitrailer or mobile home shall be deemed abandoned within the meaning of this article, and shall constitute a public nuisance, in any of the following situations:

(1) Whenever any such vehicle is left unattended on any highway or public or private property within the city for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned;

(2) Whenever any such vehicle is disassembled, inoperable, unlicensed, junked or wrecked and is stored or allowed to remain in the open upon public or private property within the city for a period in excess of 72 hours after notifying, in writing, the owner of the real property upon which such vehicle is placed or stored and mailing of notice to the last-known address of the vehicle owner, if different than the owner of the real property;

(3) Whenever any such vehicle has been allowed to remain standing on any highway or public property in the city for more than 72 hours after a notice of parking violation has been placed on the vehicle, provided that at least 48 hours have passed since mailing of a notice of intent to deem vehicle abandoned to the last-known address of the owner;

(4) Whenever any vehicle is removed and not reclaimed within 48 hours after notice of removal, pursuant to the procedure contained in section 52-47;

(5) Whenever any vehicle subject to section 52-269 is not released to the owner or operator within ten days of the mailing of official notification that the vehicle can be released to the rightful owner; or

(6) Whenever any vehicle has been left unattended on public or private property without the permission of the property owner for more than 48 hours.

(c) The mail notices provided for in this section shall inform the party of the city's intention to deem the vehicle abandoned and to remove the vehicle, of the manner of avoiding a determination of abandonment, of the means of reclaiming such vehicle should it be removed, and the availability of an informal hearing before the chief of police or the chief's duly authorized representative.

(d) No vehicle involved in trespass parking on a private parking lot or facility shall be removed without the permission of the vehicle owner, except upon the issuance of a repossession judgment or upon formal complaint and a citation for illegal parking issued by a traffic or police officer, including a community service officer.

(e) In this article, the term "owner" includes the lessee of a vehicle if the vehicle is registered, or required to be registered, by the lessee under Wis. Stats. ch. 341.

(f) In this article, the term "unlicensed," when applied to a vehicle, means the vehicle is not displaying valid registration plates, a temporary operation plate, or other evidence of registration as provided under Wis. Stats. § 341.18(1), for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

(g) If a vehicle is deemed abandoned under subsection (b)(2) of this section because more than 72 hours have elapsed since notice was, provided that the vehicle was unlicensed, the vehicle shall continue to be deemed abandoned for so long as it remains unlicensed even if its location changes. If this vehicle is found parked upon public property within the city while it continues to be deemed abandoned because it is unlicensed, the vehicle may be removed without providing new notice under subsection (b)(2) of this section. Written notice under section 52-267 shall still be required each time the vehicle is removed.

(Code 1975, § 38-231; Code 1997, § 118-276; Ord. No. 35-02-03, § 4, 9-16-2002; Ord. No. 53-03-04, § 1, 12-15-2003; Ord. No. 26-20-21, § 1, 12-21-2020)

Sec 52-265 Exceptions

(a) The provisions of this article shall not apply to auto salvage yards or junkyards duly licensed under the regulations of the city pertaining to such operations.

(b) The provisions of this article shall not apply to automobile sales agencies that also maintain, service and repair motor vehicles and motor vehicle repair businesses, subject to the following restrictions:

(1) The motor vehicles must be in such inoperable condition as to render them incapable of being driven on public streets or in such a wrecked condition as to require substantial repairs or service to permit normal use of such vehicles;

(2) The motor vehicles must be registered in the names of parties who are customers of such business establishments; and

(3) The motor vehicles cannot be continuously stored on the premises of such business establishments for a period exceeding 30 days.

(c) The provisions of this article shall not apply to motor vehicles, trailers, semitrailers or mobile homes on private property when out of ordinary public

view, nor shall they apply to vehicles designated as not abandoned by a duly authorized municipal official pursuant to ordinance.

(Code 1975, § 38-231.1; Code 1997, § 118-277; Ord. No. 35-02-03, § 5, 9-16-2002)

Sec 52-266 Removal And Impoundment

(a) The chief of police or any person acting on the chief's behalf, including a towing company contracted by the police department, is authorized to remove and impound or cause to be removed and impounded, any motor vehicle, trailer, semitrailer or mobile home abandoned in violation of this division. Impounded vehicles may be stored at premises controlled by the city, or on premises controlled by the towing company that removed the vehicle. The towing company shall indemnify the city for any damages to a vehicle occurring during removal or storage.

(b) Any vehicle removed pursuant to this section shall be impounded until lawfully claimed or disposed of under section 52-267, except that if it is deemed by the chief of police or the chief's duly authorized representative that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle and the vehicle is not stolen or otherwise wanted for evidence or other reasons, the vehicle may be junked or sold prior to the expiration of the impoundment period. All substantially complete vehicles in excess of 19 model years of age shall be disposed of pursuant to section 52-267.

(Code 1975, § 38-232; Code 1997, § 118-278; Ord. No. 35-02-03, § 6, 9-16-2002)

Sec 52-267 Reclamation Or Disposal

(a) Whenever the charges for removal and storage for a vehicle removed and impounded under section 52-266 are paid, such vehicle shall be released to its owner. The owner of a removed and impounded vehicle is entitled to an informal hearing before the chief of police or the chief's duly authorized representative concerning the amount of accrued towing and storage charges.

(b) If a citation upon which removal and storage is authorized is released by the chief of police or the chief's duly authorized representative or dismissed by the court because the citation was improperly issued, the chief of police or the chief's duly authorized representative shall release the vehicle without payment of charges for removal and storage and shall refund any charges for removal and storage of such vehicle which shall have previously been paid.

(c) Except as provided elsewhere in this article, any motor vehicle, trailer, semitrailer, or mobile home removed and impounded under this division shall be retained in storage for a period of not less than ten days after certified mail notice has been sent to the last-known address of the owner and lienholders of record to permit

reclamation of the vehicle after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the abandoned vehicle, the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle under this article shall be deemed a waiver of all right, title, and interest in the vehicle and a consent to the sale of the vehicle. If the vehicle was removed and impounded under section 52-264(b)(2) because it was unlicensed, the notice shall inform the owner that if the vehicle is reclaimed and remains unlicensed it continues to be deemed abandoned. Each retained vehicle not claimed by its owner or lienholder may be disposed of at a sale by sealed bid or by auction sale as set forth below.

(d) At such a sale the highest bid for any retained vehicle shall be accepted unless the bid is deemed inadequate by the police chief or the chief's duly authorized representative, in which event all bids may be rejected. If all bids are rejected or no bid is received, the city may either readvertise the sale, adjourn the sale to a definite date, sell the motor vehicle at a private sale or junk the vehicle. Any interested person may offer bids on each abandoned vehicle to be sold.

(e) Public notice of a sale shall be posted at the police department. The posting of the notice shall be in the same form as the certified mail notice sent to the owner or lienholders of record. Upon sale of an abandoned vehicle, the city shall supply the purchaser with a completed form designed by the department enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten days to remove the vehicle from the storage area but shall pay $7.00 for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again immediately.

(f) Any listing of vehicles to be sold by the city shall be made available to any interested person or organization which makes a written request for such a list, upon payment of a fee of $0.25 per page, plus postage.

(g) After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the city treasury.

(Code 1975, § 38-233; Code 1997, § 118-279; Ord. No. 35-02-03, § 7, 9-16-2002; Ord. No. 99-06-07, § 3, 4-4-2007; Ord. No. 26-20-21, § 2, 12-21-2020)

Sec 52-268 Owner Responsible For Impoundment And Sale Costs; Fee For Administrative Costs

(a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding, storage and disposing of the vehicle. Costs not recovered by the sale of the vehicle may be recovered in a

civil action by the city against the owner.

(b) When the removal is performed by or under the direction of a traffic officer and not by a towing company contracted by the police department, the charges for removal under this section shall be the actual towing fee, plus administrative costs of $15.00 and storage costs shall be charged at the rate of $7.00 per day. The charges for removal and storage shall be paid to the chief of police or the chief's duly authorized representative. When the removal is performed by a towing company contracted by the police department, the operator or owner of the vehicle removed shall pay to the contractor the charges for moving or towing and any storage as provided in the contract; notwithstanding the provisions of the contract, no operator or owner shall be required to pay any sum for moving, towing, or storage that is unreasonable under the circumstances.

(Code 1975, § 38-234; Code 1997, § 118-280; Ord. No. 80-01-02, § 1, 2-18-2002; Ord. No. 35-02-03, § 8, 9-16-2002; Ord. No. 99-06-07, § 4, 4-4-2007)

Sec 52-269 Storage And Disposition Costs

The owner of a vehicle impounded and stored as evidence, or pending a court jurisdiction, is responsible for the costs of storing and disposing of the vehicle once the vehicle is no longer needed as evidence or the court case has been adjudicated. Storage costs shall be charged at the rate of $7.00 per day to commence 24 hours after the owner has received official notification that the vehicle can be released to the rightful owner. Any vehicle not released to the owner or operator within ten days of the notification being sent shall be deemed an abandoned vehicle pursuant to section 52-264.

(Code 1975, § 38-234.1; Code 1997, § 118-281; Ord. No. 80-01-02, § 2, 2-18-2001; Ord. No. 35-02-03, § 9, 9-16-2002; Ord. No. 99-06-07, § 5, 4-4-2007)

Sec 52-270 Notice Of Sale Or Disposition

Within five days after the sale or disposal of a vehicle, as provided in section 52-267, the chief of police or the chief's duly authorized representative shall advise the state department of transportation, division of motor vehicles, of such sale or disposition on a form supplied by the division. A copy of such form shall also be given to the purchaser of the vehicle. A copy shall also be retained on file in the city.

(Code 1975, § 38-235; Code 1997, § 118-282)

Sec 52-271 Penalty For Violation Of Article

Any person who shall abandon a vehicle in violation of this article shall, upon conviction, forfeit not less than $25.00 nor more than $250.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in

the county jail until the forfeiture and costs are paid, but not to exceed 15 days.

(Code 1975, § 38-236; Code 1997, § 118-283)

ARTICLE 52-VI TRUCK ROUTES

Sec 52-291 Definitions
Sec 52-292 Enforcement Of Article
Sec 52-293 Penalties For Violation Of Article
Sec 52-294 Use Required; Exemptions
Sec 52-295 Identification
Sec 52-296 Deviation
Sec 52-297 Maps

State law reference—Size, weight and load generally, Wis. Stats. § 348.01 et seq.

Sec 52-291 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Destination point means the place or location where deliveries of freight or cargo are made. The meaning of the terms "freight" and "cargo" shall not include the delivery of mail, baggage, receipts, logbooks, papers or other documents.

Deviating truck means a truck which leaves and departs from a truck route while traveling inside the city.

Truck means any vehicle not operating completely on pneumatic tires, and any vehicle or combination of vehicles having a gross weight of more than 15,000 pounds.

Truck route means a street designated in this article over which trucks operating within the city shall travel.

(Code 1975, § 38-171; Code 1997, § 118-316)

Sec 52-292 Enforcement Of Article

The police department shall have the authority to require any person driving, or in control of any truck not proceeding over a truck route, to give reasons for such, or to proceed to any public or private scale available for the purpose of weighing and determining compliance with this article.

(Code 1975, § 38-178; Code 1997, § 118-317)

Sec 52-293 Penalties For Violation Of Article

A violation of any of the provisions of this article shall subject the violator to a forfeiture of not less than $50.00 and not more than $100.00 for the first offense and not less than $100.00 nor more than $200.00 for the second or subsequent conviction within a year, and in default of payment thereof, imprisonment in the county jail until the forfeiture and costs are paid, but not to exceed 30 days.

(Code 1975, § 38-173; Code 1997, § 118-318)

Sec 52-294 Use Required; Exemptions

All trucks within the city shall be operated only over and are permitted to park legally along the truck routes and on other designated streets over which truck travel is permitted, with the following exceptions:

(a) Emergency vehicles, as defined in Wis. Stats. § 340.01(3) may be operated on any street.

(b) Buses used for public transportation may be operated on any street.

(c) Trucks may operate over any street on which an official detour has been established if truck traffic would have been permitted on the closed street.

(d) Trucks owned or operated by the city, or by a public utility while such truck is traveling to or from the repair, maintenance or construction of a public utility facility.

(e) The chief of police may designate any street as a temporary truck route when required to provide access to a construction site within the city on the conditions that such streets:

    (1) Are wide enough to safely carry truck traffic; and

    (2) Will provide reasonable and direct ingress and egress to the construction site.

(Code 1975, § 38-172; Code 1997, § 118-319)

Sec 52-295 Identification

The chief of police shall cause all truck routes to be clearly signposted to give notice that this article is in effect.

(Code 1975, § 38-175; Code 1997, § 118-320)

Sec 52-296 Deviation

All trucks shall proceed over an established truck route and shall deviate only at the intersection nearest to the destination point, except that if such route requires turning

movements which are extremely difficult or unsafe, the operator shall deviate at the next closest intersection to the operator's destination point.

(Code 1975, § 38-176; Code 1997, § 118-321)

Sec 52-297 Maps

The city clerk shall keep and maintain accurate maps delineating the truck routes. Such maps shall be available to the public.

(Code 1975, § 38-177; Code 1997, § 118-322)

ARTICLE 52-VII SNOWMOBILES

DIVISION 52-VII-1 SNOWMOBILES GENERALLY
DIVISION 52-VII-2 ADMINISTRATION AND ENFORCEMENT

State law reference—Snowmobiles generally, Wis. Stats. § 350.01 et seq.

DIVISION 52-VII-1 SNOWMOBILES GENERALLY

Sec 52-328 Hours Of Operation
Sec 52-329 Leaving Unattended
Sec 52-330 Operation On Sidewalks And Malls
Sec 52-331 Operation On Icebound Waters
Sec 52-332 Use In Public Parks
Sec 52-333 Operation On Private Property; Owner Consent Required
Sec 52-334 Use On School Grounds

Sec 52-328 Hours Of Operation

No person shall operate a snowmobile within the city between the hours of 10:00 p.m. and 7:00 a.m., except upon a public highway as authorized by the state statutes and this article or for the purpose of gaining access to or leaving such highway.

(Code 1975, § 38-201; Code 1997, § 118-356)

Sec 52-329 Leaving Unattended

No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

(Code 1975, § 38-202; Code 1997, § 118-357)

Sec 52-330 Operation On Sidewalks And Malls

No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within

the city except as specifically authorized by this article or for the purpose of crossing to obtain immediate access to an authorized area of operation.

(Code 1975, § 38-203; Code 1997, § 118-358)

Sec 52-331 Operation On Icebound Waters

No person shall operate or ride upon a snowmobile on the Sheboygan River within the city at any time or place, except under cases of emergency and then only with the permission of the chief of police. The director of the department of engineering and public works is authorized and directed to procure, erect and maintain signs and markers giving notice that these restrictions are in effect at all public access points on such river.

(Code 1975, § 38-204; Code 1997, § 118-359)

Sec 52-332 Use In Public Parks

No person shall operate a snowmobile in any of the public parks in the city.

(Code 1975, § 38-205; Code 1997, § 118-360)

Sec 52-333 Operation On Private Property; Owner Consent Required

No person shall operate a snowmobile upon private property without the express written consent of the owner of that property.

(Code 1975, § 38-206; Code 1997, § 118-361)

Sec 52-334 Use On School Grounds

No person shall operate a snowmobile on any public-school grounds in the city.

(Code 1975, § 38-207; Code 1997, § 118-362)

DIVISION 52-VII-2 ADMINISTRATION AND ENFORCEMENT

Sec 52-357 Enforcement Of Article
Sec 52-358 Stipulations Of Guilt Or No Contest
Sec 52-359 Forfeited Penalties And Deposits

Sec 52-357 Enforcement Of Article

(a) *Highway violations*. The uniform traffic citation promulgated under Wis. Stats. § 345.11 shall be used for violations of this article relating to highway use except as provided in this section.

(b) *Parking violations*. The special traffic citation, described and defined in section 52-115 et seq., shall be used for enforcement of violations of rules of the road

relating to parking of vehicles.

(c) *Other violations*. All violations of this article not described in subsections (a) or (b) of this section shall be enforced in accordance with Wis. Stats. §§ 66.0114 and 66.0111 and Wis. Stats. ch. 799. Stipulations of guilt or no contest may be made, as provided in Wis. Stats. § 66.0114(1)(b), in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Bail deposits may also be made under Wis. Stats. § 66.0114. Such deposits shall include a $2.00 clerk's fee and costs of prosecution.

(Code 1975, § 38-191; Code 1997, § 118-386; Ord. No. 60-00-01, §§ 39—41, 10-2-2000)

Sec 52-358 Stipulations Of Guilt Or No Contest

Stipulation of guilt or no contest may be made by persons arrested for violation of this article in accordance with Wis. Stats. § 66.0114(1)(b) whenever the provisions of Wis. Stats. § 345.27 are inapplicable to such violation. Stipulation shall conform to the form contained on the uniform traffic citation and complaint under Wis. Stats. § 345.11 and may be accepted within five days of the date of the alleged violation. Stipulation shall be accepted by the clerk of county court.

(Code 1975, § 38-192; Code 1997, § 118-387; Ord. No. 60-00-01, § 42, 10-2-2000)

Sec 52-359 Forfeited Penalties And Deposits

(a) Except as otherwise provided in Wis. Stats. § 345.26, the deposit schedule adopted by the state board of county judges thereunder, required forfeited penalties and deposits or bail not including costs or fees for violations of this article or the state statutes relative to snowmobiles adopted by reference in section 52-1, shall be as follows:

(1) Violation of sections of state statutes relative to snowmobiles adopted by reference in section 52-1: $20.00, except:

a. Wis. Stats. § 350.07: $500.00.

b. Wis. Stats. § 350.08: $100.00.

c. Wis. Stats. § 350.10(3): $200.00.

(2) Violation of sections 52-328 and 52-330 through 52-334: $20.00.

(3) Violation of section 52-329, unattended vehicles: $10.00.

(4) Violations, each day: $100.00.

(b) Any person who violates any provision of this article or the state statutes relative to snowmobiles adopted by reference in section 52-1, except Wis. Stats. §§

350.07, 350.08 and 350.10(3) shall, upon conviction, forfeit not more than $250.00 together with the cost of prosecution and, in default of payment thereof, may be imprisoned in the county jail for not exceeding 90 days. Any person who violates Wis. Stats. § 350.07 shall, upon conviction, forfeit not more than $500.00 together with the cost of prosecution and, in default of payment thereof, may be imprisoned in the county jail for not exceeding six months. Any person violating Wis. Stats. § 350.08 or 350.10(3) shall forfeit, upon conviction, not more than $200.00 together with the cost of prosecution and, in default of payment thereof, may be imprisoned in the county jail for not more than six months. It is further, provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under section 52-1.

(Code 1975, § 38-193; Code 1997, § 118-388)

ARTICLE 52-VIII CYCLES, SCOOTERS AND PLAY VEHICLES

DIVISION 52-VIII-1 CYCLES, SCOOTERS AND PLAY VEHICLES GENERALLY
DIVISION 52-VIII-2 BICYCLES
DIVISION 52-VIII-3 ELECTRIC SCOOTERS

State law references—Bicycles generally, Wis. Stats. § 346.77 et seq.; authority regarding bicycles, Wis. Stats. § 349.18.

DIVISION 52-VIII-1 CYCLES, SCOOTERS AND PLAY VEHICLES GENERALLY

Sec 52-377 Bicycles, Tricycles, And Motorized Vehicles On North And South Piers
Sec 52-378 Certain Activities Prohibited At Lakefront

Sec 52-377 Bicycles, Tricycles, And Motorized Vehicles On North And South Piers

No person shall operate a bicycle, tricycle, or motor-driven vehicle on the North Pier or the South Pier. For the purposes of this section, the term "operation" of a bicycle or tricycle shall mean riding the same, and for motor-driven vehicles, the term "operation" means the physical manipulation or activation of any of the controls necessary to put it in motion.

(Code 1975, § 26-26; Code 1997, § 118-421; Ord. No. 31-97-98, § 1, 7-7-1997; Ord. No. 123-97-98, § 1, 3-16-1998)

Sec 52-378 Certain Activities Prohibited At Lakefront

Any form of vehicular traffic, except emergency vehicles, is prohibited in the enclosed area from Wisconsin Avenue to Michigan Avenue on Broughton Drive and North Third Street during LakeFest, the day of the Independence Day celebration and Coho Derby, when the area is closed for the lakefront activities.

(Code 1975, § 26-27; Code 1997, § 118-423; Ord. No. 34-97-98, § 1, 7-7-1997)

DIVISION 52-VIII-2 BICYCLES

Subdivision 52-VIII-2-I Bicycles In General
Subdivision 52-VIII-2-II Registration

Subdivision 52-VIII-2-I Bicycles In General

Sec 52-400 Definitions
Sec 52-401 Forfeitures For Bicycle, Skateboard And In-Line Skate Violations
Sec 52-402 Safety Equipment; Maintenance In Safe Operating Condition
Sec 52-403 Rules For Operation

Sec 52-400 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle means every device propelled by the feet acting upon pedals and having wheels, any two of which are 20 inches or more in diameter.

(Code 1997, § 118-446; Ord. No. 127-95-96, § 1(38-119), 4-15-1996)

Sec 52-401 Forfeitures For Bicycle, Skateboard And In-Line Skate Violations

(a) The forfeitures for violations of this article shall be $25.00 for ages 12 years and up. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.

(b) Upon receipt from a police officer or parking monitor of a notice of a violation of this article, the violator may:

(1) Stipulate guilt and deliver in person or mail the notice of violation together with the forfeiture payment to the city finance department; or

(2) Contest the notice of violation by contacting the police department.

(c) Failure to make payment of the forfeiture or to contest the notice of violation within ten days of issuance shall result in the generation of a first notice of nonpayment. With generation of such notice, a $10.00 administrative fee shall be assessed. Failure to make payment of the forfeiture and administrative fee as assessed or to contest the notice of violation within 21 days of issuance shall result in the generation of a second and final notice of nonpayment. With generation of the second notice, an additional administrative fee of $10.00 shall be assessed. Failure to make payment of the forfeiture and administrative fees as assessed or to contest the notice of violations within 31 days of issuance shall result in assessment of the administration fees related to collection via the state

debt collection program, if any. No notice of violation may be contested if more than 31 days has passed since issuance thereof.

(Code 1997, § 118-447; Ord. No. 127-95-96, § 1(38-130(a)), 4-15-1996; Ord. No. 33-97-98, § 1, 7-7-1997; Ord. No. 101-05-06, § 24, 3-20-2006; Ord. No. 23-21-22, § 1, 9-7-2021)

Sec 52-402 Safety Equipment; Maintenance In Safe Operating Condition

(a) *Lights and reflectors*. No person shall operate a bicycle in the city during hours of darkness unless such bicycle is equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front and with a red reflector at least two inches in surface area on the rear so mounted and maintained as to be visible from all distances from 50 to 300 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

(b) *Brakes*. No person shall operate a bicycle in the city unless it is equipped with a brake that operates effectively.

(c) *Audible signals*. No person shall operate a bicycle in the city unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, but a bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(d) *Operating condition*. No person shall operate a bicycle in the city unless the bicycle is in safe operating condition, including, but not limited to:

(1) All tires inflated with a minimum of 1/16 of an inch tread depth.

(2) All fasteners on the bicycle are attached properly.

(3) The bicycle is equipped with a seat.

(4) The steering mechanism is in alignment and properly fastened.

(5) All chains are attached and in proper working order.

(Code 1997, § 118-448; Ord. No. 127-95-96, § 1(38-125), 4-15-1996)

Sec 52-403 Rules For Operation

Whenever a bicycle is operated in the city the following rules shall apply:

(a) The rider of a bicycle shall ride as near as practicable to within three feet of the right-hand curb or edge of the roadway, exercising due care when passing a standing vehicle or one proceeding in the same direction, or when making a left-hand turn at an intersection.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall a bicycle be used to tow any person or object that is not specifically designed for towing by bicycles.

(c) No person operating a bicycle shall cling or attach themselves or their bicycle to any moving vehicle.

(d) Persons riding bicycles in the city shall ride single file on all roadways, sidewalks and in other areas where other motor vehicles or pedestrian traffic is present.

(e) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto, facing forward, with both feet on the pedals.

(f) No person operating a bicycle shall participate in any race, speed or endurance contest with any other moving vehicle in the city.

(g) No rider of a bicycle shall practice any fancy or acrobatic riding or stunts while operating such bicycle, nor operate such bicycle without keeping at least one hand on its steering apparatus, nor operate a bicycle upon the sidewalks in a business district in the city.

(h) No bicycle shall be operated or parked upon the sidewalks in a business district.

(i) Bicycles which are not mechanically safe shall not be operated on the public ways of the city.

(j) All rules of the road according to Wis. Stats. ch. 346 apply to bicycles being operated in the city.

(Code 1997, § 118-449; Ord. No. 127-95-96, § 1(38-126), 4-15-1996)

Subdivision 52-VIII-2-II Registration

Sec 52-435 Required
Sec 52-436 Application
Sec 52-437 Sticker Fee And Term; Records
Sec 52-438 Display Of Sticker; Fee For Replacement
Sec 52-439 Transfer; Fee
Sec 52-440 Reports By Police Department And Finance Director/Treasurer
Sec 52-441 Operation Of Unregistered Bicycle; Liability Therefor
Sec 52-442 Serial Number And Registration Sticker; Maintenance
Sec 52-443 Vehicle, Play Vehicle And Scooter Use Restricted In Certain Designated Public Areas

Sec 52-435 Required

Every bicycle having wheels 20 inches in diameter or over shall be registered with the police department and have the registration sticker attached to the bicycle.

(Code 1997, § 118-471; Ord. No. 127-95-96, § 1(38-119), 4-15-1996)

Sec 52-436 Application

Applications for registration shall be filed by the owner, if an adult, with the police department (or its designee) on forms provided for it, and if the owner is a minor, by the minor's parent or guardian. All bicycles operated in the city must be registered within ten days of purchase and delivery of the bicycle to the owner.

(Code 1997, § 118-472; Ord. No. 127-95-96, § 1(38-120), 4-15-1996)

Sec 52-437 Sticker Fee And Term; Records

Upon payment of a registration fee of $6.00 by the applicant, the police department shall issue a registration sticker for the bicycle which shall permit the bicycle to be operated upon the streets of the city. No further application or fee shall be required for use of such bicycle; subject, however, to the provisions of sections 52-438 and 52-439.

(Code 1997, § 118-473; Ord. No. 127-95-96, § 1(38-121(a)), 4-15-1996)

Sec 52-438 Display Of Sticker; Fee For Replacement

No bicycle shall be considered registered until a registration sticker, which shall remain legible at all times, shall be affixed to the bicycle, which shall remain so affixed until re-registration or until removed by the police department for cause. No person shall unlawfully remove, deface or destroy any such identification sticker. If a replacement sticker must be issued, the fee therefor shall be $2.00.

(Code 1997, § 118-474; Ord. No. 127-95-96, § 1(38-122), 4-15-1996)

Sec 52-439 Transfer; Fee

Every person who transfers the title of any bicycle shall endorse upon the bottom of the registration card the name and address of the transferee, the date of the transfer and the name of the transferor. The transferee, upon re-registration, shall pay a transfer fee of $2.00.

(Code 1997, § 118-475; Ord. No. 127-95-96, § 1(38-123), 4-15-1996)

Sec 52-440 Reports By Police Department And Finance Director/Treasurer

The police department shall make a daily report and payment to the finance director/treasurer of funds received from bicycle registration fees, when such office is open. The finance director/treasurer shall make a quarterly report thereon to the common council.

(Code 1997, § 118-476; Ord. No. 127-95-96, § 1(38-124), 4-15-1996)

Sec 52-441 Operation Of Unregistered Bicycle; Liability Therefor

No parent of a minor child or guardian of a minor child shall knowingly and willingly permit such minor child to operate an unregistered bicycle in the city.

(Code 1997, § 118-477; Ord. No. 127-95-96, § 1(38-127), 4-15-1996)

Sec 52-442 Serial Number And Registration Sticker; Maintenance

(a) The serial number and registration sticker of every bicycle shall be maintained in proper condition and conform with this division. No person shall:

(1) Willfully twist, paint, alter or add to or cut off any portion of a serial number or registration sticker;

(2) Place or deposit or cause to be deposited on such serial number or registration sticker any substance to hinder the normal reading of such numbers; or

(3) Deface, disfigure, change or attempt to change any letter or figure on the serial number or registration sticker.

(b) Any bicycle with a serial number or registration sticker which has not been maintained as required in this section and are found to be defaced, disfigured, altered or painted over, shall be presumed to be stolen, subject to immediate impoundment, and will be released only upon verification of ownership.

(c) The owner of a bicycle with an illegible, defaced, disfigured, altered or painted over registration sticker shall, as quickly as time permits, reapply and pay for a replacement registration sticker as provided in section 52-438.

(Code 1997, § 118-478; Ord. No. 127-95-96, § 1(38-128), 4-15-1996)

Sec 52-443 Vehicle, Play Vehicle And Scooter Use Restricted In Certain Designated Public Areas

(a) No person shall skateboard at any time in the following areas of the city:

(1) Within the area bordered by Ninth Street to the west, Erie Avenue to the north, Seventh Street to the east and Pennsylvania Avenue to the south;

(2) All city parks;

(3) All public parking lots;

(4) Public areas within property zoned commercial or industrial;

(5) All municipal boardwalks, which are defined as the public walkways and pier extensions along the north bank of the Sheboygan River northerly

and easterly of the Eighth Street Bridge; and

(6) The North Pier and South Pier.

(b) No person shall roller skate, in-line skate or roller blade at any time on the sidewalk or other walkways within the areas specified in subsections (a)(1) through (6) of this section.

(c) No person shall operate an electric scooter on any city sidewalk, municipal boardwalk (as defined in subsection (a) of this section), or the North Pier or the South Pier.

(d) No person shall skateboard, roller skate, in-line skate or roller blade at any time on or upon any municipal boardwalk or any portion thereof.

(e) No person shall operate a bicycle, tricycle or motor driven vehicle on or upon any municipal boardwalk or any portion thereof; however, this subsection shall not be construed to prohibit a wheelchair being operated by a physically disabled person.

(Code 1975, § 26-23; Code 1997, § 118-479; Ord. No. 32-97-98, § 1, 7-7-1997; Ord. No. 123-97-98, §§ 2, 3, 3-16-1998)

DIVISION 52-VIII-3 ELECTRIC SCOOTERS

Sec 52-470 Intent
Sec 52-471 Definitions
Sec 52-472 Usage Of Electric Scooters
Sec 52-473 Parking Of Electric Scooters
Sec 52-474 Rental Of Electric Scooters
Sec 52-475 Penalties

Sec 52-470 Intent

The intent of this division is to protect the public health, safety, and welfare by preventing or mitigating against any adverse impact that electric scooter rental and operation may have, by restricting the locations in which electric scooters may be operated and parked, and by licensing the short-term commercial rental of electric scooters in the city.

(Code 1997, § 118-481; Ord. No. 43-20-21, § 2, 4-19-2021)

Sec 52-471 Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Electric scooter means a device weighing less than 100 pounds that has handlebars

and an electric motor, is powered solely by the electric motor and human power and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. The term "electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

Licensee means the holder of a commercial electric scooter rental license issued under this division.

Operate an electric scooter means to ride on an electric scooter powered at least in part by the electric motor.

Rebalancing means redistributing electric scooters throughout the city.

User means an individual who uses an electric scooter for the purpose of transportation or recreation.

(Code 1997, § 118-482; Ord. No. 43-20-21, § 2, 4-19-2021)

Sec 52-472 Usage Of Electric Scooters

(a) No person shall operate an electric scooter:

(1) On any roadway under the city's jurisdiction having a speed limit of more than 25 miles per hour.

(2) Any sidewalk under the city's jurisdiction.

(3) On the boardwalk.

(4) On the North Pier or the South Pier.

(b) Electric scooters may be operated on any roadway under the city's jurisdiction having a speed limit of 25 miles per hour or less, and on recreational trails under the city's jurisdiction.

(Code 1997, § 118-483; Ord. No. 43-20-21, § 2, 4-19-2021)

Sec 52-473 Parking Of Electric Scooters

(a) Electric scooters shall be parked in an upright position, with two wheels making a point of contact with the ground.

(b) Electric scooters shall not be parked in a way that provides less than a five-foot-wide path on the sidewalk for pedestrian access.

(c) Electric scooters shall not be parked in a way that obstructs access to parking meters.

(d) Electric scooters shall not be parked between the sidewalk and the curb where such area is less than three feet wide.

(e) Where possible without impeding the flow of pedestrian traffic, an electric scooter may be parked on a sidewalk, or in a bicycle rack or other similar area designated for bicycle parking.

(f) On blocks without sidewalks, electric scooters may be parked in the roadway if the right-of-way and the pedestrian way are not obstructed by so parking the electric scooter.

(g) Except at existing permitted bicycle facilities, electric scooters shall not be parked between the sidewalk and the curb where adjacent to or within the following locations:

(1) Parklets;

(2) Loading zones;

(3) Accessible parking spaces;

(4) Curb ramps;

(5) Entryways;

(6) Driveways;

(7) Street furniture requiring pedestrian access; and

(8) Transit stops (including bus stops, shelters, and passenger waiting areas).

(Code 1997, § 118-484; Ord. No. 43-20-21, § 2, 4-19-2021)

Sec 52-474 Rental Of Electric Scooters

(a) *License required*. No person or business shall offer short-term commercial rental of electric scooters to the public unless the person or business has obtained a license in accordance with this section.

(b) *License application requirements*.

(1) Application for a commercial electric scooter rental license shall be made in writing to the city clerk, upon blanks furnished by the clerk.

a. In the case of a sole proprietorship, the owner shall sign the application.

b. In the case of a partnership, the name of the business and the names and addresses of all partners shall be provided on the application. One of the partners shall sign the application.

c. In the case of an LLC or a corporation, the name of the business and the names and addresses of the principal officers shall be provided on the application. In the case of an LLC, one of the members shall sign the application. In the case of a corporation, the president and secretary shall sign the application.

(2) The application shall identify contact information (including a telephone number and email address) for an operations manager based within 50 miles of the city.

(3) The applicant shall include a copy of their user agreement and privacy policy with the application.

(4) *Insurance*.

a. The applicant shall include a certificate of insurance with the application that meets the requirements of this provision.

b. The applicant's insurance shall provide that the city will receive a 30-day written notice of cancellation, non-renewal, or material change by any insurer providing coverage required by this provision.

c. Insurance companies must have a current AM Best rating of A-VII or better.

d. Applicant's insurance policy limits shall meet at least the following requirements:

1. Workers' compensation (only required if the applicant employs persons within the state): statutory limits.

2. Commercial general liability insurance: $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate.

3. Auto liability: $1,000,000.00 per occurrence.

e. The city shall be listed as an additional insured on the applicant's commercial general liability insurance policy.

f. If applicant uses subcontractors for maintenance, rebalancing, or any other aspects of the applicant's commercial electric scooter rental business, the subcontractor must be covered by applicant's insurance or applicant must demonstrate the subcontractor independently meets the insurance provisions of this requirement.

(5) *Indemnification*. The applicant shall agree to indemnify, defend, and hold the city (and the city's officers, employees, and agents) harmless from and against all actions, damages, or claims brought against the city arising out

of the applicant's operations. The city attorney shall have the authority to negotiate the terms of the indemnification provision with the applicant.

(6) *Application fee*. The fee for a commercial electric scooter rental license required by this article shall be $250.00 per year or any fractional part thereof.

(7) *Granting licenses*. The city clerk shall issue a license under this section if all requirements have been met and if issuance is in the best interests of the city. The city clerk may deny any license under this section in the clerk's full discretion in the interest of public safety or if the application is not in the interest of the city. In reviewing the application, the city clerk shall consider any input from the city administrator, the city attorney, the police chief, the director of planning and development, or their designees. If the clerk denies a license, the applicant may appeal the denial to the licensing, hearing, and public safety committee of the common council.

(8) *Term of license*. Any license issued pursuant to this section shall be effective upon issuance. It shall expire on December 31 following its issuance.

(c) *Rental operation requirements*. In conducting their electric scooter rental business, each holder of a commercial electric scooter rental license shall comply with the following:

(1) *Maximum number of scooters*. No licensee shall have more than 300 scooters available for rent within the city at any one time without the approval of the licensing, hearing, and public safety committee of the common council.

(2) *Hours of operation*. No licensee shall make electric scooters available for rent before 4:00 a.m. or after 12:00 midnight.

(3) *User fees*. Any user fee for the rental of an electric scooter shall be clearly and understandably communicated to the user prior to the usage of the electric scooter.

(4) *Parking*. The licensee shall:

a. Provide instructions for properly parking electric scooters to users.

b. Keep the sidewalk free from obstructions to pedestrians by requiring users to park electric scooters such that a walk space not less than five feet wide shall at all times be kept open for pedestrians.

c. Use geofencing to prohibit parking in areas in which parking is prohibited by this division.

d. Upon notification by the city administrator or a designee to the

operations manager that an electric scooter of licensee is improperly parked, the licensee shall relocate the electric scooter in accordance with the following requirements:

1. Within three hours of notice received between 7:00 a.m. and 7:00 p.m.
2. By 10:00 a.m. for notice received between 7:00 p.m. and 7:00 a.m.
3. The city may relocate improperly parked electric scooters which are not relocated in accordance with this requirement and shall bill the licensee $50.00 for each electric scooter it relocates, which is reasonably calculated to recapture the city's costs in relocating an improperly parked electric scooter.

e. Licensees may appeal fees imposed by subsection (c)(4)d of this section, to the licensing, hearings, and public safety committee by providing written notice to the city clerk within ten business days of receiving notice of a fee.

f. Licensees that owe $500.00 or more to the city related to the relocation of licensee's electric scooters shall, upon five business days' written notice, have their license suspended until the total amount owed has been paid. Prior to the expiration of the five business days' notice, licensee shall remove their electric scooters from the city or shall make payment to the city. If licensee does not remove their electric scooters from the city or make payment to the city during this time period, the city may remove the electric scooters pursuant to subsection (e) of this section.

(5) *Safety education*. Licensee shall provide materials to its users to promote safe riding and educate users on rider responsibilities and encourage safe and courteous riding and parking.

(6) *Snow events*.

a. The licensee shall ensure that their electric scooters do not impede city or resident snow removal and ice control operations.

b. In the event that the city declares a snow emergency under section 20-4, the licensee shall ensure that its electric scooters are removed from the right-of-way for the duration of the snow emergency.

(7) *Notice of changes*. In the event that licensee changes its operations manager identified in its application (including contact information for the

operations manager), user agreement, privacy policy, or insurance, licensee shall provide notice to the city clerk within three business days of the change.

(8) *Website or mobile application*. If the licensee operates a website or smartphone application, the website and smartphone application shall:

a. Notify users that:

1. Helmet use is encouraged while riding an electric scooter;
2. Sidewalk riding is prohibited;
3. Users are required to follow all rules of the road; and
4. Scooters must be parked responsibly.

b. Provide a means for users to notify the licensee if there is a safety or maintenance issue with the electric scooter. Licensee shall immediately take the scooter out of service upon receipt of notice that there is a safety or maintenance issue and shall not return the scooter to service until licensee has resolved the safety or maintenance issue.

(9) *Electric scooter standards*. Any electric scooter made available for rent by licensee must meet the following requirements:

a. Each electric scooter shall meet the requirements described in Wis. Stats. § 347.489(1) through (3).

b. Each electric scooter shall include easily visible contact information, including a toll-free telephone number and email address for members of the public to make relocation requests or to report other issues with the electric scooters.

c. Each electric scooter shall be inspected by licensee at least once per month. The inspection shall include, at a minimum, a check of the brake function and brake-level wear. Any electric scooter deemed unsafe or inoperable shall be placed out of service immediately. Licensee shall maintain records of its inspections, which shall be open to the city for inspection upon reasonable request.

d. Each scooter shall be equipped with wheel-lock technology to prevent unauthorized use.

e. Geofencing shall be used to prohibit usage in areas prohibited by this division.

f. Each scooter shall be assigned a unique identifying number

(which is clearly labeled on the electric scooter), which shall be provided to the city clerk prior to making the electric scooter available for rental in the city.

(10) *Data and reporting*. Licensee shall provide data reasonably requested by the city to assist with monitoring program usage.

(11) *Assist with user compliance*. In addition to the requirements set forth above, licensee shall take any additional steps reasonably requested by the city to ensure appropriate usage of electric scooters by its users.

(d) *Suspension or revocation of license*.

(1) A license may be suspended or revoked by the city clerk or their designee for any of the following reasons:

a. Failure to comply with any of the provisions of this article;

b. Violating any state statute or provision of this Code;

c. By request of the city administrator, city attorney, police chief, director of planning and development, or their designees, when the request provides evidence of the reasons in subsections (d)(1)a or b of this section.

(2) Any licensee whose license has been suspended or revoked under the provisions of this subsection may appeal the suspension or revocation to the licensing, hearings, and public safety committee of the common council by providing written notice to the city clerk. The licensing, hearings, and public safety committee shall conduct a hearing within 30 days of receipt of a written appeal.

(e) *Unlicensed electric scooter rentals*. In the event that a person or business commences short-term commercial rental of electric scooters to the public in the city without having first obtained a license in accordance with this section, the city may, without advance notice, take possession of any unauthorized electric scooters in the right-of-way. The city shall provide notice to the unauthorized person or business that it has taken possession of the electric scooters and invoice the unlicensed person or business the rate for relocating an electric scooter set in subsection (c)(4)d of this section. The unlicensed person or business may appeal fees imposed by this subsection to the licensing, hearing, and public safety committee by providing written notice to the city clerk within 20 business days of receiving notice of a fee. If the unlicensed person or business does not appeal the fees imposed or make payment within 45 days of receipt of invoice, the city may dispose of any electric scooters belonging to the unlicensed person or business in its possession. Any proceeds from the disposition shall be used to offset the unlicensed person or business's unpaid fees. Any costs from

the disposition shall be billed to the unlicensed person or business.

(Code 1997, § 118-485; Ord. No. 43-20-21, § 2, 4-19-2021)

Sec 52-475 Penalties

(a) The forfeitures for violations of sections 52-472 and 52-473 shall not exceed $25.00. No court costs or witness fees shall be assessed unless the violator desires to appear at a court hearing on such violation.

(b) The forfeiture for violations of section 52-474 shall be not less than $50.00 and not more than $500.00 per occurrence.

(c) For the avoidance of doubt, citations for violations of Wis. Stats. ch. 346 which arise out of the operation of an electric scooter may be issued pursuant to section 52-1.

(Code 1997, § 118-486; Ord. No. 43-20-21, § 2, 4-19-2021)

ARTICLE 52-IX RAILROADS

Sec 52-504 Blocking Intersections
Sec 52-505 Railroad Gates, Wigwag Signals And Bell Devices
Sec 52-506 Sidetracks And Spurs
Sec 52-507 Trespassing On Railroad Cars

Sec 52-504 Blocking Intersections

(a) No directing officer or operator of any railroad train or locomotive shall direct the operation of or operate the same in such a manner as to prevent the use of any street for the purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or locomotives in motion other than those engaged in switching. No engineer shall stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.

(b) The blocking limits specified in subsection (a) of this section shall not apply to the South Ninth Street intersection with the railway, at which intersection the time limit shall be 25 minutes.

(c) A violation of this section shall subject to a forfeiture of not less than $25.00 nor more than $250.00, and for subsequent offenses within a one-year period of time, a forfeiture of not less than $50.00 nor more than $500.00 and, in default of payment thereof, imprisonment for not exceeding ten days, together with the costs of prosecution. In default of payment of such forfeitures and costs, violators are also subject to imprisonment in the county jail until the forfeitures and costs are paid.

(Code 1975, §§ 33-1, 33-3; Code 1997, §§ 90-1, 90-2)

Sec 52-505 Railroad Gates, Wigwag Signals And Bell Devices

(a) The Chicago and North Western Railway Company shall maintain and operate all signal devices, bells or gates at grade crossings on every street within the city, as shall be prescribed and ordered by the state public service commission.

(b) Failure by the railway company to maintain the signals in proper working order or failure to operate the same shall be a violation of this section. Every day that the signals are not operated or in operation shall constitute a separate offense.

(c) Failure on the part of the railroad company to erect and install such railroad gates, wigwags or bell devices at the grade crossings designated shall subject the company to a penalty as provided in section 52-504 for each crossing not protected. Each day a violation continues shall constitute a separate offense.

(d) A violation of this section shall be subject to a forfeiture of not less than $25.00 nor more than $50.00, together with the costs of prosecution. In default of payment of such forfeitures and costs, the violator shall be subject to imprisonment in the county jail until the forfeitures and costs are paid.

(Code 1975, §§ 33-1, 33-4; Code 1997, §§ 90-1, 90-3)

Sec 52-506 Sidetracks And Spurs

(a) Any sidetrack laid by a railway company shall conform to the lawful grade of any street or alley upon which the track is laid, and shall, at the expense of the railway company, be maintained in accordance with the grade of such street as the same may be changed from time to time. Whenever the city shall pave or gravel any street or alley, the railway company shall, at its own expense, plank or pave, with suitable material to be determined by the department of engineering and public works of the city, and in a substantial and workmanlike manner, all that portion of the street or alley lying between the rails of such sidetrack and for a distance equal to the projection of the ties outside of the rails, and shall keep such planking and pavement at all times in good condition so as to permit convenient and uninterrupted travel by the public.

(b) The inside rail of all sidetracks hereafter laid by a railway company upon any street of the city, which sidetracks run parallel with the sidewalk of the street, shall be laid at least 13 feet from the lot line, leaving a free passageway between the sidetrack and lot line of 13 feet.

(Code 1975, § 33-5; Code 1997, § 90-4)

Sec 52-507 Trespassing On Railroad Cars

No person under 18 years of age shall get upon, attempt to get upon, cling to, jump or

step from any railroad car or train, except that this section shall not apply to the employee of any railroad or express company. A violation of this section shall subject the violator to a forfeiture of not more than $25.00.

(Code 1975, § 26-24; Code 1997, § 70-85)

ARTICLE 52-X PARADES AND PROCESSIONS
DIVISION 52-X-1 PARADES AND PROCESSIONS GENERALLY
DIVISION 52-X-2 PERMIT

DIVISION 52-X-1 PARADES AND PROCESSIONS GENERALLY

Sec 52-538 Use Of Public Places; Intent Of Article
Sec 52-539 Definitions
Sec 52-540 Disobedience Of Officers

Sec 52-538 Use Of Public Places; Intent Of Article

The streets and other public places in possession of the city are primarily for the use of the public in the ordinary way. However, under proper circumstances they may be used for parades and processions, subject to reasonable municipal regulation and control. It is recognized that there is a fundamental and constitutional right to use the public streets for a parade. Therefore, this article is intended to regulate and control parades and processions to the end that the general welfare of the city be protected.

(Code 1975, § 36-177; Code 1997, § 118-511)

Sec 52-539 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means any parade, march or procession of any kind and the assembly areas therefor.

(Code 1975, § 36-178; Code 1997, § 118-512)

Sec 52-540 Disobedience Of Officers

No person who leads or participates in a parade shall disobey, or encourage others to disobey, this article after a police officer has directly and presently informed such person of any of the provisions of this article or the terms of the parade permit that the person is violating.

(Code 1975, § 36-180; Code 1997, § 118-513)

DIVISION 52-X-2 PERMIT

Sec 52-559 Required Generally; Exception
Sec 52-560 Situations For Which Permit Not Required
Sec 52-561 Application--Generally
Sec 52-562 Application--Due Date
Sec 52-563 Application--Contents
Sec 52-564 Recommendations Of Other Agencies
Sec 52-565 Discretionary Denial
Sec 52-566 Mandatory Denial
Sec 52-567 Action Upon Application
Sec 52-568 Modification Of Application
Sec 52-569 Issuance
Sec 52-570 Revocation
Sec 52-571 Contents
Sec 52-572 Distribution Of Copies
Sec 52-573 Compliance By Permittee With Laws
Sec 52-574 Distribution Of Items
Sec 52-575 Proof Of Insurance

Sec 52-559 Required Generally; Exception

(a) *General requirement*. No person shall form, direct, marshal, lead or participate in any parade, walk, run, or other similar event in any area used principally for pedestrian or vehicular traffic for which a permit has not been obtained in advance.

(b) *Exception*. Notwithstanding subsection (a) of this section, no permit is required for such an event if:

(1) Notification of the event has been provided to the chief of police at least 72 hours in advance;

(2) The event will not substantially hinder normal use of the sidewalk or footway; and

(3) The participants in the event will abide by all traffic signs, signals and other traffic regulations.

(Code 1975, § 36-179; Code 1997, § 118-536; Ord. No. 6-15-16, § 1, 6-15-2015)

Sec 52-560 Situations For Which Permit Not Required

A permit is not required for assembling or movement of a funeral procession, or for any parade sponsored by an agency of the federal, state or municipal government acting in its governmental capacity within the scope of its authority. Federal, state or city authorities are requested to coordinate preparations for and holding parades sponsored by them under this article with the chief of police.

(Code 1975, § 36-181; Code 1997, § 118-537)

Sec 52-561 Application--Generally

All applications for parade permits shall be filed with the chief of police. Applications filed less than 35 days prior to the date on which the parade is proposed to be conducted shall be filed in person with the chief of police.

(Code 1975, § 36-182; Code 1997, § 118-538)

Sec 52-562 Application--Due Date

A written application for a permit for any parade for which use of streets, sidewalks or walkways is desired shall be made at the earliest convenience of its organizer to the chief of police on a form provided by the chief, but in no case less than 72 hours prior to the parade.

(Code 1975, § 36-183; Code 1997, § 118-539)

Sec 52-563 Application--Contents

The application for a parade permit shall set forth the following information regarding the proposed parade:

(a) The name, address and telephone number of the applicant.

(b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

(c) The name, address and telephone number of the person who will be responsible for conducting the parade.

(d) The date when the parade is to be conducted and its duration.

(e) The assembly area, the starting point, the route to be traveled, and the termination point.

(f) The number and size of units comprising the parade.

(g) If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on the applicant's behalf.

(h) Any additional information which the chief of police finds reasonably necessary to a fair determination as to whether a permit should be issued.

(Code 1975, § 36-184; Code 1997, § 118-540)

Sec 52-564 Recommendations Of Other Agencies

The chief of police may obtain the recommendations of such other governmental agencies as the chief deems necessary before the chief issues or denies a parade permit.

(Code 1975, § 36-185; Code 1997, § 118-541)

Sec 52-565 Discretionary Denial

An application for a parade permit may be denied by the chief of police if:

(a) It is for a parade that is to be held on a workday during hours when and at places where, in addition to the proposed parade, the flow of vehicular and pedestrian traffic is usually delayed by its own volume;

(b) It is for a parade that is to be held between the hours of 10:00 p.m. and 6:00 a.m.;

(c) Sufficient parade marshals are not provided as to reasonably ensure the orderly conduct of the parade; or

(d) More than one assembly area or more than one dispersal area is proposed.

(Code 1975, § 36-186; Code 1997, § 118-542)

Sec 52-566 Mandatory Denial

An application for a parade permit shall be denied by the chief of police if:

(a) It is made less than 72 hours in advance of the time the parade is scheduled to commence;

(b) It is for a parade that is primarily for private or commercial economic gain;

(c) It is for a parade which would involve violation of federal or state highway law or of other applicable provisions of this Code or city ordinances;

(d) The granting of the permit would conflict with another permit already granted or for which application is already pending; or

(e) The application does not contain the information required by section 52-563.

(Code 1975, § 36-187; Code 1997, § 118-543)

Sec 52-567 Action Upon Application

The chief of police shall act as promptly as the chief reasonably can on all applications for parade permits after consulting with other government agencies directly affected and after consulting with the applicant, if necessary. All applications filed 35 days or more in

advance shall be granted or denied not less than 28 days before the date applied for. Action on applications filed less than 35 days in advance shall be taken within seven days after the application is filed, but in no case later than ten hours in advance of the time applied for. The chief of police shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for denial of the permit.

(Code 1975, § 36-188; Code 1997, § 118-544)

Sec 52-568 Modification Of Application

In lieu of denying a parade permit or revoking it under section 52-570, the chief of police may authorize the changing of assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than as applied for or as permitted. The applicant or permittee may accept such modification by immediately notifying the chief of police, in writing, of such acceptance.

(Code 1975, § 36-189; Code 1997, § 118-545; Ord. No. 6-01-02, § 1, 6-4-2001)

Sec 52-569 Issuance

The chief of police shall issue a parade permit to the applicant therefor, subject to the provisions of this article, unless the chief concludes that:

(a) The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the city;

(b) The parade will so substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property;

(c) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic, contiguous to its route; or

(d) The parade is so organized that participants are likely to engage in aggressive or destructive activity.

(Code 1975, § 36-190; Code 1997, § 118-546)

Sec 52-570 Revocation

Nothing in this article shall prevent the common council from overruling the chief of police in granting or denying a parade permit. The chief of police may revoke a permit already issued if the chief deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe, or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the standards of issuance.

(Code 1975, § 36-191; Code 1997, § 118-547)

Sec 52-571 Contents

Each parade permit shall state such information as the chief of police shall find necessary to the enforcement of this article.

(Code 1975, § 36-192; Code 1997, § 118-548)

Sec 52-572 Distribution Of Copies

Immediately upon the issuance of a parade permit, the chief of police shall send a copy to the following:

(a) The mayor;

(b) The fire chief;

(c) The director of engineering and public works; and

(d) Each public transportation utility whose regular routes will be affected by the parade.

(Code 1975, § 36-193; Code 1997, § 118-549)

Sec 52-573 Compliance By Permittee With Laws

A permittee under this article shall comply with all applicable directions and conditions, all council approved parade rules, and with all applicable laws and ordinances.

(Code 1975, § 36-194; Code 1997, § 118-550; Ord. No. 2-01-02, § 1, 5-21-2001)

Sec 52-574 Distribution Of Items

(a) No person participating in a parade shall throw, toss, pitch or otherwise distribute any items by any means other than personally handing such items to spectators along the parade route and then, only if such personal distribution is made in such a manner as not to induce spectators to leave the sidelines to enter into the path of the parade.

(b) Any participant who intends to hand items to spectators along the parade route shall, prior to commencement of the parade, notify the parade director of the type and kind of items to be distributed.

(Code 1975, § 36-195; Code 1997, § 118-551)

Sec 52-575 Proof Of Insurance

The person issuing a permit under this division shall require a policy of liability insurance for the payment of all claims that may arise because of injuries to person or property as the result of any activity related to the permit. The insurance policy shall be in the minimum amount of $1,000,000.00 and shall name the city as an additional insured as its interests may appear. The policy shall be filed with the application for a parade permit.

(Code 1997, § 118-552; Ord. No. 6-01-02, § 2, 6-4-2001)

CHAPTER 54 UTILITIES

ARTICLE 54-I UTILITIES IN GENERAL
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ARTICLE 54-I UTILITIES IN GENERAL

Sec 54-1 Penalties
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Sec 54-4 Permit Required For Connections With Public Sewer And Water Systems
Sec 54-5 Time For Connections
Sec 54-6 Laying Laterals

Sec 54-1 Penalties

A violation of any of the following sections of this chapter shall subject the violator to the forfeitures as follows, together with the costs of prosecution, and, in default of payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of the terms stated:

(a) A forfeiture of not less than $5.00 nor more than $100.00 and, in default in payment thereof, imprisonment for not exceeding 20 days for a violation of sections 54-140 and 54-141.

(b) A forfeiture of not less than $25.00 nor more than $50.00 for a violation of sections 54-3 and 54-53 and article 54-III of this chapter.

(Code 1975, § 40-3; Code 1997, § 122-1)

Sec 54-2 Supervision

All sewer mains and service laterals and all water mains and service pipes shall be under control of the department of engineering and public works and the board of water commissioners, and no service pipe shall be laid and no opening into or connection with a sewer service lateral, public sewer or water main shall be made, re-laid, replaced or repaired, except under the joint direction and supervision of the plumbing inspector and such department and board.

(Code 1975, § 31-51; Code 1997, §§ 26-991, 122-2; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-3 Plans For Conduits

Whenever any utility lays any water main, gas main, heat main or telephone, telegraph or electric conduit in the city, a plan showing the size, location and grade of the main or conduit shall first be submitted to the board of engineering and public works for approval.

(Code 1975, § 40-63; Code 1997, § 122-4)

Sec 54-4 Permit Required For Connections With Public Sewer And Water Systems

(a) No person shall open any street, alley or other public place for the purpose of laying or repairing any water service or drain pipe or make or repair any attachment or connection with any water or sewer service or drain or do any kind of work connecting any private sewer or drain to the main or street sewer or other disposal terminal or in connecting any water pipe or system to the water main or do any other kind of work in connection with any public or private sewer inside or outside of any building, except emergency repairs, without first having obtained a written permit from the department of engineering and public works or its authorized agent.

(b) Permits required by this section shall be issued only upon written application made by a licensed and bonded master plumber, authorized by the owner or agent of the premises desiring to make such excavations, connections, extension or alteration, stating the name of the owner and that such owner and such master plumber will be bound by and be subject to all rules and regulations as prescribed in this chapter and in chapter 26, giving the exact location of the premises, stating the purpose for which the connection, extension or alteration is to be used, the time when the work is to be done and all other particulars in respect thereto.

(c) No work of laying or relaying building sewers, storm drains, or water services shall be commenced or continued without the required permit to connect with the public water or sewer system being on the premises and in the possession of the plumber or plumber's employee.

(Code 1975, §§ 31-52—31-54; Code 1997, §§ 26-992--26-994, 122-6; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-5 Time For Connections

If the plumber shall not make the connection at the time specified in the plumber's application for the permit required in section 54-4, notice shall be left at the office of the department of engineering and public works or plumbing supervisor, setting another time for doing the work.

(Code 1975, § 31-55; Code 1997, §§ 26-995, 122-7; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-6 Laying Laterals

(a) When sewer and water laterals are laid, they shall be laid to run from the mains to two feet inside the lot line.

(b) The installation and maintenance of all sewer (storm, mini-storm and sanitary) and water laterals from the city mains shall be the responsibility of the owner of the property which they serve, as stated in section 4, page 8 of the original water utility regulations.

(Code 1975, § 31-56; Code 1997, §§ 26-996, 122-8; Ord. No. 17-19-20, § 2, 9-16-2019; Ord. No. 5-20-21, § 2, 7-6-2020)

ARTICLE 54-II FRANCHISES

DIVISION 54-II-1 FRANCHISES GENERALLY
DIVISION 54-II-2 NATURAL OR MIXED GAS FRANCHISES

State law reference—Franchise for public service company, Wis. Stats. § 66.0815.

DIVISION 54-II-1 FRANCHISES GENERALLY

Sec 54-31 Incorporated In Code
Sec 54-32 Application

Sec 54-31 Incorporated In Code

All franchise ordinances in force in the city are incorporated in this Code by reference and shall have the same force and effect as though fully set forth in this Code.

(Code 1975, § 40-75; Code 1997, § 122-131)

Sec 54-32 Application

(a) When application is made to the common council for the granting of a franchise, the person making the application shall deposit with the city clerk the sum of $200.00 to cover the costs of printing and other expenses the city may incur in considering the application.

(b) The balance of the application fee remaining after the payment of printing fees and other expenses shall be returned to the depositor of the fee.

(c) No application for a franchise shall be received or acted upon unless accompanied by payment of the application fee.

(Code 1975, § 40-76; Code 1997, § 122-132)

DIVISION 54-II-2 NATURAL OR MIXED GAS FRANCHISES

Sec 54-53 Application
Sec 54-54 Public Hearing On Application
Sec 54-55 Granting
Sec 54-56 Compliance With State Laws
Sec 54-57 Installation Of Gas Meters

Sec 54-53 Application

Any person, including public utility corporations, whether or not presently operating under a franchise, privilege or permit either from the city or the state, desiring to manufacture, supply or furnish by means of pipes or mains, directly or indirectly, natural gas or mixed gas containing natural gas to consumers within the city or to change over from one type of gas to another shall first make application in writing to the common council for a permit to occupy streets, highways or other public places within the city. The application shall set forth in detail the standards, quality and character of such service; the approximate cost to the gas users within the city; the heating value of the gas to be furnished; the cost to all classes of users of any parts or equipment or the cost of any change over that will be required within the city; and such other information the common council or a committee thereof may require.

(Code 1975, § 40-83; Code 1997, § 122-161)

Sec 54-54 Public Hearing On Application

Upon receiving any such application as provided in section 122-161, the common council shall order a public hearing to be held either before it or a council committee. The applicant shall furnish any additional information or data the common council or its committee may require in the premises.

(Code 1975, § 40-84; Code 1997, § 122-162)

Sec 54-55 Granting

The common council may grant or refuse the permit required under this division or the franchise or may, in its discretion, refer the permit or franchise to an advisory referendum vote for approval or disapproval by the voters of the city on a special ballot at the following municipal election. The council shall not grant a permit if it finds that such permit would not be in the best interest of the public health, safety and welfare.

(Code 1975, § 40-85; Code 1997, § 122-163)

Sec 54-56 Compliance With State Laws

Nothing contained in this division shall be interpreted as relieving the applicant from complying with any provision of the state statutes relating to public utilities.

(Code 1975, § 40-86; Code 1997, § 122-164)

Sec 54-57 Installation Of Gas Meters

No person, including public utility corporations operating in the city, shall install a gas meter and related equipment in the front yard of a residence in the city without a written 30-day notice to the owner of the premises.

(Code 1975, § 40-87; Code 1997, § 122-165)

ARTICLE 54-III RIGHT-OF-WAY USE FOR UTILITIES

Sec 54-88 Findings, Purpose And Intent
Sec 54-89 Definitions
Sec 54-90 Administration
Sec 54-91 Registration For Right-Of-Way Occupancy
Sec 54-92 Registration Information
Sec 54-93 Registration Fee
Sec 54-94 Reporting Obligations
Sec 54-95 Permit To Install, Excavate, Or Otherwise Occupy Right-Of-Way Required
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Sec 54-99 Ongoing Management Fees
Sec 54-100 Erection Of Poles In Certain Areas Prohibited
Sec 54-101 Compliance With Other Laws
Sec 54-102 Revocations, Suspensions, Refusals To Issue Or Extend Permits
Sec 54-103 Work Done Without A Permit
Sec 54-104 Location Of Facilities
Sec 54-105 Relocation And Protection Of Facilities
Sec 54-106 City Right To Self-Help
Sec 54-107 Abandoned Facilities
Sec 54-108 Reservation Of Regulatory And Police Powers
Sec 54-109 Penalty

Sec 54-88 Findings, Purpose And Intent

(a) In the exercise of governmental functions, the city has priority over all other uses of the public rights-of-way. The city desires to anticipate and minimize the number of obstructions, degradation, and excavations taking place to regulate the placement of facilities in the rights-of-way to ensure that the rights-of-way remain available for public services and are safe for public use, and to ensure that facilities are timely maintained, supported, protected or relocated to accommodate reconstruction or repairs. The taxpayers of the city bear the financial burden for the upkeep, maintenance and reconstruction of the rights-of-way and a primary cause for the early and excessive deterioration of its rights-of-way is the frequent excavation by persons who locate facilities therein.

(1) The city finds increased use of the public rights-of-way results in increased costs to the taxpayers of the city and that these costs are likely to continue into the foreseeable future.

(2) The city finds that the aboveground use of public rights-of-way creates special and unique public health, safety, and general welfare concerns for the city, including, but not necessarily limited to, traffic safety, sightline and vision triangle issues, break-away design consistent with other public utility pole or structure requirements, public snow plowing and snow storage, property access and public parking, obstruction to municipal police, fire, and rescue services, and related issues.

(3) The city finds that the erection and maintenance of utility poles (including, but not limited to, telephone, cable television, and electric light and power poles), wires and appliances in the streets, alleys and public places of the city within the district described as Eighth Street from the south line of Indiana Avenue to the north line of Superior Avenue is dangerous to life and property and to obstruct and incommode the public use of such streets and is hereby declared to constitute a nuisance.

(4) The city finds that delays by occupants of the rights-of-ways in maintaining, supporting, protecting or relocating facilities, if they impact public construction projects, have the potential to significantly increase public works project costs borne by the taxpayers. Moreover, the city finds that some right-of-way occupants have a history of delays and nonresponsiveness.

(5) The city finds that a right-of-way, by definition, is limited in area, use, and availability, and, as a result, requires regulation and limitation of use and occupancy, subject to all applicable state, federal, and constitutional laws and regulations and the provision of all necessary utility services to the public.

(6) The city finds that occupancy and excavation of its rights-of-way causes costs to be borne by the city and its taxpayers, including, but not limited to:

a. Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.

b. Management costs associated with ongoing management activities necessitated by public right-of-way users.

c. Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way.

d. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life due to excavations in the public

right-of-way.

(b) In response to the foregoing facts and findings, the city hereby adopts the ordinance codified in this section relating to access to, administration of, and permits to excavate, obstruct or occupy the public rights-of-way. This section imposes reasonable regulations on the placement and maintenance of equipment currently within its rights-of-way or to be placed therein in the future. It is intended to complement the regulatory roles of state and federal agencies.

(c) The purpose of this section is to provide the city a framework within which to regulate and manage the public rights-of-way, and to provide for recovery of the costs incurred in doing so. This article provides for the health, safety and welfare of the city residents as they use the right-of-way of the city, as well as to ensure the structural integrity of the public rights-of-way.

(Code 1997, § 122-3(a); Ord. No. 2-16-17, § 1(1)(a), 5-16-2016)

Sec 54-89 Definitions

The following words and phrases when used in this article shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

Applicant means any person requesting permission to excavate, obstruct or occupy a right-of-way.

Degradation means the decrease in the useful life of the paved portion of the right-of-way, excluding the sidewalk right-of-way, caused by an excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Department means the city department of public works.

Emergency means a condition that:

(a) Poses a clear and immediate danger to life or health, or of a significant loss of property; or

(b) Requires immediate repair or replacement in order to restore service to a customer.

Engineer means the city engineer or engineer's designee.

Excavate means to dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Facilities means all equipment owned, operated, leased or subleased in connection with the operation of a public service or utility service, and shall include, but is not limited to, poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

In, when used in conjunction with the term "right-of-way," means over, above, within, on or under a right-of-way.

Local representative means a local person or designee of such person, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this section.

Obstruct means to place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

Permittee means any person to whom a permit to occupy, excavate or obstruct a right-of-way has been granted under this section or under chapter 48.

Person means corporation, company, association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

Prequalified contractor means a contractor approved by the department on an annual basis to work in the right-of-way.

Public utility has the meaning provided in Wis. Stats. § 196.01(5).

Registrant means any person who has registered with the city to have its facilities located in any right-of-way.

Repair means to perform construction work necessary to make the right-of-way useable for travel or its intended use according to department specifications, or to restore equipment to an operable condition.

Restore means the process by which the excavated right-of-way and surrounding area, including pavement and foundation, is reconstructed to department specifications.

Right-of-way means the surface and space above and below an improved or unimproved public roadway, highway, street, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes.

(Code 1997, § 122-3(b); Ord. No. 2-16-17, § 1(1)(b), 5-16-2016)

Sec 54-90 Administration

The engineer or engineer's designee is responsible for administration of the rights-of-way and the permits and ordinances related thereto, including, but not limited to, section

48-215.

(Code 1997, § 122-3(c); Ord. No. 2-16-17, § 1(1)(c), 5-16-2016)

Sec 54-91 Registration For Right-Of-Way Occupancy

(a) Each person who has, or seeks to have, facilities located in any right-of-way shall register with the department and pay the fee set forth in section 54-93. Registration will consist of providing application information and paying a registration fee. This section shall not apply to those persons who have facilities in the right-of-way pursuant to a franchise or other agreement.

(b) No person may construct, install, maintain, repair, remove, relocate or perform any other work on, or use any equipment or any part thereof in any right-of-way unless that person qualifies as a registrant, is registered with the department, or is a prequalified contractor.

(c) Nothing herein shall be construed to repeal or amend the provisions of a city ordinance requiring persons to plant or maintain the parkway in the area of the right-of-way between their property and the street curb or pavement, construct sidewalks or driveways or other similar activities. Persons performing such activities shall not be required to obtain any permits under this section.

(Code 1997, § 122-3(c)(2); Ord. No. 2-16-17, § 1(2), 5-16-2016)

Sec 54-92 Registration Information

The information provided to the department at the time of registration, in order to qualify as a registrant, shall include, but not be limited to, the following:

(a) Each registrant's name, Diggers Hotline registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.

(b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(c) A certificate of insurance on a form prescribed by the department.

(d) If the registrant is a corporation, an LLC or LLP, a copy of any certificate required to be filed under state statute, as recorded and certified by the Secretary of State.

(e) A copy of the registrant's certificate of authority from the state public service commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from the commission or other state or federal agency.

(f) Execution of an indemnification agreement in a form prescribed by the

department.

(g) The registrant shall keep all of the information listed above current at all times by providing to the department information as to changes within 15 working days following the date on which the registrant has knowledge of any change.

(Code 1997, § 122-3(c)(3); Ord. No. 2-16-17, § 1(3), 5-16-2016)

Sec 54-93 Registration Fee

The department shall charge an annual registration fee in an amount of $50.00 to recover the costs incurred by the city for processing and updating registration information.

(Code 1997, § 122-3(c)(4); Ord. No. 2-16-17, § 1(4), 5-16-2016)

Sec 54-94 Reporting Obligations

It is in the best interests of all affected parties to attempt to coordinate construction in the public right-of-way whenever it is reasonably possible. Therefore, periodic reporting by the registrant of known construction plans will be useful to achieve this objective.

(a) Every registrant shall, at the time of registration and no later than January 1 of each year, file a construction and major maintenance plan with the department. The department shall make available at the time of registration, if known and approved, the department's construction and major maintenance plan. The registrant's plan and the department's plan shall be submitted on a form prescribed by the department and shall contain the information determined by the department to be necessary to facilitate the coordination and reduction in the frequency of excavations of rights-of-way. The plan shall include, but shall not be limited to, the following information:

    (1) The locations and the estimated beginning and ending dates of all projects planned to be commenced during the next calendar year; and

    (2) The tentative locations and estimated beginning and ending dates for all projects contemplated for the two years following the next calendar year.

(b) By February 1 of each year, the department will have available for inspection in its office a composite list of all projects of which the department has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

(c) Thereafter, by February 15, each registrant may change any project in its list and must notify the department of all such changes in the list. The department will make all such changes available for inspection in its office. Notwithstanding the foregoing, a registrant may at any time join in a project of another registrant listed

by the other registrant or undertake any maintenance project not listed in registrant's plan.

(Code 1997, § 122-3(c)(5); Ord. No. 2-16-17, § 1(5), 5-16-2016)

Sec 54-95 Permit To Install, Excavate, Or Otherwise Occupy Right-Of-Way Required

(a) *Permit required*. Except as otherwise provided in this Code, no person shall install facilities, excavate, or otherwise occupy any right-of-way without first having obtained a permit for same from the department. A copy of any permit issued under this article shall be made available at all times by the permittee at the indicated worksite and shall be available for inspection by the department upon request.

(b) *Permit application*. Application for a permit shall be made to the department. Permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(1) Registration and qualification as a registrant with the department if required by this section.

(2) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all existing and proposed facilities that are part of applicant's proposed project.

(3) Payment of all money due to the city for all of the following:

a. Applicable permit fees and costs as set forth below;

b. Subject to subsection (b)4 of this section, unpaid fees or costs due for prior excavations;

c. Subject to subsection (b)4 of this section, any loss, damage, or expense suffered by the city because of applicant's prior excavations of the rights-of-way, or any emergency actions taken by the city.

(4) The department shall not deny an applicant an excavation permit because of a dispute between the city and the applicant related to subsection (b)(3)a or c of this section if:

a. The dispute has been adjudicated in favor of the applicant; or

b. The dispute is the subject of any appeal filed by the applicant and no decision in the matter has as yet been rendered.

(Code 1997, § 122-3(c)(6); Ord. No. 2-16-17, § 1(6), 5-16-2016)

Sec 54-96 Installation/Excavation/Occupancy Permit Fee

(a) *Generally*. The permit fee shall be established by the department in an amount sufficient to recover the costs incurred by the city. This fee shall recover administrative and inspection costs, and excavation fees per section 48-217. Payment of the fees shall be collected prior to issuance of the permit. However, the engineer may, with the advice and consent of the administrative services director, establish a fee collection process from governmental agencies and private utilities in order to expedite the permitting system and recognize that certain excavations are deemed emergencies.

(b) *Waiving of fees*. Fees shall not be waived unless the work involved is a direct result of the engineer's demand that facilities owned by a utility be removed or relocated or unless waived by the common council upon review of the engineer's decision.

(c) *Fee schedule*. The minimum fee for each excavation permit for a single address shall be as set forth in section 48-217. This permit fee shall be in addition to any forfeiture provided elsewhere in this Code.

(d) *Cost adjustment authorized*. For those permit applications which provide for a substantial undertaking of excavation within the public right-of-way attended by disruption of the general public and traffic, the engineer is authorized to assess the actual cost of the city employee's time engaged in the review and inspection of the anticipated work, multiplied by a factor determined by the respective department to represent the city's cost for statutory expense, benefits, insurance, sick leave, holidays, vacation and similar benefits, overhead and supervision, the factor not to exceed 2.0, plus the cost of mileage reimbursed to city employees which is attributed to the work, plus all consultant fees associated with the work at the invoiced amount, plus ten percent for administration.

(e) *City exemption*. The city and its contractors shall not pay degradation fees for excavations due to general government functions.

(f) *Fees for revoked permits are nonrefundable*. Permit fees paid for a permit that the department has revoked are not refundable.

(Code 1997, § 122-3(c)(7); Ord. No. 2-16-17, § 1(7), 5-16-2016)

Sec 54-97 Right-Of-Way Repair/Restoration

(a) *Permittee to repair right-of-way*. The permittee shall be required to repair the public right-of-way to department specifications, subject to inspection and acceptance by the department. In addition to repairing its own work, the permittee must repair the general area of the work, and the surrounding areas, including the paving and its foundations, to the specifications of the department. The

department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per specifications of the department.

(b) *Guarantees*. The permittee guarantees its work and shall maintain it for 36 months following its completion. During this period it shall, upon notification from the department, correct all work to the extent necessary, using the method required by the department. The work shall be completed within ten calendar days of the receipt of the notice from the department, not including days during which work cannot be done due to circumstances constituting force majeure.

(c) *Failure to repair/restore*. If the permittee fails to repair/restore the right-of-way in the manner and to the condition required by the department or fails to satisfactorily and timely complete all work required by the department, the department at its option may do such work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of repairing/restoring the right-of-way.

(Code 1997, § 122-3(c)(8); Ord. No. 2-16-17, § 1(8), 5-16-2016)

Sec 54-98 Inspection

(a) *Notice of completion*. When the work under any permit hereunder is begun and completed the permittee shall notify the department.

(b) *Site inspection*. Permittee shall make the worksite available to the department and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(c) *Authority of department*. At the time of inspection, the city may order the immediate cessation of any work which poses a threat to the life, health, safety or well-being of the public. The city may issue an order to the registrant or permittee for any work that does not conform to applicable city standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the registrant or permittee shall present proof to the department that the violation has been corrected. If such proof is not presented within the required time, the department may revoke the permit pursuant to section 54-101.

(Code 1997, § 122-3(c)(9); Ord. No. 2-16-17, § 1(9), 5-16-2016)

Sec 54-99 Ongoing Management Fees

The cost of trimming trees around facilities is an ongoing expense to the city. Such costs will be determined and a fee to offset costs may be assessed against permit holders in the future.

(Code 1997, § 122-3(c)(10); Ord. No. 2-16-17, § 1(10), 5-16-2016)

Sec 54-100 Erection Of Poles In Certain Areas Prohibited

The erection and maintenance of telephone, cable television, telegraph, electric light and power poles, wires and appliances in the streets, alleys and public places of the city within the district described as Eighth Street from the south line of Indiana Avenue to the north line of Superior Avenue is prohibited and shall constitute a nuisance. However, any firm or corporation having previously legally erected telephone, cable television, telegraph or electric light and power poles on North Eighth Street within the limits described may construct conduits on such limited portions of such streets for placement of underground wires and cables. The location of the conduits shall be approved by the department and shall be built in a safe, workmanlike and modern manner as approved by the department.

(Code 1997, § 122-3(c)(11); Ord. No. 2-16-17, § 1(11), 5-16-2016)

Sec 54-101 Compliance With Other Laws

Obtaining a permit to excavate, install or occupy the right-of-way does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other city, county, state, or federal rules, laws or regulations. A permittee shall comply with all requirements of local, state and federal laws. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.

(Code 1997, § 122-3(c)(12); Ord. No. 2-16-17, § 1(12), 5-16-2016)

Sec 54-102 Revocations, Suspensions, Refusals To Issue Or Extend Permits

(a) *Grounds*. The department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

(1) The applicant or permittee is required to be registered and has not done so.

(2) Issuance of a permit or installation of facilities for the requested date or location would interfere with an exhibition, celebration, festival or other event.

(3) Misrepresentation of any fact by the applicant or permittee.

(4) Failure of the applicant or permittee to maintain required bonds or insurance.

(5) Failure of the applicant or permittee to complete work in a timely manner.

(6) The proposed activity is contrary to the public health, safety or welfare.

(7) The proposed activity requires aboveground structures causing safety

issues, including, but not limited to, sight-line safety, vision triangles, break-away structures, public plowing and snow storage, obstruction to municipal police, fire, and rescue services, and related issues with the use of the right-of-way.

(8) The extent to which right-of-way space where the permit is sought is available.

(9) The competing demands for the particular space in the right-of-way.

(10) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the permittee or applicant.

(11) The applicability of provisions or of other regulations of the right-of-way, including, but not limited to, Wis. Stats. §§ 86.16 and 182.017, that affect the location, type, height, size or use of facilities in the right-of-way.

(b) *Discretionary issuance*. The department may issue a permit where issuance is necessary:

(1) To prevent substantial economic hardship to a customer of the permittee or applicant;

(2) To allow such customer to materially improve its utility service; or

(3) To allow the permittee or applicant to comply with state or federal law or city ordinances or an order of a court or administrative agency.

(c) *Appeals*. Any person aggrieved by a decision of the department revoking, suspending, refusing to issue or refusing to extend a permit may file a request for review with the common council. A request for review shall be filed within ten days of the decision being appealed. Following a hearing, the common council may affirm, reverse or modify the decision of the department.

(Code 1997, § 122-3(c)(13); Ord. No. 2-16-17, § 1(13), 5-16-2016)

Sec 54-103 Work Done Without A Permit

(a) *Emergency situations*. Each registrant shall immediately notify the city by verbal notice on an emergency telephone number provided by the city of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith and otherwise fully comply with the requirements of this section.

(b) *Notifications*. If the city becomes aware of any emergency regarding a registrant's facilities, the department may attempt to contact the local representative of each

registrant affected, or potentially affected, by the emergency. The city may take such action it deems necessary to protect public safety as a result of the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

(c) *Non-emergency situations*. Except in an emergency, any person who, without first having obtained the necessary permit, excavates, installs facilities within or otherwise attempts to occupy a right-of-way shall be subject to a stop work order or other appropriate legal remedy, and must subsequently obtain a permit, and shall, in addition to any penalties prescribed by this Code, pay double the normal fee for the permit, pay any additional penalties for repeat occurrences provided for in section 48-217(b), pay double all the other fees required by this article or other provisions of this Codes, deposit with the department the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this section.

(Code 1997, § 122-3(c)(14); Ord. No. 2-16-17, § 1(14), 5-16-2016)

Sec 54-104 Location Of Facilities

(a) *Underground*. Unless in conflict with state or federal law, except when existing aboveground facilities are used, the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.

(b) *Limitation of space*. The department may prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such determination, the department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way but may prohibit or limit the placement of new or additional facilities when required to protect public health, safety or welfare.

(c) *Attachment to bridges*. Whenever an applicant or permittee under this section requests permission to attach pipes, conduits, cables or wires to any city bridge structure, the applicant shall pay a fee of $1,000.00 upon the granting of such permission to defray administrative expense in the analysis and inspection of such installation. The owner of such pipes, conduits, cables or wires shall be entitled to no compensation for removal or relocation of the same in the case of repair, removal, or replacement of the bridge structure by the city.

(Code 1997, § 122-3(c)(15); Ord. No. 2-16-17, § 1(15), 5-16-2016)

Sec 54-105 Relocation And Protection Of Facilities

A registrant shall promptly and at its own expense maintain, support, protect or relocate

its facilities in the right-of-way whenever the city, or its agent, acting in its governmental capacity, requests such action to allow for public work in the right-of-way. The city, or its agent, shall issue a due date for the work to the local representative of not less than 72 hours, which due date shall be reasonable and based upon the actions to be undertaken by the registrant. If requested, the registrant shall restore the right-of-way following the completion of the work. If a registrant fails to perform the actions required herein by the due date, in addition to all other available legal remedies available to the city, the registrant shall be subject to forfeitures as provided in section 54-1. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from a right-of-way which has been vacated in favor of a nongovernmental entity unless the reasonable costs thereof are first paid to the person therefor.

(Code 1997, § 122-3(c)(16); Ord. No. 2-16-17, § 1(16), 5-16-2016)

Sec 54-106 City Right To Self-Help

In the event that a registrant does not proceed to maintain, support, protect or relocate its facilities as ordered in section 54-105, the city may arrange to do the work and bill the registrant, the bill to be paid within 30 days of the date mailing to the registrant.

(Code 1997, § 122-3(c)(17); Ord. No. 2-16-17, § 1(17), 5-16-2016)

Sec 54-107 Abandoned Facilities

(a) *Discontinued operations*. A registrant who has determined to discontinue its operations in the city must either:

(1) Provide information satisfactory to the department that the registrant's obligations for its facilities under this article have been lawfully assumed by another registrant; or

(2) Submit to the department a proposal and instruments for dedication of its facilities to the city. If a registrant proceeds under this clause, the city may, at its option:

a. Accept the dedication for all or a portion of the facilities;

b. Require the registrant, at its own expense, to remove the facilities in the right-of-way at ground or aboveground level;

c. Require the registrant to post a bond or provide payment sufficient to reimburse the city for reasonably anticipated costs to be incurred in removing the facilities;

d. However, any registrant who has unusable and abandoned facilities in any right-of-way shall remove it from that right-of-way within two years, unless the department waives this requirement in writing.

(b) *Abandoned facilities*. Facilities of a registrant who fails to comply with subsection (a)(1) of this section, and which, for two years, remain unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a public nuisance. In addition to any remedies or rights it has at law or in equity, the city may, at its option:

(1) Abate the nuisance;

(2) Take possession of the facilities; or

(3) Require removal of the facilities by the registrant, or the registrant's successor in interest.

(c) *Public utilities*. This section shall not apply to a public utility, as defined in Wis. Stats. § 196.01(5), that is required to comply with Wis. Stats. § 196.81.

(Code 1997, § 122-3(c)(18); Ord. No. 2-16-17, § 1(18), 5-16-2016)

Sec 54-108 Reservation Of Regulatory And Police Powers

The city, by the granting of a permit to excavate, install facilities within, obstruct or occupy the right-of-way, or by registering a person under this section, does not surrender, in any manner or to any extent lose, waive, impair or lessen the lawful powers and rights which it now has or which may be hereafter granted to the city under the state constitution and statutes to regulate the use of the right-of-way by the permittee; and the permittee, by its acceptance of a permit to excavate, obstruct or occupy the right-of-way or of registration under this section, agrees that all lawful powers and rights, regulatory powers, or otherwise as are or the same may be from time to time vested in or reserved to the city, shall be in full force and effect, and permittee is subject to the regulatory and police powers of the city to adopt and enforce general ordinances and ordinances necessary to the health, safety and welfare of the public, and is deemed to agree to comply with all applicable general ordinances and ordinances enacted by the city pursuant to such powers.

(Code 1997, § 122-3(c)(19); Ord. No. 2-16-17, § 1(19), 5-16-2016)

Sec 54-109 Penalty

Except as otherwise provided herein, and in addition to all other legal remedies available to the city, any person who violates this section or fails to comply with the provisions hereof shall be subject to forfeitures as provided in section 48-2.

(Code 1997, § 122-3(c)(21); Ord. No. 2-16-17, § 1(21), 5-16-2016)

ARTICLE 54-IV WATER
DIVISION 54-IV-1 WATER GENERALLY

DIVISION 54-IV-2 STANDARDS AND SPECIFICATIONS
DIVISION 54-IV-3 BOARD OF WATERWORKS COMMISSIONERS

DIVISION 54-IV-1 WATER GENERALLY

Sec 54-132 Private Well Abandonment
Sec 54-133 Connection To Public Waterworks Required
Sec 54-134 Cross Connection Control
Sec 54-135 Services To City For General Public Purposes
Sec 54-136 Fire Protection Services
Sec 54-137 Reasonable Rates
Sec 54-138 Color Of Fire Hydrants
Sec 54-139 Tampering With Fire Hydrants
Sec 54-140 Conservation Of Water
Sec 54-141 Service To Unincorporated Areas
Sec 54-142 Water Main Extensions
Sec 54-143 Extension Of Water Mains
Sec 54-144 Water Charges; Billing; Payments
Sec 54-145 Water Utility Service Charges
Sec 54-146 Penalties For Late Payments And Remedies

Sec 54-132 Private Well Abandonment

(a) *Filling and sealing required*. All private wells located on any premises which is served by the city public water system shall be properly filled at time of connection to the city's water system. Only those wells for which a well operation permit has been granted by the common council may be exempted from this requirement. Wells to be abandoned shall be filled in accordance with the procedures outlined in Wis. Admin. Code ch. NR 812. All pumps and piping must be removed and the well checked for obstructions prior to filling. Any obstruction or liner must be removed prior to filling.

(b) *Well operation permit*. A permit may be granted to a well owner to operate a well for a period not to exceed five years if the following requirements are met. Application shall be made on forms provided by the plumbing inspector:

(1) The well and pump installation meet the requirements of Wis. Admin. Code ch. NR 812, and a letter from a licensed well and pump installer accompanies the application and provides that the well meets the requirements of Wis. Admin. Code ch. NR 812.

(2) The well has a history of producing safe water, and presently produces bacteriologically safe water, as evidenced from laboratory tests by a laboratory certified by the state.

(3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

(4) No physical or cross connection shall exist between the piping of the public water system and the private well.

(c) *Reports and inspection*. A well abandonment report must be submitted by the well owner to the state department of natural resources on forms provided by that agency. The report shall be submitted immediately upon completion of the filling of the well.

(Code 1975, § 31-64; Code 1997, §§ 26-1007, 122-14; Ord. No. 13-10-11, § 1, 7-19-2010; Ord. No. 17-19-20, § 2, 9-16-2019; Ord. No. 40-21-22, 2-21-2022)

Sec 54-133 Connection To Public Waterworks Required

Upon annexation or when expressly authorized by the common council, the public water supply system shall be made available to newly annexed areas or specifically designated premises. Thereafter, connection to the city's water supply system shall be made within 90 days. Every building intended for human occupancy located within the city shall utilize potable water from the public waterworks.

(Code 1975, § 31-65; Code 1997, §§ 26-1008, 122-15; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-134 Cross Connection Control

(a) A cross connection means a connection or potential connection between any part of a water supply system and another environment containing substances in a manner that, under any circumstances, would allow the substances to enter the water supply system by means of back siphonage or back pressure.

(b) No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the utility may enter the supply or distribution system of the utility unless such private auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the plumbing inspector and in accordance with Wis. Admin. Code § NR 810.15(2).

(c) It shall be the duty of the plumbing inspector or water utility to cause inspections to be made of all properties served by the public water system where cross connection with the public water system is deemed possible.

(d) Upon presentation of credentials, the representative of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Wis. Stats. § 66.0119. On request, the owner, lessee or occupant of any property so served

shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

(e) The city water utility is authorized and directed to discontinue water service to any property wherein any connection in violation of this section or the state plumbing code, Wis. Admin. Code ch. SPS 382.41, exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. ch. 68, except as provided therein. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with this section.

(f) If it is determined by the city water utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the utility clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. ch. 68 within ten days of such emergency discontinuance.

(g) This section does not supersede the state plumbing code and city plumbing ordinances but is supplementary to them.

(Code 1975, § 31-66; Code 1997, §§ 26-1009, 122-16; Ord. No. 60-00-01, § 43, 10-2-2000; Ord. No. 40-12-13, § 1, 12-17-2012; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-135 Services To City For General Public Purposes

The reasonable cost and value of any service rendered to the city by its water utility in furnishing water for general purposes shall be charged against the city and paid out of the current revenue of the city.

(Code 1975, § 40-43; Code 1997, § 122-91)

Sec 54-136 Fire Protection Services

The retail charges of the city water utility for the production, storage, transmission, sale and delivery or furnishing of water for public fire protection purposes not included in general service charges shall be included in the water utility bill of each customer of the water utility. The charges for public fire protection service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires.

(Code 1975, § 40-44; Code 1997, § 122-92)

Sec 54-137 Reasonable Rates

The rates for all services rendered by the water utility to the city, its citizens, corporations

and other consumers shall be reasonable and just, taking into consideration and account the value of the water utility plant, the cost of maintenance and operating the plant, the proper and necessary allowance for depreciation thereof and sufficient and adequate return upon the capital invested.

(Code 1975, § 40-45; Code 1997, § 122-93)

Sec 54-138 Color Of Fire Hydrants

All fire hydrants (water hydrants) shall be painted red so that they are clearly recognizable.

(Code 1975, § 40-46; Code 1997, § 122-94)

Sec 54-139 Tampering With Fire Hydrants

No person, not duly authorized, shall open any fire hydrant or hydrant stop or in any manner tamper, molest or interfere with the works, pipe, hydrants or property of the municipal water utility.

(Code 1975, § 40-47; Code 1997, § 122-95)

Sec 54-140 Conservation Of Water

(a) *Proclamation by mayor*. Upon request of the superintendent or the board of waterworks commissioners, the mayor may issue a proclamation declaring a water supply emergency. The proclamation shall set forth such restrictions for the use of water as the emergency may require and may prohibit the use of water for the irrigation of lawns, gardens and premises and other nonessential uses in the city.

(b) *Violation*. No person shall violate the terms and conditions of a water emergency proclamation issued by the mayor.

(Code 1975, § 40-48; Code 1997, § 122-96)

Sec 54-141 Service To Unincorporated Areas

No water service shall be rendered or extended to any unincorporated area beyond the corporate limits of the city, except as expressly authorized by the common council.

(Code 1975, § 40-49; Code 1997, § 122-97)

Sec 54-142 Water Main Extensions

(a) The board of waterworks commissioners shall make extensions of water mains within the corporate limits when authorized to do so by the council. The cost of

such main shall be assessed against the property, as provided in Wis. Stats. § 66.0703 and more specifically as set forth in subsection (c) of this section, through the exercise of the municipal police power.

(b) Any public construction relating to the construction or installation of water mains may be done directly by the water department without submitting such public work for bids.

(c) Special assessments:

(1) Unless otherwise directed by the common council, all special assessments for the construction of water mains shall be made by the water utility on a linear-foot basis. All lots or fractions of lots abutting on only one street shall be assessed on a full-frontage basis at an even rate of $25.00 per linear foot on each side of the street.

(2) Whenever a parcel of land is platted or an unplatted district abuts two or more streets, consideration shall be made as follows:

a. The first water main, whether it is along the long side or short side of the lot, shall be assessed at $30.00 per foot for the entire side.

b. When the second side of the corner lot receives a water main, the second side shall be charged only for the water main in excess of 120 feet; provided, however, that if the lot is zoned for single, two-family residential or commercial use, the second side shall be charged only for the water main in excess of 220 feet.

c. Any length over 120 feet (220 feet for lots zoned for single, two-family residential or commercial use) shall be assessed at $30.00 per foot.

d. The linear-foot frontage assessed to any parcel shall not be less than the minimum permitted lot width for lots in the particular zoning district; provided, however, that legal nonconforming lots shall be assessed based upon the actual linear-foot frontage of the lot.

(3) The city shall pay 100 percent of the assessable cost of water main construction in street intersections.

(4) All special assessments for the construction of water laterals shall be made on a linear-foot basis. Each benefitted property shall be assessed at the rate of the unit price per linear foot of water lateral.

(d) The provisions of Wis. Stats. § 66.0703, relating to the laying of water mains and providing for the costs of installing and constructing water mains and the manner of levying special assessments against the property benefited thereby, are adopted by and for the city and shall be in full force and effect as ordinances of

the city as if fully set forth in this section.

(e) Water main extensions shall be financed by cost advancements when deemed advisable by the common council. In general, the cost advancement method shall be used only when application is made for public water service which would require the extension of mains through sparsely occupied areas to serve such applicant or through areas which, in the judgment of the common council, are unlikely to develop extensively within the next 20 years or areas which are located outside the territorial limits of the city. Where extensions are authorized on a cost-advancement basis, the procedure shall be as follows:

(1) The applicant shall deposit with the city finance director/treasurer a sum sufficient to pay the total estimated cost of the extension, less unapportionable costs, if any. This subsection shall be applicable to real estate development subdivisions pursuant to the state public service commission rate file, schedule X-3, amendment 29, or any future amendments, revisions or modifications of such rate file.

(2) In accordance with subsection (e)(1) of this section, such deposit shall be made before construction is started or contracted. If the actual apportionable cost shall be less than the amount deposited, the excess of the deposit over the cost shall be refunded to the applicant within 30 days after payment for the completed project. If the apportionable cost shall exceed the deposit, the applicant shall pay the deficiency prior to the granting of water service.

(3) Any property connected to such main after its installation, other than the applicant, shall pay to the water utility a connection charge, determined by the common council, which shall be equivalent to the amount of front-foot special assessments which would have been levied by the city at the time such extension was made.

(4) All connection charges collected by the water utility under subsection (d)(3) of this section shall be paid to the applicant or the applicant's assigns or heirs, unless specifically provided otherwise, in writing.

(5) If water main extensions are financed by cost advancement for other than real estate development subdivisions pursuant to public service commission rate file, schedule X-2-B, amendment 31 or any future amendments, revisions or modifications of such rate file, the applicant therefor may elect to pay for the construction of such water main extension under the method prescribed in subsection (i) of this section with the cost therefor to be collected in accordance with Wis. Stats. § 66.0627 as a special charge. Charges for future connections to such main shall be made pursuant to subsection (d)(3) of this section. All such connection charges collected by the water utility shall be used to offset the outstanding balance under the deferred payment plan and shall be applied to the remaining balance for the ensuing calendar year. However,

if such property is sold, the entire balance, including interest, shall immediately become due and payable.

(f) For the purpose of this section, unapportionable costs shall include any additional expenses incurred for the installation of water mains in excess of eight inches in diameter or for fire protection service and zero percent of the cost of mains in street intersection.

(g) Except as provided in subsection (e) of this section, no connection shall be made to the city public water mains unless special assessments have been levied on such property or until a main connection fee is paid therefor. Such main connection fee shall be equal to the amount which would have been paid if special assessments had been levied therefor.

(h) The common council may, by resolution, permit the deferred payment of special assessments on unplatted and undeveloped property until the property is connected to the main, but not longer than 20 years following the date of the levy, in accordance with Wis. Stats. § 66.0715(2).

(i) The final resolution adopted in accordance with Wis. Stats. § 66.0703(8) shall be effective for two years. If construction of any water main extension has not commenced within such two-year period, the resolution shall become null and void and the procedure governing special assessments for public improvements shall be reinitiated.

(j) Notwithstanding any other subsection of this section, the due date of any special assessment levied against property located within a general floodplain district (GFP), under the city's floodplain zoning ordinance, abutting on or benefitted by construction of a water main shall be deferred while no use of the water main is made in connection with the property. At such time as the property no longer qualifies for deferral of the special assessment, such expense may be paid in the manner and upon the terms provided in subsection (e) of this section. Any such special assessment shall be a lien against the property from the date of the levy.

(k) Notwithstanding any other provision of this section, the due date of any special assessment levied against property located within a general floodplain district (GFP) under the city's floodplain zoning ordinance or within a wetland area under the city's wetland ordinance abutting on or benefited by construction of a water main shall be deferred while no use of the water main is made in connection with the property. At such time as the property no longer qualifies for deferral of the special assessment, such expense may be paid in the manner and upon the terms provided in subsection (e) of this section. Any such special assessment shall be a lien against the property from the date of the levy.

(Code 1975, § 40-50; Code 1997, § 122-98; Ord. No. 119-96-97, § 4, 2-3-1997; Ord. No. 76-99-00, § 1, 1-4-2000; Ord. No. 60-00-01, §§ 44—50, 10-2-2000; Ord. No. 86-08-09, §

4, 4-20-2009; Ord. No. 18-09-10, § 1, 10-19-2009; Ord. No. 4-11-12, § 1, 6-20-2011; Ord. No. 45-15-16, § 1, 2-15-2016)

Sec 54-143 Extension Of Water Mains

(a) In the public interest, the city has extended water mains under and through the following-described streets and easements which lie immediately adjacent to, or which traverse areas located outside the territorial limits of the city. Such public water mains are designated on an official city map entitled, "Water Mains Abutting Township Lands," dated July 1, 1983, on file with the city clerk:

(1) North Eighth Street, from 181.3 feet northwesterly of N.L. North Shore Subdivision to Eisner Avenue, east side.

(2) North 13th Street, from N.L. Eisner Avenue to N.L. Dublin Heights Subdivision, west side.

(3) North 15th Street, from 4.85 feet south of S.L. Mayflower Avenue to 120 feet north of N.L. MacArthur Avenue, west side and opposite north 212.1 feet of Block 6 and opposite Block 7 of Lakeshore Division, east side.

(4) North 28th Street and South 28th Street, from S.L. Erie Avenue to S.L. Jefferson Avenue, west side.

(5) North 29th Street, from S.L. Main Avenue to 450 feet south thereof, west side.

(6) North 31st Street, from N.L. Main Avenue to S.L. Block 7, Evergreen Park Estates Subdivision, both sides.

(7) North Taylor Drive:

a. From N.L. Main Avenue to S.L. North Avenue, west side, and N.L. Main Avenue to S.L. of first addition to West Park Subdivision, east side.

b. From N.L. Block 3, West Park Subdivision to 86.21 feet northwesterly thereof, west side.

c. From S.L. Superior Avenue to 636 feet south thereof, west side.

(8) North 35th Street, from N.L. Superior Avenue to 139 feet north thereof, east side.

(9) North 36th Street, from N.L. Main Avenue to S.L. Graceland Subdivision No. 20, west side.

(10) North 37th Street, bounded by the S.L. of Lot 5 and the N.L. of Lot 6, Block 43, Graceland Subdivision No. 23, west side.

(11) North 38th Street:

a. From 92.6 feet south of S.L. Geele Avenue to 203.2 feet south of such, west side.

b. From N.L. Sheridan Avenue to the S.L. Superior Avenue, west side.

(12) North 40th Street:

a. From centerline of Main Avenue to 497 feet north thereof, both sides.

b. From centerline of Main Avenue to 1,027 feet north thereof, west side.

(13) South 12th Street, from 1,127 feet south of N.L. section 2, T14N, R23E, to 1,143.5 feet south of such, and 1,208 feet south of N.L. section 2 to 1,272 feet south of such, both on east side.

(14) South 12th Place, bounded by S.L. Lot 5 and N.L. Lot 4, Block 8, Camelot Estates, east side.

(15) South 28th Street (see North 28th Street, subsection (a)(4) of this section).

(16) South Taylor Drive, a.k.a. Milwaukee Road, a.k.a. C.T. Hwy. "A":

a. From north and south quarter line of section 28, T15N, R23E, to 297 feet southwesterly of S.L. Union Avenue, east side, and from such S.L. to 204 feet southwesterly of such, west side.

b. From 697.4 feet southwesterly of such S.L. to N.L. Paine Avenue, east side.

c. From 1,261.7 feet southwesterly of such S.L. to 1,510.2 feet southwesterly of such, west side.

(17) Eisner Avenue:

a. From W.L. Smies-Heinen Subdivision to E.L. Meadowlark Subdivision, north side.

b. From W.L. Meadowlark Subdivision to 330.6 feet west thereof, north side.

c. From E.L. Dublin Heights Subdivision to 208.5 feet east thereof, north side.

d. From W.L. North 13th Street to E.L. Lakeshore Road, north side.

e. From 64.55 feet east of E.L. North 20th Street to W.L. of C&NW Transportation Co. right-of-way, north side, and the east 72 feet of west 190 feet of such, south side.

(18) Carmen Avenue, from E.L. C.T. Hwy. "OK" to 50 feet east thereof, north side.

(19) Castle Avenue, from W.L. South 12th Street to 230 feet west thereof, south side.

(20) Erie Avenue:

a. From 35 feet southwesterly of E.L. L-12 Greendale Park Subdivision to 402 feet west of centerline of North 29th Street.

b. From 86.15 feet northeasterly of the centerline of North 29th Street to a point 170 feet northeasterly thereof, both on the south side, and opposite L-7, Greendale Park, north side.

(21) Georgia Avenue, a.k.a. Milwaukee Road, a.k.a. C. T. Hwy. "A":

a. From W.L. Charles Krieg's Subdivision to E.L. section 28, T15N, R23E, north side;

b. From E.L. Rammer Estates to 743.16 feet northeasterly, north side.

(22) Greenfield Avenue, from 127 feet east of E.L. South 12th Street to 806 feet east thereof, south side.

(23) Indiana Avenue:

a. From W.L. Charles Krieg's Subdivision to E.L. section 28, T15N, R23E, both sides.

b. From such E.L. section 28 to 580 feet southwesterly thereof, north side.

c. From 230 feet southwesterly of such E.L. to the E.L. of University Dr., south side.

d. University Dr. from S.L. Indiana Avenue to E.L. Lutheran High School campus, east end and south side.

(24) Main Avenue:

a. From W.L. North 31st Street to 720.7 feet east of E.L. North 36th Street, north side and bounded by the E. and W.L. of Block 28, Graceland Subdivision No. 16, south side.

b. From W.L. North 36th Street to 70 feet east of W.L. North 38th Street, north side.

c. From 155.66 feet east of centerline of North 40th Street to 236.66 feet east of such, north side.

(25) North Avenue, opposite outlot 2, Graceland Subdivision No. 25, north side.

(26) Paine Avenue, from E.L. South Taylor Drive to 1,000 feet east of E.L. South 31st Street, north side.

(27) Saemann Avenue, from E.L. North 36th Street to 132.8 feet west of W.L. North 38th Street, north side.

(28) South Business Drive, a.k.a. C.T. Hwy. "OK":

a. From 229.6 feet southwesterly of S.L. Carmen Avenue to 435.77 feet southwesterly thereof, east side.

b. From 137 feet southwesterly of S.L. Carmen Avenue to 1,045 feet southwesterly thereof, west side.

c. From S.L. Washington Avenue to 213 feet southwesterly of such, east side.

(29) Superior Avenue:

a. Opposite 35th Street right-of-way, south side.

b. From W.L. North 38th Street to E.L. North 36th Street, south side.

(30) Washington Avenue, a.k.a. S.T. Hwy. 28:

a. From E.L. South Business Dr. to 723 feet west of north and south quarter line of section 34, T15N, R23E.

b. From E.L. I-43 to the north and south quarter line of section 4, T14N, R23E, south side.

c. From W.L. I-43 to 1,440 feet west of centerline of South Taylor Drive, both sides.

(b) Unless otherwise expressly authorized by this Code or by the common council, such water service to customers outside corporate limits of the city by way of the water mains enumerated in subsection (a) of this section shall be limited to those customers who are being served prior to the effective date of the ordinance from which this section derives (August 9, 1983).

(Code 1975, § 40-51; Code 1997, § 122-99)

Sec 54-144 Water Charges; Billing; Payments

(a) Water charges provided in this article shall be included as a separate item from sewer charges on the regular water bill.

(b) The bill will be payable in accordance with the schedule established by the city water utility. Such bills are normally payable in four quarterly payments each year, except for selected customers who are billed in 12 monthly payments annually. Water charges shall be payable at the office of the water utility at the time that the water bill of the person or property being served is due. Bills are payable and due not later than 20 days after issuance.

(Code 1975, § 40-52; Code 1997, § 122-100)

Sec 54-145 Water Utility Service Charges

Payment for services performed by the water utility in connection with this chapter shall be in accordance with rates and rules approved by and on file with the state public service commission.

(Code 1975, § 40-53; Code 1997, § 122-101)

Sec 54-146 Penalties For Late Payments And Remedies

(a) *Delinquent payments, penalty charge*. A late payment charge will be added to water bills not paid within 20 days of issuance in accordance with the water utility's rates and rules on file with the state public service commission. In accordance with Wis. Stats. § 66.0809(3), on October 15 of each year, notice shall be given to the owner or occupant of every lot or parcel of real estate to which water has been furnished prior to October 1 by the water utility that is in arrears at the time of giving of such notice. The notice shall state, unless the bill is paid by November 1, a penalty of ten percent of the amount of such arrears will added thereto and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the bill will be levied as a tax against the lot or parcel of real estate to which water was furnished and for which payment is delinquent.

(b) *Discontinuance and restoration of service*. If a person fails to pay water charges after they become delinquent, the water utility shall have the right to follow necessary procedure pursuant to chapter PSC 185 of the Wis. Admin. Code or any amendment thereto.

(c) *Delinquent bills not affected by change of ownership or occupancy*. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Code 1975, § 40-54; Code 1997, § 122-102; Ord. No. 60-00-01, § 51, 10-2-2000)

DIVISION 54-IV-2 STANDARDS AND SPECIFICATIONS

Sec 54-176 Water Services And Private Water Mains
Sec 54-177 Identification Of Lead And Galvanized Service Lines

Sec 54-178 Lead And Galvanized Service Line Replacement Requirement
Sec 54-179 Financial Assistance For Lead And Galvanized Service Line Replacements

Sec 54-176 Water Services And Private Water Mains

Water service lines and private water mains from the public water main in the street to the inlet of the water meter shall be ductile iron, soft copper, or plastic, as permitted under Wis. Admin. Code ch. SPS 384.30(4) with no sweat joints underground. If plastic, then the lines and mains must be installed with tracing wire.

(Code 1997, § 26-1003; Ord. No. 17-19-20, § 2, 9-16-2019; Ord. No. 5-20-21, § 3, 7-6-2020)

Sec 54-177 Identification Of Lead And Galvanized Service Lines

(a) The water utility shall create and maintain a record of the location of all identified lead and galvanized service lines in the city. This includes information from plumbing records and field observations.

(b) Upon notice from the utility, any person or entity who owns, manages, or otherwise exercises control over a property connected to the distribution system shall allow the utility to inspect the service line to determine the service line material as authorized by Wis. Stats. § 196.171.

(Code 1997, § 26-1004; Ord. No. 17-19-20, § 2, 9-16-2019; Ord. No. 5-20-21, § 4, 7-6-2020)

Sec 54-178 Lead And Galvanized Service Line Replacement Requirement

(a) All existing lead and galvanized service lines connected to the water distribution system, when replaced, shall be replaced with water service lines constructed of materials as authorized in this section. Repairs or reconnections shall not be allowed, except in case of emergency and only by water utility staff and for a duration of ten days.

(b) Prior to replacement of lead service lines, such as on water main replacement projects, the utility shall inspect all affected service lines for the presence of lead or galvanized steel.

(c) On all water main replacement projects or other projects that would directly affect lead or galvanized water service lines, all lead and galvanized service lines shall be replaced, and not reconnected, in their entirety. This generally excludes street restoration that does not involve excavation of, or near, the water service lines.

(d) When any lead service lines within the street or municipal right-of-way is repaired or replaced under orders from the state department of natural resources or the United States Environmental Protection Agency, the abutting property owner

receiving water service shall replace any private water service material in order to become compliant with Wis. Admin. Code § SPS 382.22(2)(b), or other applicable statutes, ordinances, rules, or regulations of the city or of the state.

(e) A property owner shall have 18 months from the date of notification from the city to conform to the state plumbing code or other applicable statutes, ordinances, rules, or regulations of the city or of the state. If a property owner fails to replace a customer-side service line as required by this article, the water utility may, in accordance with its water utility tariffs, discontinue water service to such property until the customer-side service line is replaced.

(Code 1997, § 26-1005; Ord. No. 17-19-20, § 2, 9-16-2019; Ord. No. 5-20-21, § 5, 7-6-2020)

Sec 54-179 Financial Assistance For Lead And Galvanized Service Line Replacements

(a) The city authorizes its board of water commissioners, acting through the water utility, to implement and maintain a financial assistance program for the replacement of lead and galvanized service lines in accordance with the requirements of the state public service commission.

(b) If the board of water commissioners implements an approved financial assistance program, the utility may provide eligible property owners with a grant for up to 50 percent of the cost of the service line replacement, but not to exceed a maximum grant amount established by the board of water commissioners, which shall periodically review and adjust the maximum grant amount. All work must be done by a utility-approved plumbing contractor.

(c) The remainder of the lead service line replacement cost after the grant provided in subsection (b) of this section shall either be paid for directly by the property owner or by a zero percent interest loan of up to six years provided by the water utility. A property owner shall repay the loan in equal monthly or quarterly installments. Loan repayments shall be included on the water utility's monthly or quarterly utility bills, or bill prepared separately by water utility. Loan repayments that are past due may be placed on the property tax roll, as provided in Wis. Stats. § 66.0809. Neither the water utility nor the city may forgive any LSL loan amount. Upon the sale of the property, the loan amount shall be paid in full prior to or on the sale date.

(d) A property owner is eligible for financial assistance for the purpose of replacing the customer-side service line if the property owner satisfies all of the following criteria:

(1) The property owner alone, or collectively with others, owns the entire fee simple title to the property served by the customer-side service line.

(2) The property owner replaces the entire LSL, leaving no remnant of lead or galvanized material.

(3) The property owner agrees to have the replacement work done by a pre-qualified plumbing contractor in compliance with this section.

(e) Written applications for financial assistance shall include the following:

(1) A completed application on a form furnished by the water utility signed by the eligible property owner. The completed application form shall include a certification by the property owner that attests that all eligibility criteria listed in subsection (d) of this section are met.

(2) Copies of written quotes from at least two pre-qualified plumbing contractors for the replacement of the property owner's customer-side service line. A pre-qualified plumbing contractor is one that has completed and submitted proper forms and been placed on the water utility's pre-qualified plumbing contractor list.

(f) A property owner will be eligible for financial assistance based only on the lowest bid amount included in the written quotes received from pre-qualified plumbing contractors under subsection (e)(2) of this section unless except in extraordinary circumstances and with the approval of the utility superintendent, in the superintendent's sole discretion. Except as provided herein, financial assistance amounts will strictly be determined pursuant to base bid pricing and will not include change orders. In extraordinary circumstances the utility superintendent may, in the superintendent's sole discretion, with approval of the property owner, approve a contractor-requested change order for inclusion in the financial assistance portion of the work.

(g) After a complete application is received, and prior to the commencement of any replacement work, the water utility shall determine if the property owner is eligible for financial assistance and shall determine the amount of financial assistance available as a grant and the amount of financial assistance available as a loan. Such determination shall be provided in writing to the applying property owner.

(h) Customer-side service line replacement work must be accomplished in a workmanlike manner and be coordinated with any other utility work.

(i) Upon completion of the customer-side service line replacement, the property owner shall provide the water utility with a copy of the invoice from the plumbing contractor. Upon proof of completion satisfactory to the property owner and the water utility, the water utility shall directly pay the plumbing contractor the amount of money approved by the water utility for financial assistance for replacement of the customer-side service line. The water utility shall provide the property owner with documentation of such payment.

(j) The total amount of money provided by the water utility as financial assistance in the form of a grant and loan may not exceed the actual cost of replacement of the customer-side service line.

(k) Disputes regarding eligibility for financial assistance may be appealed to the city board of water commissioners.

(l) If a property owner fails to replace a customer-side service line as required by this division, the water utility may, in accordance with its water utility tariffs, discontinue water service to such property until the customer-side service line is replaced.

(m) The property owner shall, as a condition of participating in the program described in this section, execute a temporary right of entry and construction easement authorizing the utility or its contractors' access to the dwelling as needed.

(n) Financial assistance granted to eligible property owners shall be in accordance with the following:

(1) Properties with licensed/certified childcare facilities or schools.

(2) Properties where the utility is replacing a public water main on a planned or emergency basis, or where other street construction will significantly impact lead service lines, resulting in health concerns.

(3) Properties with a leaking or failed lead service line.

(4) Properties where the utility determines that replacing a lead service line is in the best interest of health or safety.

(5) All remaining properties with lead service lines.

(Code 1997, § 26-1006; Ord. No. 17-19-20, § 2, 9-16-2019; Ord. No. 5-20-21, § 6, 7-6-2020)

DIVISION 54-IV-3 BOARD OF WATERWORKS COMMISSIONERS

Sec 54-197 Composition
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Sec 54-210 Annual Report
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Sec 54-212 Other Duties, Powers

Sec 54-197 Composition

The board of waterworks commissioners shall consist of three members.

(Code 1975, § 40-16; Code 1997, § 122-46)

Sec 54-198 Appointment

The members of the board of waterworks commissioners shall be elected by the common council.

(Code 1975, § 40-17; Code 1997, § 122-47)

Sec 54-199 Terms

(a) The members of the board of waterworks commissioners shall be elected for terms of three years each, beginning on October 1, to expire successively one each year on each succeeding October 1. Between September 1 and the third Monday of September each year, the council shall, at any regular or special meeting, elect a successor.

(b) Not less than 60 days prior to expiration of terms, the city clerk shall publish legal notice of such expiration for the purpose of allowing any citizen desiring election to the board of water commissioners to have such citizen's name placed in nomination.

(Code 1975, § 40-18; Code 1997, § 122-48)

Sec 54-200 Vacancies

Vacancies occurring in the membership of the board of waterworks commissioners shall be filled by the council for the unexpired term only.

(Code 1975, § 40-19; Code 1997, § 122-49)

Sec 54-201 Organization

The board of waterworks commissioners shall meet after the election of its members and organize by electing out of its membership a president and secretary and shall have power to appoint such officers and employees as may be necessary in the discharge of its duties.

(Code 1975, § 40-21; Code 1997, § 122-50)

Sec 54-202 Agenda And Minutes

The board of waterworks commissioners shall keep a detailed record of its proceedings pursuant to Wis. Stats. ch. 19. The board president shall submit the agenda of each board meeting to the city clerk's office prior to such board meeting and shall submit the minutes of such meeting to the city clerk's office within 96 hours of the meeting. The city clerk's office shall post the agenda in the common council chambers and shall provide copies of the minutes to all members of the common council.

(Code 1975, § 40-32; Code 1997, § 122-51)

Sec 54-203 Superintendent

The board of waterworks commissioners shall employ a superintendent who shall have charge of the operation and management of the municipal water utility, subject to the supervision of the board.

(Code 1975, § 40-22; Code 1997, § 122-52)

Sec 54-204 Office

The board of waterworks commissioners shall maintain an office for the transaction of its business.

(Code 1975, § 40-23; Code 1997, § 122-53)

Sec 54-205 Rules Of Conduct And Operation Of Water Utility

The board of waterworks commissioners shall prescribe rules and regulations for its operation and for the conduct of its own meetings and for the government, operation and maintenance of the municipal water utility and its employees.

(Code 1975, § 40-24; Code 1997, § 122-54)

Sec 54-206 Rules For Water Service

The board of waterworks commissioners shall make all necessary rules and regulations under which the patrons of the water utility shall be served, subject to the approval of the common council and control of the public service commission, as provided by law. Any violation thereof shall be deemed a violation of this chapter. Plumbing related rules and regulations shall be enforceable by the superintendent or the city plumbing inspector, as appropriate.

(Code 1975, § 40-25; Code 1997, § 122-55; Ord. No. 94-96-97, § 1, 12-16-1996)

Sec 54-207 Supplies, Repairs Authorized

The board of waterworks commissioners shall contract for and purchase all general supplies and repairs necessary for or incident to the proper operation or maintenance of the water utility.

(Code 1975, § 40-26; Code 1997, § 122-56)

Sec 54-208 Contracts

The board of waterworks commissioners shall contract to purchase, construct and install all extensions, additions and alterations to the water utility whenever such shall have been ordered and funds provided by the common council.

(Code 1975, § 40-27; Code 1997, § 122-57)

Sec 54-209 General Accounting

All accounts of the water department shall be audited by the board of waterworks commissioners and, upon approval, shall be paid by the city finance director/treasurer on orders issued and signed by the president and secretary of the commission. All water rentals and all income of the water department shall be paid to the cashier appointed by the board of waterworks commissioners and shall thereupon be remitted to the finance director/treasurer at least weekly. The finance director/treasurer shall keep a separate account of all income derived from the water department and of all disbursements made therefrom.

(Code 1975, § 40-28; Code 1997, § 122-58)

Sec 54-210 Annual Report

The board of waterworks commissioners shall submit an annual report to the council, on or before July 1 of each year, of its total receipts during the preceding year, an itemized statement of all of its expenditures, as well as a list of its employees, and such other information essential to inform the council of the condition of the plant, financially and otherwise.

(Code 1975, § 40-29; Code 1997, § 122-59)

Sec 54-211 Quarterly Reports

The board of waterworks commissioners shall submit to the common council a quarterly report of all its operations and shall also submit to the council, on or before August 15 of each year, a detailed report of all its operations for the preceding year, together with an itemized statement of all its expenditures as well as a list of its employees and their salaries, and a statement of the income, together with the inventory of the property of every character under its control, and such other information as it may determine essential to inform the council of the condition of the utility, financially and otherwise.

(Code 1975, § 40-30; Code 1997, § 122-60)

Sec 54-212 Other Duties, Powers

The board of waterworks commissioners shall perform such other duties and shall have such other powers as are conferred upon it by state law, rules and regulations of the public service commission, provisions of this Code and city ordinances.

(Code 1975, § 40-31; Code 1997, § 122-61)

ARTICLE 54-V SEWER

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Sec 54-233 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/L). Quantitative determination of BOD shall be made in accordance with Wis. Admin. Code chs. NR 218 and NR 219.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the

building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called "house connection."

Chlorine requirement means the amount of chlorine, in mg/L, which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

City approving authority means designated officials of the city.

City wastewater collection facilities or city wastewater collection system means the city sewer systems, structures and equipment required to collect and carry away wastewater. These city wastewater collection facilities are owned, operated and maintained by the city.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly-owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, such works do remove such pollutants to a substantial degree.

Easement means an acquired legal right for the specified use of land owned by others.

Floatable oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated, and the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

General sewer committee means the committee whose members are city alderperson and who are appointed by the mayor.

Grantee means the city.

Ground garbage means the residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the operation and maintenance of the wastewater collection facilities or the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial waste means the wastewater from industrial process, trade or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

(a) Has a process flow of 25,000 gallons (3,342 cubic feet) or more per average workday;

(b) Has a process flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;

(c) Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. § 283.21; or

(d) Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

Municipal approving authority means the duly authorized representatives of the municipality.

Municipal wastewater collection facilities or municipal wastewater collection system means the municipal sewer systems, structures, equipment and processes required to collect and carry away wastewater. These municipal wastewater collection facilities are owned, operated and maintained by the municipalities and extend to the effluent point of each of the municipal metering stations.

Municipality means the communities and sanitary districts that are served by the city interceptor sewers or city wastewater treatment plant.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Operation and maintenance costs include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7}.

Parts per million means a weight-to-weight ratio; the parts per million value multiplied by

the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Public sewer means any publicly-owned sewer, storm drain, sanitary sewer or combined sewer.

Replacement costs means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of liquid and water-carried wastes discharged from toilets and sanitary plumbing facilities.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwaters, stormwaters and surface waters that are not admitted intentionally.

Sewage means the spent water of a community; the preferred term is "wastewater," as defined in this section.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses, as well as operating and maintenance costs of the facilities. (The term "user charge," which covers operation and maintenance and replacement costs, is a part of the sewer service charge.)

Slug means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the system and performance of the wastewater treatment works.

Standard Methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.

Storm drain or storm sewer means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of or are in suspension in water, wastewater or other liquids and that are removable by laboratory filtering, as prescribed in Standard Methods for Examination of Water and Wastewater, and that are referred to as nonfilterable residue.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater collection facilities or wastewater collection system means the city and municipal wastewater collection facilities.

Wastewater treatment facility means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. The term "wastewater treatment facility" is sometimes synonymous with the term "waste treatment."

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

Wisconsin Pollutant Discharge Elimination System (WPDES) permit means a document issued by the state department of natural resources which establishes effluent limitations and monitoring requirements for the city's wastewater treatment facility. WPDES Permit No. WI-0025411 and modifications thereof pertain to the city's wastewater treatment facility.

(Code 1975, § 34.5-1; Code 1997, § 122-226; Ord. No. 104-97-98, § 1, 12-15-1997; Ord. No. 11-12-13, §§ 1—3, 6-4-2012)

Sec 54-234 Management And Control Of Sewage Disposal System

The sanitary sewer system and the municipal sewage disposal plant shall be under the control and management of the department of engineering and public works, subject to

the supervision of the common council. A superintendent of the sewage disposal plant shall be selected pursuant to civil service procedure, and the superintendent shall manage the plant, subject to the control of the department of engineering and public works.

(Code 1975, § 34.5-2; Code 1997, § 122-227)

Sec 54-235 Disposal Into Lake Or Stream

Every owner of property within the city from which domestic or industrial sewage or waste is being discharged through a sewer or otherwise into any lake or stream shall make such sewer installations and connections with the city sewer system so as to cause the sewage or waste to flow into the city sewer system.

(Code 1975, § 34.5-23; Code 1997, § 122-228)

Sec 54-236 Disposal Onto Public Ways And Gutters

No person shall permit any drain or sewer from a dwelling house, barn, stable, garage, shop or other building upon the premises owned or occupied by such person to discharge into any open sewer or gutter or upon or over any public street, sidewalk or alley.

(Code 1975, § 34.5-24; Code 1997, § 122-229)

Sec 54-237 Openings In Streets

(a) *Permits required*. No person shall uncover or excavate under or around any sewer for any purpose without having obtained a written permit as required in section 12-679. The person performing such work for which a permit was not obtained and the person's employer under whose direction the work was done shall be deemed guilty of a violation of this section.

(b) *Shoring trenches*. Whenever there is danger of caving in, the sides of the trenches shall be supported by adequate sheathing and braces.

(c) *Backfilling*. Backfilling of trenches shall be made with due care and in a workmanlike manner according to approved standards and methods so as to prevent the breaking of the pipes or joints or the setting of the drain sewer. The backfilling shall be done in accordance with the Standards and Methods for Excavation and Backfilling on file with the department of engineering and public works and as amended from time to time. Copies of such standards and methods shall be made available by the department of engineering and public works to any contractor engaged in such work.

(Code 1975, § 31-61; Code 1997, §§ 26-1001, 122-12; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-238 Location Of Drains, Sewers And Junctions

(a) The city engineer shall keep proper records of the location of the premises on which a sewer connection is made, the name of the owner, the name of the plumber making the connection and the exact location of the connection with the public sewer of each drain or sewer so laid and connected.

(b) The city engineer shall furnish, upon request by any interested person, information concerning the size, location and depth of public and private sewers or drains and the position of the branch, junctions and appurtenances. All reasonable care shall be taken to ensure the correctness of such information, but such correctness will not be guaranteed in any way by the city. When, in accordance with the measurements furnished, a junction is not located, a silent connection and one-eighth bend shall be used, and such connection shall be made under the direction of the city engineer or plumbing inspector or supervisor.

(Code 1975, §§ 31-59, 31-60; Code 1997, §§ 26-999, 26-1000, 122-11; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-239 Surface Water Drains And Connections

(a) No person shall connect any rainwater leaders or area drains or make any similar connections with any public sanitary sewer which empties into the city sanitary sewer system, nor shall any person drain any lot or area into any manhole connecting with any such sanitary sewer system. Any such connections existing shall be forthwith removed by the owner of the premises involved.

(b) No person shall open any storm sewer or connect any rainwater leader or area drain therewith without permission from the department of engineering and public works, subject to such conditions as the department shall impose.

(c) All stormwater and clear water drains in and for any new building construction located adjacent to an existing storm sewer shall be connected to such storm sewer prior to occupancy.

(d) Owners of existing buildings shall connect all stormwater and clear water drains to mini-storm sewers (auxiliary sewers installed primarily for stormwater and clean water drains and sump pump connections which are constructed subsequent to the paving of the adjacent street) or storm sewers which serve their property within 90 days of notice of serviceability of such storm sewer or mini-storm sewer, with the exception that extensions of up to two years at a time may be granted upon application by the property owner to the public works committee of the common council, supported by a sworn statement that no clear water problem exists and indemnifying the city against any injury, loss or damage stemming from the introduction of clear water into the city's sanitary sewer system.

(e) All new commercial and industrial buildings and additions or remodeling to existing commercial and industrial buildings shall have rain gutters and downspouts, or other such system as approved by the city engineer, for directing rainwater from the respective roofs to city storm sewer, or to designed retention ponds or other systems approved by the city engineer, in such a manner that water runoff directed to or discharged upon adjacent private properties is neither increased in intensity or rate of flow, unless an easement or other written consent is obtained from the owners of all surrounding properties upon which such increased water runoff is, or is to be, discharged.

(Code 1975, § 31-62; Code 1997, §§ 26-1002, 122-13; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-240 Certification Of Compliance With Clearwater Requirements

(a) No person may obtain a building permit for improvements to the interior of a building serviced by a sanitary sewer until such time as a certificate of compliance has been obtained from the building inspection department as provided in this section within ten business days of the application. Performing any improvements requiring a building permit without a certificate of compliance shall constitute a violation of this chapter and shall be subject to the penalties set forth in section 12-630.

(b) Upon written request to the building inspection department an inspection shall be conducted of the premises to ensure compliance with the provisions of section 54-239 relating to illegal surface water or groundwater connections into the sanitary sewer system.

(c) A certificate of compliance shall be issued by the building inspection department if the building is found to be in compliance with the provisions of the code relating to surface and groundwater connections.

(d) A notice of noncompliance shall be issued by the building inspection department to the owner of record of any building found not to be in compliance with the provisions of section 54-239. The notice shall set forth the areas of noncompliance and shall order the owner to bring the building into compliance.

    (1) Orders applicable to buildings where a sump pump installation is illegal shall have a 60-day compliance period.

    (2) Orders applicable to buildings where clear water is illegally entering the sanitary sewer system via an under-the-basement floor connection shall have a 120-day compliance period.

(e) In the event a request for a certificate of compliance is made within two years of the issuance of a previous certificate of compliance where an inspection was

conducted, and the owner certifies that no changes have occurred to the premises since the previous certificate was issued which render the premises out of compliance with the city's Clearwater requirements, a reinspection of the premises will not be required.

(f) Any present or proposed owner of a building feeling aggrieved by the issuance of a notice of noncompliance may appeal to the plumbing board of appeals by following the procedure outlined in sections 12-659 and 12-660.

(g) *No warranty*. A certificate of compliance indicates that so far as can be reasonably determined by a visual inspection of the premises and review of city records, the premises meets the requirements of this article. Neither the city, nor its inspectors assume any liability in the inspection or issuance of a certificate of compliance, and the issuance of a certificate of compliance does not guarantee or warrant the condition of the premises inspected.

(Code 1997, § 26-1010; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-241 Backflow Preventers

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sanitary building drain means horizontal piping within or under a building, installed below the lowest fixture or the lowest floor level from which fixtures can drain by gravity to the building sanitary sewer.

(b) All new residential, commercial and industrial buildings shall have backflow prevention valves installed on all sanitary building drains at the owner's expense, except as provided below.

(c) A property owner may apply in writing to the manager of planning and inspection services for an exception to the provisions of this section. The application must include evidence of the elevation of both the sanitary building drain and the nearest manhole to which the sanitary building drain is or will be connected. The manager of planning and inspection services may approve the exception if the elevation of the sanitary building drain is at least two feet higher than the elevation of the nearest manhole to which the sanitary building drain is or will be connected.

(Code 1997, § 26-1011; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-242 Rainwater Drains

Every building and all parts thereof shall be so drained so as not to cause dampness on the walls and ceilings. No downspout within six feet of adjoining property shall be

pointed toward such property. Discharge from a downspout shall not create a nuisance. The downspout discharge shall be considered a nuisance in situations, including, but not limited to, such discharge creating icing problems on city streets, alleys or sidewalks, damaging a city street or sidewalk, creating ponds of standing water, or flowing over adjoining property.

(Code 1997, § 26-1012; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-243 Sump Pumps

In areas where storm sewers are not available, sump pumps shall discharge onto the surface and shall be directed either to the rear lot line or to the street and shall not be directed as to flow on adjacent property. Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations, including, but not limited to, such discharge creating icing problems on city streets, alleys and sidewalks, damaging a city street or sidewalk, creating ponds of standing water, or flowing over adjoining property.

(Code 1997, § 26-1013; Ord. No. 17-19-20, § 2, 9-16-2019)

DIVISION 54-V-2 BUILDING SEWERS AND CONNECTIONS

Sec 54-265 Connection To City Sewer System Beyond City Limits
Sec 54-266 Abandonment Of Building Sewer
Sec 54-267 New Connections
Sec 54-268 Unlawful Connections To Building Sewer; Disconnection Upon Notice
Sec 54-269 Unauthorized Work
Sec 54-270 Liability For Cost Of Installation And Connection
Sec 54-271 Use Of Old Building Sewers
Sec 54-272 Materials And Methods For Construction
Sec 54-273 Grade
Sec 54-274 Inspection Prior To Connection To Public Sewer
Sec 54-275 Standards For Connection
Sec 54-276 Protection Of Excavations; Restoration Of Property
Sec 54-277 Connections To Sanitary Sewers Restricted

Sec 54-265 Connection To City Sewer System Beyond City Limits

(a) No person shall connect or join or cause to be connected or joined to the city sanitary or stormwater sewer system, either directly or indirectly, any sanitary or stormwater sewer from outside of the city limits, except a duly organized sewer district. If a duly organized sewer district makes such connection, all connections in such district with the city sewer system and its extensions and all plumbing connected with the system to any building, lot or premises outside of the city limits shall be in conformity and in full compliance with the plumbing regulations and the laws of the city in addition to any legal requirements which the common council may enact as part consideration for the granting of permits for extension

of and connection with the city sewer system.

(b) No sanitary sewer serving any property in the city or any lot or area served by virtue of its being perpendicularly adjacent to city sanitary sewer service shall be extended from or through the lot so served to another lot or area beyond the corporate limits of the city. The plumbing inspector shall not issue a permit for plumbing work that would result in the violation of this section.

(Code 1975, § 31-57; Code 1997, §§ 26-997, 122-9; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-266 Abandonment Of Building Sewer

(a) Any person demolishing or moving a building or structure that is served by a sewer shall engage a licensed master plumber under permit to properly abandon the building sewer immediately inside the front lot line on private property.

(b) The building sewer shall be disconnected at the front lot line and a pie or bulkhead installed.

(c) On a vitrified clay or concrete sewer, a pie shall be cemented into the hub. If the hub is broken, a swab and six inches of concrete shall be inserted in the sewer as a permanent bulkhead.

(d) On a cast iron sewer, a cast iron plug with a lead caulk joint shall be installed.

(e) Sewer and water services permanently abandoned shall be disconnected at the main according to subsection (c) or (d) his section.

(Code 1975, § 31-58; Code 1997, §§ 26-998, 122-10; Ord. No. 17-19-20, § 2, 9-16-2019)

Sec 54-267 New Connections

New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

(Code 1975, § 34.5-30; Code 1997, § 122-256)

Sec 54-268 Unlawful Connections To Building Sewer; Disconnection Upon Notice

(a) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

(b) All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected.

(c) Any violation of any of this section shall subject the violator to a forfeiture of not

less than $10.00 nor more than $100.00, together with the costs of prosecution and, in default of payment thereof, to imprisonment in the county jail until such costs and forfeiture are paid, but not to exceed 60 days. Each day of violation or noncompliance shall constitute a separate offense.

(Code 1975, § 34.5-31; Code 1997, § 122-257)

Sec 54-269 Unauthorized Work

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenances thereof without first obtaining a written permit from the city plumbing inspector.

(Code 1975, § 34.5-32; Code 1997, § 122-258)

Sec 54-270 Liability For Cost Of Installation And Connection

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person. Such person shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1975, § 34.5-33; Code 1997, § 122-259)

Sec 54-271 Use Of Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city plumbing inspector, to meet all requirements of this article and article VII of this chapter.

(Code 1975, § 34.5-34; Code 1997, § 122-260)

Sec 54-272 Materials And Methods For Construction

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Code 1975, § 34.5-35; Code 1997, § 122-261)

Sec 54-273 Grade

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit

gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Code 1975, § 34.5-36; Code 1997, § 122-262)

Sec 54-274 Inspection Prior To Connection To Public Sewer

The applicant for the building sewer permit shall notify the plumbing inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city plumbing inspector.

(Code 1975, § 34.5-37; Code 1997, § 122-263)

Sec 54-275 Standards For Connection

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the city approving authority before installation.

(Code 1975, § 34.5-38; Code 1997, § 122-264)

Sec 54-276 Protection Of Excavations; Restoration Of Property

(a) All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(b) Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city approving authority.

(Code 1975, § 34.5-39; Code 1997, § 122-265)

Sec 54-277 Connections To Sanitary Sewers Restricted

(a) In the public interest, the city has extended sanitary sewers under and through the following-described properties which lie immediately adjacent to, or which traverse areas located outside the territorial limits of the city. Such public sanitary sewers are designated on an official map entitled, "Sanitary Sewers Abutting Township Lands," dated July 1, 1983, on file with the city clerk.

    (1) North Eighth Street, east side, N.L. North Shore Subdivision, east to Eisner Avenue;

    (2) Eisner Avenue from W.L. Smies-Heinen Subdivision to E.L. Meadowlark Subdivision, north side;

(3) Eisner Avenue, from W.L. Meadowlark Subdivision to 377 feet west thereof, north side;

(4) Eisner Avenue, from E.L. Dublin Heights Subdivision to 211 feet east thereof, north side;

(5) Eisner Avenue from W.L. North 13th Street to W.L. North 14th Street, north side;

(6) North 13th Street, from N.L. Eisner Avenue to 50 feet north of N.L. Dublin Heights Subdivision, west side;

(7) Eisner Avenue, from W.L. Lakeshore Road to 126 feet east E.L. North 19th Street;

(8) Eisner Avenue, from 64.55 feet east of E.L. North 20th Street to E.L. of C&NW Railway Company, north side, and the west 70 feet thereof, south side;

(9) North 15th Street, from S.L. Grand Avenue to 120 feet north of N.L. MacArthur Avenue, west side, and east side opposite Lots 20 and 21, Block 9, and east side opposite Block 7;

(10) North 29th Street, from 223 feet north of N.L. Main Avenue to 460 feet of S.L. Main Avenue South, west side;

(11) North 31st Street, from N.L. Main Avenue to S.L. Block 7, Evergreen Park Estates Subdivision, both sides;

(12) Main Avenue, from E.L. North 31st Street to 723 feet east of E.L. North 36th Street, north side and south side bounded by the east and west lines of Block 28, Graceland Subdivision No. 16;

(13) North Taylor Drive, from N.L. Main Avenue to S.L. North Avenue, west side and N.L. Main Avenue to S.L. of First Addition to West Park Subdivision, east side;

(14) Main Avenue, from W.L. North 36th Street to W.L. North 38th Street, north side;

(15) North 36th Street, from N.L. Main Avenue to S.L. Graceland Subdivision No. 20, west side;

(16) North 38th Street, from centerline of Main Avenue to 459.5 feet south thereof, as described following:

a. West side, north 189 feet of the above;

b. West side, south 70 feet of north 329 feet of the above;

c. West side, south 65.25 feet of the above;

(17) North 37th Street, bounded by the S.L. of Lot 5 and the N.L. of Lot 6, Block 43, Graceland Subdivision No. 23, west side;

(18) North 35th Street, from N.L. Superior Avenue to 139 feet north thereof, east side;

(19) North Taylor Drive, from S.L. Superior Avenue to 636 feet south thereof, west side;

(20) Erie Avenue, from 402 feet west of centerline of North 29th Street to a point 780 feet southwesterly thereof, south side;

(21) Erie Avenue, from 86 feet east of centerline of North 29th Street to 169 feet east thereof, south side;

(22) North 28th Street and South 28th Street, from 215 feet south of S.L. Erie Avenue to S.L. Jefferson Avenue, west side;

(23) Indiana Avenue, from E.L. of University Drive to 590 feet east thereof, south side;

(24) University Drive, from S.L. Indiana Avenue to E.L. Lutheran High School campus, east and south side;

(25) Georgia Avenue, from E.L. Rammer Estates to 743.16 feet northeasterly, north side;

(26) Union Avenue, from north and south quarter line of section 28, T15N, R23E, to W.L. South Taylor Drive, both sides, and from such north and south quarter line to 1,589 feet east thereof, south side;

(27) South Taylor Drive, a.k.a. Georgia Avenue, a.k.a. Milwaukee Road, a.k.a. C.T. Hwy. "A:"

a. From north line of Union Avenue to 1,178 feet southwesterly of centerline of Union Avenue, both sides;

b. From 1,178 feet southwesterly of such centerline to 1,298 feet southerly thereof, east side;

c. From 1,298 feet southwesterly of such centerline to 1,748 feet southwesterly thereof, both sides; and

d. From 1,748 feet southwesterly of such centerline to N.L. Paine Avenue, east side;

(28) Paine Avenue, from E.L. South Taylor Drive to 1,000 feet east of E.L. South 31st Street, north side;

(29) Washington Avenue, from E.L. South Taylor Drive to the north and south quarter line of section 4, T14N, R23E, south side;

(30) Greenfield Avenue, from 127 feet east of E.L. South 12th Street to 806

feet east thereof, south side;

(31) South 12th Street from 1,126.95 feet south of N.L. section 2, T14N, R23E, to a point 1,143.48 feet south thereof;

(32) From 1,207.8 feet south thereof to 1,272.15 feet south thereof, both on east side;

(33) From 80 feet south of N.L. of SW 1/4 of NW 1/4 of section 2 to centerline of Camelot Boulevard, east side, and from S.L. of Castle Avenue to N.L. Block 8, Camelot Estates, west side; and

(34) The intercepting sanitary sewers in CTH PP, which will be known as STH 28, lying west of the west line of South Taylor Drive and in South Taylor Drive from CTH PP to a point approximately 150 feet north thereof.

(b) No property situated outside the corporate limits which has not received sanitary sewer service prior to the effective date of the ordinance from which this section derives (September 23, 1983) shall be served by or connected to any of the sanitary sewers enumerated in subsection (a) of this section.

(Code 1975, § 36-6; Code 1997, § 122-266)

DIVISION 54-V-3 DISCHARGES RESTRICTED

Sec 54-303 Sanitary Sewers
Sec 54-304 Discharges To Storm Sewers Restricted
Sec 54-305 Prohibitions And Limitations On Discharges
Sec 54-306 Submission Of Data Relative To Quantity And Characteristics Of Industrial Wastes; Extension Of Time
Sec 54-307 Conditions For Handling Discharges Of Above Normal Strength
Sec 54-308 Control Manholes
Sec 54-309 Waste Sampling
Sec 54-310 Preliminary Treatment
Sec 54-311 Submission Of Information Prior To Commencement Of Construction Of Pretreatment Facilities
Sec 54-312 Grease And Sand Interceptors
Sec 54-313 Analyses
Sec 54-314 Right Of Entry
Sec 54-315 Special Arrangements

Sec 54-303 Sanitary Sewers

(a) *Limitations on discharges*. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers

by permission of the city approving authority.

(b) *Inspections for illegal connections*. The water utility personnel and the plumbing inspector and the inspector's designated representative will make inspections throughout the city of all stormwater and clear water drains to sanitary sewers and illegal downspout connections. Violations will be reported to the city's plumbing inspector.

(Code 1975, § 34.5-45; Code 1997, § 122-296)

Sec 54-304 Discharges To Storm Sewers Restricted

Stormwater, other than that exempted under section 54-303, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the city approving authority and other regulatory agencies. Unpolluted industrial cooling waters or process waters may be discharged, on approval of the city approving authority, to a storm sewer, combined sewer or natural outlet.

(Code 1975, § 34.5-46; Code 1997, § 122-297)

Sec 54-305 Prohibitions And Limitations On Discharges

(a) Except as provided in subsection (b) of this section, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

(3) Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment facilities.

(4) Any waters or wastes having a pH in excess of 12.0.

(5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole

blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(b) The following described substances, materials, waters or wastes shall be limited in discharges to municipal sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property or constitute a nuisance. The city approving authority may set limitations lower than the limitations established in this subsection if, in the opinion of the authority, such more severe limitations are necessary to meet the objectives. In forming an opinion as to the acceptability, the city approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the city approving authority are as follows:

(1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

(2) Wastewater containing more than 200 mg/L of total oil and grease, including, but not limited to, petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

(3) Wastewater from industrial plants containing floatable oils, fat or grease.

(4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that any such material received in the composite wastewater in concentrations that exceed levels specified by federal, state or local authorities.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the city approving authority.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city approving authority in compliance with applicable state or federal regulations.

(8) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater

treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(9) Any waters or wastes which, by interaction with other waters or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

(10) Materials which exert or cause:

a. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

b. Unusual volume of flow or concentration of wastes constituting slugs, as defined in this article.

c. Unusual concentrations of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to, sodium sulfate.

d. Excessive discoloration, such as but not limited to, dye wastes and vegetable tanning solutions.

(11) Incompatible pollutants in excess of the allowed limits as determined by city, state and federal rules and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.

(c) The city shall comply with all the appropriate requirements of the city's WPDES permit no. WI-0025411 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the modifications thereof.

(Code 1975, § 34.5-47; Code 1997, § 122-298; Ord. No. 104-97-98, §§ 2, 3, 12-15-1997)

Sec 54-306 Submission Of Data Relative To Quantity And Characteristics Of Industrial Wastes; Extension Of Time

(a) Each person who discharges industrial wastes to a public sewer shall prepare and file with the city approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data shall be provided at a time specified by the city approving authority.

(b) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the city approving authority a report that shall include actual or predicted data relating to

the quantity and characteristics of the waste to be discharged.

(c) When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by this section, a request for extension of time may be presented to the city approving authority for consideration.

(Code 1975, § 34.5-48; Code 1997, § 122-299; Ord. No. 104-97-98, § 5, 12-15-1997)

Sec 54-307 Conditions For Handling Discharges Of Above Normal Strength

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in section 54-305, and which, in the judgment of the city approving authority, have a deleterious effect upon the sewer works, processes, equipment or receiving waters or which otherwise create a hazard to life or health or constitute a public nuisance, the city approving authority may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under section 54-315.

(Code 1975, § 34.5-49; Code 1997, § 122-300)

Sec 54-308 Control Manholes

(a) *Required*. Each person discharging industrial wastes into a sanitary sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of the discharger's wastes, including domestic sewage.

(b) *Location and construction*. Control manholes or access facilities shall be located and built in a manner acceptable to the city approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the city approving authority.

(c) *Responsibility for installation and maintenance*. Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at the discharger's expense, and shall be maintained by the discharger so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the city approving authority prior to the

beginning of construction.

(Code 1975, § 34.5-50; Code 1997, § 122-301)

Sec 54-309 Waste Sampling

(a) *Collection of samples*. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry every four years, beginning in 1986. Additional sampling and analyses shall be required for significant changes in the industry's operation. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the city approving authority. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(b) *Responsibility for sampling facilities*. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the superintendent of the wastewater treatment plant. Access to sampling locations shall be granted to the superintendent of the wastewater treatment plant or the superintendent’s duly authorized representative at all times.

(c) *Analysis of samples*. Samples shall be analyzed for BOD, total suspended solids, total phosphorus, and all potential contaminants. Results from all analyses shall be submitted to the wastewater treatment plant superintendent.

(Code 1975, § 34.5-51; Code 1997, § 122-302; Ord. No. 11-12-13, § 4, 6-4-2012)

Sec 54-310 Preliminary Treatment

Where required, in the opinion of the city approving authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at said person’s expense such preliminary treatment or processing facilities as may be determined necessary to render their wastes acceptable for admission to the sanitary sewers.

(Code 1975, § 34.5-52; Code 1997, § 122-303)

Sec 54-311 Submission Of Information Prior To Commencement Of Construction Of Pretreatment Facilities

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the city approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

(Code 1975, § 34.5-53; Code 1997, § 122-304)

Sec 54-312 Grease And Sand Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the city approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in section 54-305(b)(3), or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city approving authority and shall be located so as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the city approving authority. Disposal of the collected materials performed by the owner's personnel or licensed waste disposal firms must be in accordance with acceptable department of natural resources (DNR) practice.

(Code 1975, § 34.5-54; Code 1997, § 122-305)

Sec 54-313 Analyses

(a) *Standards for determinations*. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article and article VII of this chapter shall be determined in accordance with Wis. Admin. Code ch. NR 219. Sampling methods, location, time, duration and frequencies are to be determined on an individual basis subject to approval by the city approving authority.

(b) *Basis for charges*. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or the discharger’s agent, as designated and required by the city approving authority. The city approving authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges and industrial cost recovery charges.

(Code 1975, § 34.5-55; Code 1997, § 122-306; Ord. No. 11-12-13, § 5, 6-4-2012)

Sec 54-314 Right Of Entry

(a) The city approving authority or other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with this article and article VII of this chapter and Wis. Stats. § 66.0119. The city approving authority or other duly authorized city employee shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and

source of discharge to the sewers or waterways or wastewater treatment facilities.

(b) While performing the necessary work on private premises referred to in subsection (a) of this section, the duly authorized city employees shall observe all safety rules applicable to the premises established by the person. The city shall indemnify such person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operations and shall indemnify the person against loss or damage to its property by city employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in section 54-308.

(c) The city approving authority or other duly authorized city employees bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within such easement, all subject to the terms, if any, of such duly negotiated easement.

(Code 1975, § 34.5-56; Code 1997, § 122-307; Ord. No. 60-00-01, § 62, 10-2-2000)

Sec 54-315 Special Arrangements

No statement contained in this article shall be construed as prohibiting any special agreement between the city approving authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities because of the admission of such wastes and no extra costs are incurred by the city without recompense by the person, provided that all rates and provisions set forth in this article and article VII of this chapter are recognized and adhered to.

(Code 1975, § 34.5-57; Code 1997, § 122-308)

DIVISION 54-V-4 PRIVATE DISPOSAL SYSTEMS

Sec 54-334 Private Disposal System
Sec 54-335 Cesspools
Sec 54-336 Privies And Privy Vaults
Sec 54-337 Waterless Toilets
Sec 54-338 Disposal Of Hauled Wastewater

Sec 54-334 Private Disposal System

(a) *Permitted*. Septic, biological or other sewage disposal tanks may be constructed and used where a public sewer system is not available or not likely to become available within a reasonable time.

(b) *Permit required*. Permission to construct a private disposal system and approval of the system to be installed shall be obtained from the city plumbing inspector prior to the issuance of a plumbing permit.

(c) *Material, capacity and location*. For material, capacity and location, see the state plumbing regulations.

(d) *Discontinuance of system*. Private sewer systems shall be abandoned, and the premises served by the systems shall be connected to the public sewers whenever such facilities become available.

(Code 1975, § 34.5-63; Code 1997, § 122-336; Ord. No. 104-97-98, § 6, 12-15-1997)

Sec 54-335 Cesspools

(a) *Location near sewers*. No cesspool or other system for sewage disposal shall be constructed where a sewer is available nor shall any connection from a cesspool be made with a house drain or sewer. When a public sewer is pending installation, the plumbing supervisor, with the approval of the city engineer, may grant a special permit conditioned upon the removal of such system of private sewage disposal and its connection to the public sewer when the sewer becomes available for the premises.

(b) *Maintenance*. No person shall remove the contents of any cesspool or privy vault nor place or deposit the contents thereof within the city limits so as to create a nuisance or in any manner endanger the public health. Such substance shall be immediately buried so as to entirely prevent odors arising therefrom and so that it will not pollute any well or cistern, the water of Lake Michigan or any stream nor shall any such material be deposited or discharged into any public sewer or branch thereof.

(c) *Discontinuance*. Cesspools existing on premises accessible to a sewer shall be discontinued and, when necessary, emptied of their contents and filled with earth or ashes, and the house sewer shall be disconnected from the old cesspool and shall be reconnected to the public sewer.

(Code 1975, § 34.5-64; Code 1997, § 122-337)

Sec 54-336 Privies And Privy Vaults

(a) No new privy or privy vault or like appliance shall be constructed or maintained to serve any premises when a public sewer and water system is available.

(b) No privy vault shall in any manner be connected with any public sewer in the city.

(c) All privy vaults shall be abandoned when public water and sewer systems are reasonably available. The health commissioner shall order such abandonment to

guard the public welfare and in furtherance of public health.

(Code 1975, § 34.5-65; Code 1997, § 122-338)

Sec 54-337 Waterless Toilets

No privy or chemical, septic or dry closet system or any other type of waterless toilet shall be installed or maintained when a public water and sewer system is available, and no such privy or any other system shall be installed within the city boundaries when public water supply and sewerage are not available until the plans and appliances have been approved by the plumbing supervisor.

(Code 1975, § 34.5-66; Code 1997, § 122-339)

Sec 54-338 Disposal Of Hauled Wastewater

(a) *Permit*. No person in the business of gathering and disposing of hauled wastewater shall transfer such material into any disposal area unless a permit for disposal has first been obtained from the city approving authority. Permits shall be nontransferable. A permit may be obtained upon payment of a fee of $100.00 per calendar year. The time and place of disposal will be designated by the city approving authority. The city approving authority may impose such conditions as it deems necessary on any permit granted.

(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Hauled wastewater means and includes, but is not limited to, septic tank sludge and holding tank sewage.

(c) *Insurance; indemnification of city*. Any person or party disposing of hauled wastewater shall agree to carry public liability insurance in an amount not less than $100,000.00 to protect any and all persons or property from injury and damage caused in any way or manner by an act or the failure to act by any of their employees. The person shall furnish a certificate certifying such insurance will be in full force and effect. Any person disposing of such waste shall agree to indemnify and hold harmless the city from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(d) *Restrictions on materials discharged to treatment system*. All materials disposed of into the treatment system shall be of domestic origin or compatible pollutants only, and such person shall agree that they will comply with the provisions of any and all applicable ordinances of the city and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids or other deleterious substances into any manhole or allow any earth, sand or other

solid material to pass into any part of the wastewater collection and treatment facilities.

(e) *Disposal of materials at sewage treatment plant*. Prior to the disposal of nondomestic wastes to the wastewater collection and treatment facilities by any person holding a permit for disposal of hauled wastewater, such industrial waste shall be tested as determined by the wastewater treatment plant superintendent.

(f) *Acceptance of hauled wastewater*. Acceptance of hauled wastewater under this article shall be subject to existing treatment capacity. If sludge storage is unavailable or operational treatment problems prevent handling of hauled wastewater, the superintendent of the wastewater treatment plant may refuse acceptance of such waste.

(Code 1975, § 34.5-67; Code 1997, § 122-340; Ord. No. 104-97-98, § 8, 12-15-1997; Ord. No. 11-12-13, § 6, 6-4-2012)

DIVISION 54-V-5 CHARGES, RATES AND BILLING

Sec 54-365 Water Utility Service Charges
Sec 54-366 Measurement Of Flow For The Purposes Of Rate Determination
Sec 54-367 Annual Audits
Sec 54-368 Annual Rate Adjustment

Sec 54-365 Water Utility Service Charges

Payment for services performed by the water utility in connection with this article and article VII of this chapter shall be in accordance with an administrative agreement between the city and the water utility.

(Code 1975, § 34.5-93; Code 1997, § 122-371)

Sec 54-366 Measurement Of Flow For The Purposes Of Rate Determination

(a) *Based on water consumption*. The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water utility, except as noted in subsections (b) and (c) of this section.

(b) *Adjustment*. If a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the city approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the city approving authority and the person.

(c) *Metering waste*. Devices for measuring the volume of waste discharged may be

required by the city approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the city approving authority.

(Code 1975, § 34.5-78; Code 1997, § 122-372)

Sec 54-367 Annual Audits

The city shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion among municipalities of the sewer service charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs. The municipalities and city shall also conduct annual audits, the purpose of which shall be to maintain the proper portion between users and sewer user classes of the sewer service charge system and to ensure that adequate revenues are available to meet the charges assessed to the municipalities by the city. Copies of the municipal annual audit reports must be submitted to the city approving authority after the municipal annual audits have been completed.

(Code 1975, § 34.5-79; Code 1997, § 122-373)

Sec 54-368 Annual Rate Adjustment

The format as provided in the 1979 Donohue & Associates, Inc., report entitled "Sewer Service Charge and Industrial Cost Recovery System for Wastewater Collection and Treatment Facilities, Sheboygan, Wisconsin," can be utilized to adjust the sewer service charges as a result of changing annual costs. It should be noted that the methods used are applicable only to costs incurred for operation of the municipal wastewater treatment facility under construction. Changes in the wastewater facility system by virtue of additions, renovation or new construction in the future would require revisions to the method of cost allocation.

(Code 1975, § 34.5-80; Code 1997, § 122-374)

DIVISION 54-V-6 SERVICE CHARGES

Sec 54-395 Penalties And Remedies
Sec 54-396 Basis
Sec 54-397 Categories Of Users; Amounts; Reassignment
Sec 54-398 Categories Of Users; Amounts; Reassignment For Other Municipalities
Sec 54-399 Charges For Disposal Of Septic Tank Sludge, Holding Tank Sewerage, Or Hauled Wastewater
Sec 54-400 Operation, Maintenance And Replacement Fund Accounts
Sec 54-401 Billing; Payments

Sec 54-395 Penalties And Remedies

(a) *Delinquent payments, penalty charge*. Such sewer service charges levied in accordance with this division shall be a debt due to the city and shall be a lien upon the property. A late payment charge of three percent but not less than $0.50 will be added to bills not paid within 20 days of issuance. This one-time, three-percent late payment charge will be applied only to any unpaid balance for the current billing period's usage. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. Thereafter, if payment is not received prior to November 15, the delinquent bill will be placed on the succeeding tax roll.

(b) *Discontinuance and restoration of service*. For failure to pay sewer service charges after they become delinquent, the city shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose. The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the city and a lien upon the property which may be recovered by civil action in the name of the city against the property owner, the person or both. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.

(c) *Effect of change of ownership or occupancy*. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Code 1975, § 34.5-94; Code 1997, § 122-401; Ord. No. 74-99-00, § 1, 12-20-1999)

Sec 54-396 Basis

(a) *Service charge for wastewater treatment*. There is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water solely by the water utility a wastewater treatment service charge based, in part, on the quantity of water used, as measured. Section 54-132 requires connection to and utilization of the public water supply system by city residents. However, if that connection is not made to such water supply system, any premises served by the city's wastewater collection system shall not be relieved of any wastewater treatment service charges. In addition to any other penalties prescribed by this Code for failure to connect to the city's water supply system, there is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system not served by the city's water utility a service charge based on the residential average of all homes served by such utility, plus an administrative charge of $25.00 per quarter for processing sewer service charges for this class of customers.

(b) *Deduct meters*. If a user feels that a significant amount of metered water does not reach the sanitary sewer due to lawn or garden watering, etc., the user may, at the user's own expense through the city approving authority, install a second meter or an additional metered service that would monitor this flow. Charges for sewer use would be made based on the difference between the two-meter readings, if only a second meter is installed, and on actual water metered for sewer use if an additional metered service is installed. Requests for a second meter or metered service must be made in writing to the city approving authority.

(c) *Adjustment of meter readings for irrigation water usage*. Third quarter water meter readings for residential customers whose residences are not equipped with deduct meters and not equipped with a well will be reduced an amount to be determined by the approving authority based on water use records, to take into account water use for irrigation purposes and not returned to the sanitary sewer.

(Code 1975, § 34.5-86; Code 1997, § 122-402)

Sec 54-397 Categories Of Users; Amounts; Reassignment

(a) *Category A*. Category A users of the city wastewater treatment system shall be subject to the following:

(1) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Category A means normal domestic strength wastewater, that is, wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 186 mg/L, suspended solids no greater than 468 mg/L, and total phosphorus no greater than 7.70 mg/L.

(2) *Amount*. The sewer service charge for Category A wastewater is as follows:

a. Fixed charge: $46.00 per quarter.

b. Volume charge: $2.16 total charge per 100 cubic feet.

(b) *Category B*. Category B users of the city wastewater treatment system shall be subject to the following:

(1) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Category B means wastewater having concentrations of biochemical oxygen demand greater than 186 mg/L, suspended solids greater than

468 mg/L, and phosphorous greater than 7.70 mg/L. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in category B. The minimum category B charge will be based on a concentration of not less than 186 mg/L for BOD, 468 mg/L for suspended solids, and 7.70 mg/L for phosphorous.

(2) *Amount*. The sewer service charge for category B wastewater is as follows:

a. Fixed charge: $46.00 per quarter.

b. If billing is on a monthly basis: $15.33 per month.

c. Volume charge: $2.16 per 100 cubic feet.

d. Surcharge, total (per pound):

1. BOD greater than 186 mg/L: $0.3979.

2. Suspended solids greater than 468 mg/L: $0.1954.

3. Phosphorus greater than 7.70 mg/L: $5.0237.

(3) *Computation*. The category B sewer service charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the following formula:

C = F + (V x CV) + .00624V[(B - BR x CB) + (S - SR x CS) + (P - PR x CP)]

Where:

Table 1

C	=	Charge to sewer user for collection and treatment of wastewater
F	=	Fixed charge per billing period
B	=	Concentration of BOD in mg/L in the wastewater
BR	=	Concentration of BOD in mg/L as defined for Category A users
S	=	Concentration of suspended solids in mg/L in the wastewater
SR	=	Concentration of suspended solids in mg/L as defined for Category A users
P	=	Concentration of phosphorus in mg/L in the wastewater
PR	=	Concentration of phosphorus in mg/L as defined for

		Category A users
V	=	Wastewater volume (per 100 cubic feet for Category B users; per 1,000 gallons for Category C users)
CV	=	Cost per volume of wastewater (per 100 cubic feet for Category B users; per 1,000 gallons for Category C users)
CB	=	Cost per pound of BOD
CS	=	Cost per pound of suspended solids
CP	=	Cost per pound of phosphorus
0.006 24	=	Conversion factor

(c) *Reassignment of users*. The city approving authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

(d) *Sampling requirement*. Sampling frequency for category B users to determine concentrations of BOD, suspended solids, total phosphorus and pH shall be determined by the wastewater discharge loading by the industry. Results of all analyses shall be submitted to the wastewater treatment plant superintendent. Sampling shall be conducted as follows:

(1) Samples collected shall be flow-proportional 24-hour composite samples.

(2) Sampling periods shall be two consecutive days during normal operation.

(3) Flow-weighted average may be used if data is presented.

(4) Samples shall be analyzed for BOD, suspended solids, and total phosphorus.

(5) Sampling frequency shall be quarterly or more frequently as determined by the superintendent of the wastewater treatment plant. The quarterly sampling periods shall be during the months of January through March, April through June, July through September, and October through December.

(6) All data shall be submitted to the superintendent of the wastewater treatment plant.

(Code 1975, § 34.5-87; Code 1997, § 122-403; Ord. No. 93-96-97, § 1, 12-16-1996; Ord. No. 96-97-98, § 1, 12-15-1997; Ord. No. 119-98-99, § 1, 12-21-1998; Ord. No. 75-99-00, § 1, 12-20-1999; Ord. No. 66-00-01, § 1, 11-6-2000; Ord. No. 54-01-02, § 1, 11-19-2001; Ord. No. 60-02-03, § 1, 12-2-2002; Ord. No. 48-03-04, § 1, 12-15-2003; Ord. No. 50-04-

05, § 1, 12-20-2004; Ord. No. 56-05-06, § 1, 11-21-2005; Ord. No. 49-06-07, § 1, 11-20-2006; Ord. No. 59-07-08, § 1, 11-5-2007; Ord. No. 70-08-09, 12-1-2008; Ord. No. 47-09-10, § 1, 12-21-2009; Ord. No. 44-10-11, § 1, 11-15-2010; Ord. No. 38-11-12, § 1, 10-17-2011; Ord. No. 11-12-13, § 7, 6-4-2012; Ord. No. 41-12-13, § 1, 12-17-2012; Ord. No. 40-13-14, § 1, 11-18-2013; Ord. No. 29-14-15, § 1, 10-6-2014; Ord. No. 36-15-16, § 1, 11-16-2015; Ord. No. 30-16-17, § 1, 11-21-2016; Ord. No. 26-17-18, § 1, 11-20-2017; Ord. No. 18-18-19, § 1, 10-1-2018; Ord. No. 30-19-20, § 1, 11-4-2019; Ord. No. 27-20-21, § 2, 12-21-2020; Ord. No. 29-21-22, § 1, 11-15-2021)

Sec 54-398 Categories Of Users; Amounts; Reassignment For Other Municipalities

Other municipal users shall be charged pursuant to the guidelines established under this section.

Table 2

		Village of Kohler	City of Sheboygan Falls	Town of Sheboygan Sanitary District No. 2	Town of Wilson Sanitary District	
					No. 1	No. 2
Fixed Charge		None	None	None	None	None
Volume Charge:						
	Volume	$0.5333	$0.5333	$0.5333	$0.5333	$0.5333
	Debt retirement	0.0561	0.0561	0.0561	0.0561	0.0561
Total volume charge, per 1,000 gallons:		0.5894	0.5894	0.5894	0.5894	0.5894
Surcharges (per pound):						
	BOD	0.3979	0.3979	0.3979	0.3979	0.3979
	Suspended Solids	0.1954	0.1954	0.1954	0.1954	0.1954
	Phosphorus	5.0237	5.0237	5.0237	5.0237	5.0237

(Code 1975, § 34.5-87.1; Code 1997, § 122-404; Ord. No. 93-96-97, § 2, 12-16-1996; Ord. No. 96-97-98, § 2, 12-15-1997; Ord. No. 119-98-99, § 2, 12-21-1998; Ord. No. 75-99-00, § 2, 12-20-1999; Ord. No. 66-00-01, § 2, 11-6-2000; Ord. No. 54-01-02, § 2, 11-19-2001; Ord. No. 60-02-03, § 2, 12-2-2002; Ord. No. 48-03-04, § 2, 12-15-2003; Ord. No. 50-04-05, § 2, 12-20-2004; Ord. No. 56-05-06, § 2, 11-21-2005; Ord. No. 49-06-07, § 2, 11-20-2006; Ord. No. 59-07-08, § 2, 11-5-2007; Ord. No. 70-08-09, § 2, 12-1-2008; Ord. No. 47-09-10, § 2, 12-21-2009; Ord. No. 44-10-11, § 2, 11-15-2010; Ord. No. 38-11-12, § 2, 10-17-2011; Ord. No. 11-12-13, § 8, 6-4-2012; Ord. No. 41-12-13, § 8, 12-17-2012; Ord. No. 40-13-14, § 8, 11-18-2013; Ord. No. 29-14-15, § 8, 10-6-2014; Ord. No. 36-15-

16, § 8, 11-16-2015; Ord. No. 30-16-17, § 2, 11-21-2016; Ord. No. 26-17-18, § 2, 11-20-2017; Ord. No. 18-18-19, § 2, 10-1-2018; Ord. No. 30-19-20, § 2, 11-4-2019; Ord. No. 27-20-21, § 2, 12-21-2020; Ord. No. 29-21-22, § 2, 11-15-2021)

Sec 54-399 Charges For Disposal Of Septic Tank Sludge, Holding Tank Sewerage, Or Hauled Wastewater

Category C. Category C users are persons with a permit for disposing of hauled wastewater into the wastewater collection and treatment facilities and shall be subject to the following charges and requirements:

(a) Septic tank sludge: $48.00 per 1,000 gallons.

(b) Holding tank sewage: $10.00 per 1,000 gallons.

(c) Other hauled wastewater:

(1) *Sampling and characterization*. Hauled wastewater shall be sampled and characterized on the basis of suspended solids, BOD, total phosphorous, and pH. Frequency of sampling shall be based on experience and under the direction of the superintendent of the wastewater treatment plant.

(2) *Amount*. The sewer service charge for other hauled wastewater is as follows:

a. Volume charge: $0.5894 per 1,000 gallons.

b. Surcharge, total (per pound):

1. $0.3979 per pound of BOD.

2. $0.1954 per pound of suspended solids.

3. $5.0237 per pound of phosphorus.

(3) *Computation*. The other hauled wastewater service charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the following formula and subsections (c)(1) and (2) of this section or in accordance with this subsection.

C = (V x CV) + (B x CB) + (S x CS) + (P x CP)

See Table 1 section 54-397(b)(3) for definitions.

a. Other hauled wastewater analysis data shall be applied to the formula set forth above.

b. The discharge fee per 1,000 gallons shall be determined on the result of subsection (c)(3)a of this section, multiplied by 1.25.

c. Charges for high strength waste will be determined by the superintendent of the wastewater treatment plant based on the frequency of the hauled wastewater and the needs of the wastewater treatment plant.

(Code 1975, § 34.5-88; Code 1997, § 122-405; Ord. No. 93-96-97, §§ 3, 4, 12-16-1996; Ord. No. 96-97-98, § 3, 12-15-1997; Ord. No. 119-98-99, § 3, 12-21-1998; Ord. No. 60-02-03, § 3, 12-2-2002; Ord. No. 48-03-04, § 3, 12-15-2003; Ord. No. 50-04-05, § 3, 12-20-2004; Ord. No. 56-05-06, § 3, 11-21-2005; Ord. No. 49-06-07, § 3, 11-20-2006; Ord. No. 59-07-08, § 3, 11-5-2007; Ord. No. 70-08-09, § 3, 12-1-2008; Ord. No. 47-09-10, § 3, 12-21-2009; Ord. No. 44-10-11, § 3, 11-15-2010; Ord. No. 38-11-12, § 3, 10-17-2011; Ord. No. 11-12-13, § 9, 6-4-2012; Ord. No. 41-12-13, § 9, 12-17-2012; Ord. No. 40-13-14, § 9, 11-18-2013; Ord. No. 29-14-15, § 9, 10-6-2014; Ord. No. 36-15-16, § 9, 11-16-2015; Ord. No. 30-16-17, § 3, 11-21-2016; Ord. No. 26-17-18, § 3, 11-20-2017; Ord. No. 18-18-19, § 3, 10-1-2018; Ord. No. 30-19-20, § 3, 11-4-2019; Ord. No. 27-20-21, § 3, 12-21-2020; Ord. No. 29-21-22, § 3, 11-15-2021)

Sec 54-400 Operation, Maintenance And Replacement Fund Accounts

(a) Under this article, the annual replacement revenues shall be maintained in a separate account by the city to be used solely for the purpose of purchasing replacement parts and equipment. Funds may be withdrawn from this account for authorized use only with the approval of the city approving authority.

(b) All revenues collected for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

(Code 1975, § 34.5-89; Code 1997, § 122-406)

Sec 54-401 Billing; Payments

(a) Sewer service charges provided in this division shall be included as separate items on the regular water bill.

(b) The bill will be payable in accordance with the schedule established by the city water utility. Such bills are normally payable in four quarterly payments each year, except for selected customers who are billed in 12 monthly payments annually. Sewer service charges shall be payable at the office of the water utility at the time that the water bill of the person becomes due.

(Code 1975, § 34.5-92; Code 1997, § 122-407)

DIVISION 54-V-7 CHARGES TO MUNICIPALITIES AND CITY

Sec 54-431 Basis For Calculation Of Sewer Service Charges
Sec 54-432 Responsibility For Monitoring And Sampling Wastes To Determine Charges
Sec 54-433 Billing And Payment
Sec 54-434 Allocation Of Sewer Maintenance And Pump Station Costs
Sec 54-435 Delinquent Bills

Sec 54-431 Basis For Calculation Of Sewer Service Charges

(a) Sewer service charges that shall be assessed, as provided in this division, to the municipalities and the city shall be computed by the finance director/treasurer according to the rates and formula presented in division 5 of this article.

(b) The general sewer committee will assess the municipalities and the city for wastewater treatment based upon the monitoring of wastewater volume, BOD, suspended solids and phosphorus at the metering stations serving each of the municipalities and the wastewater treatment plant.

(Code 1975, § 34.5-100)

Sec 54-432 Responsibility For Monitoring And Sampling Wastes To Determine Charges

(a) Under this division a municipality shall monitor the wastewater volume, BOD, suspended solids and phosphorus upon the direction of the city approving authority at the municipality's own expense and report its findings to the city approving authority. The city approving authority shall have the right to install flow monitoring and sampling equipment to check the results obtained by the municipality whenever it is deemed necessary by the city approving authority at the city's expense.

(b) The city's sampling results shall govern for determination of sewer service charges if there is a conflict of sampling results between the municipality and the city.

(Code 1975, § 34.5-101; Code 1997, § 122-437)

Sec 54-433 Billing And Payment

(a) Under this division, sewer service charges shall be billed to the municipalities and the city on a monthly basis.

(b) Sewer service charges shall be payable by the municipalities and the city to the city wastewater system 20 days after the billing date at the city finance director/treasurer's office.

(Code 1975, § 34.5-103; Code 1997, § 122-438)

Sec 54-434 Allocation Of Sewer Maintenance And Pump Station Costs

(a) Sewer maintenance and pump station costs shall be allocated between the city and the Town of Sheboygan Sanitary District No. 2, based on the percentage of each community's volume, including I/I, to the total volume, including I/I, of the two communities.

(b) The Town of Sheboygan Sanitary District No. 2 allocated cost for sewer maintenance and pump station shall be billed monthly.

(Code 1975, § 34.5-104; Code 1997, § 122-439)

Sec 54-435 Delinquent Bills

Such sewer service charges levied in accordance with this article and article VII of this chapter shall be a debt due to the city wastewater system. If such debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the municipality.

(Code 1975, § 34.5-105; Code 1997, § 122-440)

DIVISION 54-V-8 SPECIAL ASSESSMENTS

Sec 54-454 Sewer Assessments
Sec 54-455 Storm Sewer Assessments
Sec 54-456 Mini-Storm Sewers

Sec 54-454 Sewer Assessments

(a) Unless otherwise directed by the council, all special assessments for the construction of sanitary sewers shall be made by the department of engineering and public works on a linear-foot basis through the exercise of the city's police power.

(b) Special assessments for the construction of sanitary sewers shall be made as follows:

(1) All lots or fractions of lots abutting on only one street shall be assessed on a full-frontage basis at an even rate of $24.00 per linear foot on each side of the street.

(2) Whenever a parcel of land is platted or an unplatted district abuts two or more streets, consideration shall be made as follows:

a. The first sanitary sewer, whether it is along the long side or short side of the lot, shall be assessed at $24.00 per linear foot for the entire side.

b. When the second side of the corner lot receives a sewer, the

second side shall be charged only for the sewer in excess of 120 feet; provided, however, that if the lot is zoned for single- or two-family residential use, the second side shall be charged only for the sewer in excess of 220 feet.

c. Any length over 120 feet (220 feet for lots zoned for single or two-family residential use) shall be assessed at $24.00 per foot.

(3) All lots or fractions thereof may be assessed for the cost of serving the parcel of property with a lateral that is located within the road right-of-way.

(4) Assessments for the construction of sanitary sewer laterals shall be made on a linear-foot basis. Each benefitted project shall be assessed at the rate of the unit price per linear foot of the sanitary sewer lateral.

(c) The provisions of Wis. Stats. § 66.0703, relating to the laying of sanitary sewers and providing for the costs of installing and constructing such and the manner of levying special assessments against the property benefitted thereby, are adopted by and for the city and shall be in full force and effect as ordinances of the city as if fully set forth in this section.

(d) Sewer main extensions shall be financed by cost advancements when deemed advisable by the common council. In general, the cost-advancement method shall be used only when application is made for public sewer service which would require the extension of mains through sparsely occupied areas to serve such applicant or through areas which, in the judgment of the common council, are unlikely to develop extensively within the next 20 years or areas which are located outside the territorial limits of the city. Where extensions are authorized on a cost-advancement basis, the procedure shall be as follows:

(1) The applicant shall deposit with the city finance director/treasurer a sum sufficient to pay the total estimated cost of the extension, less unapportionable costs, if any.

(2) Such deposit shall be made before construction is started or contracted. If the actual apportionable cost shall be less than the amount deposited, the excess of the deposit over the cost shall be refunded to the applicant within 30 days after payment for the completed project. If the apportionable cost shall exceed the deposit, the applicant shall pay the deficiency prior to the granting of sewer service.

(3) Any property connected to such main after its installation, other than the applicant, shall pay to the city a connection charge determined by the common council which shall be equivalent to the amount of front-foot special assessments which would have been levied by the city at the time such extension was made.

(4) All connection charges collected by the city under subsection (d)(2) of this section shall be paid to the applicant or the applicant's assigns or heirs, unless specifically provided otherwise, in writing.

(e) For the purpose of this section, unapportionable costs shall include any additional expenses incurred for the installation of sewer mains or for fire protection service.

(f) No connection shall be made to any sewer lateral installed by the city unless a lateral connection fee shall have been paid therefor. Such lateral connection fee shall be determined from time to time by the common council by resolution on the basis of the average previous and estimated future costs. The lateral connection fee shall be in addition to the tap connection fee, the amount of which shall be determined by the common council by resolution.

(g) Except as provided in subsection (d) of this section, no connection shall be made to the city sanitary sewer mains unless special assessments have been levied on such property or until a main connection fee is paid therefor. Such main connection fee shall be equal to the amount which would have been paid if special assessments had been levied therefor.

(h) The common council may, by resolution, permit the deferred payment of special assessments on unplatted and undeveloped property until the property is connected to the main, but not longer than 20 years following the date of the levy, in accordance with Wis. Stats. § 66.0715(2).

(i) Notwithstanding any other subsection of this section, the due date of any special assessment levied against property located within a general floodplain district (GFP) under the city's floodplain zoning ordinance or within a wetland area under the city's wetland ordinance abutting on or benefited by construction of a sanitary sewer shall be deferred while no use of the sanitary sewer is made in connection with the property. At such time as the property no longer qualifies for deferral of the special assessment, such expense may be paid in the manner and upon the terms provided in subsection (d) of this section. Any such special assessment shall be a lien against the property from the date of the levy.

(j) Notwithstanding any other subsection of this section, the common council may, by resolution, permit the deferral of the due date of certain sanitary sewer special assessments for certain new residential subdivision lots for five years and may permit payment thereafter in five equal annual installments, with interest at the rate in place at the commencement of the deferral accruing from the commencement of the deferral until paid in full, in accordance with guidelines established by resolution of the common council. However, any such special assessments deferred under this subsection shall become due in full immediately upon sale of such lots. Any such special assessment shall be a lien against the property from the date of the levy.

(Code 1975, § 36-4; Code 1997, § 122-196; Ord. No. 87-95-96, §§ 1, 2, 11-20-1995; Ord. No. 119-96-97, § 1, 2-3-1997; Ord. No. 60-00-01, §§ 52—55, 10-2-2000; Ord. No. 92-07-08, § 1, 3-3-2008; Ord. No. 86-08-09, § 5, 4-20-2009; Ord. No. 4-11-12, § 2, 6-20-2011)

Sec 54-455 Storm Sewer Assessments

(a) Unless otherwise directed by the council, all special assessments for the construction of storm sewers shall be made by the department of engineering and public works.

(b) Special assessments shall be made through the exercise of municipal police powers as follows:

(1) All special assessments for the construction of storm sewers shall be made on a linear-foot basis. All lots or fractions of lots abutting on only one street shall be assessed on a full frontage basis at an event rate of $21.00 per linear foot on each side on the street. Such method of special assessment shall not be applicable to mini-storm sewer construction.

(2) Whenever a parcel of land is platted or an unplatted district abuts two or more streets, consideration shall be made as follows: The first storm sewer, whether it is on a long side or short side of the lot, shall be assessed at $21.00 per foot for the entire side. When the second side of the corner lot receives a sewer, the second side shall be charged only for the sewer in excess of 120 feet. Any length over 120 feet shall be assessed at $16.00 per foot.

(3) The city shall pay 100 percent of the cost of storm sewer construction in street intersections.

(4) All special assessments for the construction of storm sewer laterals shall be made on a linear-foot basis. Each benefitted property shall be assessed at the rate of the unit bid price per linear foot of storm sewer lateral.

(c) The provisions of Wis. Stats. § 66.0703, relating to the laying of sanitary sewers and providing for the costs of installing and constructing such and the manner of levying special assessments against the property benefitted thereby, are adopted by and for the city and shall be in full force and effect as ordinances of the city as if fully set forth in this section.

(d) Storm sewer main extensions shall be financed by cost advancements when deemed advisable by the common council. In general, the cost-advancement method shall be used only when application is made for public storm sewer service which would require the extension of mains through sparsely occupied areas to serve such applicant or through areas which, in the judgment of the common council, are unlikely to develop extensively within the next 20 years or areas which are located outside the territorial limits of the city. Where extensions

are authorized on a cost-advancement basis, the procedure shall be as follows:

(1) The applicant shall deposit with the city finance director/treasurer a sum sufficient to pay the total estimated cost of the extension, less unapportionable costs, if any.

(2) Such deposit shall be made before construction is started or contracted. If the actual apportionable cost shall be less than the amount deposited, the excess of the deposit over the cost shall be refunded to the applicant within 30 days after payment for the completed project. If the apportionable cost shall exceed the deposit, the applicant shall pay the deficiency prior to granting sewer service.

(3) Any property connected to such main after its installation, other than the applicant, shall pay to the city a connection charge determined by the common council which shall be equivalent to the amount of front-foot special assessments which would have been levied by the city at the time such extension was made.

(4) All connection charges collected by the city under subsection (d)(3) of this section shall be paid to the applicant or the applicant's assigns or heirs, unless specifically provided otherwise, in writing.

(e) For the purpose of this section, unapportionable costs shall include any additional expenses incurred for the installation of sewer mains or for fire protection service.

(f) No connection shall be made to any sewer lateral installed by the city unless a lateral connection fee shall have been paid therefor. Such lateral connection fee shall be determined from time to time by the common council by resolution on the basis of the average previous and estimated future costs. The lateral connection fee shall be in addition to the tap connection fee, the amount of which shall be determined by the common council by resolution.

(g) Except as provided in subsection (e) of this section, no connection shall be made to the storm sewer mains of the city unless special assessments have been levied on such property or until a main connection fee is paid therefor. Such main connection fee shall be equal to the amount which would have been paid if special assessments had been levied therefor.

(h) The common council may, by resolution, permit the deferred payment of special assessments on unplatted and undeveloped property until the property is connected to the main, but not longer than 20 years following the date of the levy, in accordance with Wis. Stats. § 66.0715(2).

(i) Notwithstanding any other subsection of this section, the due date of any special assessment levied against property located within a general floodplain district (GFP) under the city's floodplain zoning ordinance or within a wetland area under

the city's wetland ordinance abutting on or benefited by construction of storm sewer shall be deferred while no use of the storm sewer is made in connection with the property. At such time as the property no longer qualifies for deferral of the special assessment, such expense may be paid in the manner and upon the terms provided in subsection (d) of this section. Any such special assessment shall be a lien against the property from the date of the levy.

(j) Notwithstanding any other subsection of this section, the common council may, by resolution, permit the deferral of the due date of certain storm sewer assessments for certain new residential subdivision lots for five years and may permit payment thereafter in five equal annual installments, with interest at the rate in place at the commencement of the deferral accruing from the commencement of the deferral until paid in full, in accordance with guidelines established by resolution of the common council. However, any such storm sewer assessments deferred under this subsection shall become due in full immediately upon sale of such lots. Any such storm sewer assessment shall be a lien against the property from the date of the levy.

(Code 1975, § 36-7; Code 1997, § 122-197; Ord. No. 88-95-96, §§ 1, 2, 11-20-1995; Ord. No. 119-96-97, § 2, 2-3-1997; Ord. No. 60-00-01, §§ 56—59, 10-2-2000; Ord. No. 92-07-08, § 2, 3-3-2008; Ord. No. 86-08-09, § 6, 4-20-2009)

Sec 54-456 Mini-Storm Sewers

(a) For the purpose of this section, the term "mini-storm sewer" means an auxiliary sewer installed primarily for sump pump connection which is constructed subsequent to the paving of the adjacent street.

(b) Unless otherwise directed by the council, all special assessments for the construction of mini-storm sewers shall be made by the department of engineering and public works on a linear-foot basis dividing the cost of the project by the number of linear feet or fractions thereof of property serviced by the mini-storm sewer.

(c) Special assessments shall be levied as follows:

(1) All assessments shall be levied at the rate of $12.00 per linear foot on the street of alley frontage. The city shall pay the balance of the cost of each project.

(2) The city shall pay 100 percent of the assessable cost of mini-storm sewer construction in street intersections.

(3) There shall be a deduction for mini-storm sewers which abut corner lots. Such deduction shall be calculated as follows:

a. The first mini-storm sewer, whether it abuts the long side or short side of the lot, shall be assessed for the entire side pursuant to

subsections (c)(1) and (2) of this section.

b. If the second side of the corner lot is benefited by another mini-storm sewer, the second side shall be charged only for the sewer in excess of 120 feet.

c. Any length in excess of 120 feet shall be assessed pursuant to subsection (c)(1) of this section.

(4) The city shall pay 100 percent of the assessable cost of mini-storm sewer construction if all of the following conditions are met:

a. The mini-storm sewer is routed through backyards to enable servicing adjacent properties on each side of the pipe.

b. All necessary easements for construction, installation, maintenance and repair of the mini-storm sewer are provided to the city at no cost.

c. No site restoration is to be provided by the city for the project.

d. A service manhole is included in the construction project to facilitate servicing of the mini-storm sewer.

(5) The city shall pay 100 percent of the assessable costs of mini-storm sewer construction if all of the following conditions are met:

a. The mini-storm sewer is constructed in the street right-of-way.

b. It is impossible or impractical, as determined by the city engineer, to construct a mini-storm sewer in a back yard or other preferable location due to the particular layout or obstructions contained in that yard, such that the cost of restoration of the property would outweigh the benefit of the improvement.

c. All necessary easements for construction, installation, maintenance and repair of the mini-storm sewer are provided to the city at no cost.

d. No site restoration is to be provided by the city for the project on private property.

e. A service manhole is included in the construction project to facilitate servicing of the mini-storm sewer.

f. Such assumption of the costs by the city under this provision is specifically approved by the public works committee.

(d) The provisions of Wis. Stats. § 66.0703, relating to the laying of sanitary sewers and providing for the costs of installing and constructing such and the manner of

levying special assessments against the property benefited thereby are adopted by and for the city and shall be in full force and effect as ordinances of the city as if fully set forth in this section.

(Code 1975, § 36-9; Code 1997, § 122-198; Ord. No. 75-95-96, § 1, 11-20-1995; Ord. No. 60-00-01, §§ 60, 61, 10-2-2000; Ord. No. 86-08-09, § 7, 4-20-2009)

ARTICLE 54-VI INDUSTRIAL PRETREATMENT PROGRAM
DIVISION 54-VI-1 INDUSTRIAL PRETREATMENT PROGRAM GENERALLY
DIVISION 54-VI-2 ADMINISTRATION
DIVISION 54-VI-3 FEES
DIVISION 54-VI-4 REPORTING

DIVISION 54-VI-1 INDUSTRIAL PRETREATMENT PROGRAM GENERALLY

Sec 54-481 Definitions
Sec 54-482 Purpose
Sec 54-483 Applicability
Sec 54-484 General Discharge Prohibitions
Sec 54-485 Specific Pollutant Limitations (Local Limits)
Sec 54-486 Pretreatment Requirements
Sec 54-487 Dilution Prohibition
Sec 54-488 Spill Prevention And Slug Control Plans
Sec 54-489 Bypass
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Sec 54-491 Hazardous Waste Notification
Sec 54-492 Employee Training
Sec 54-493 Recordkeeping
Sec 54-494 Monitoring Facilities
Sec 54-495 Analytical Requirements
Sec 54-496 Confidential Information
Sec 54-497 Right Of Entry
Sec 54-498 Falsifying Information

Sec 54-481 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 USC 1251 et seq.

Approval authority means the department of natural resources or a duly authorized official of the department.

Authorized representative of industrial user means:

(a) For a corporation, a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function;

(b) For a partnership or proprietorship, a general partner or proprietor; and

(c) An appointed representative of the individual designated in subsection (a) or (b) of this definition, provided:

(1) The representative is responsible for the overall operation of the facility from which the industrial discharge originates;

(2) The authorization is made in writing by the individual designated in subsection (a) or (b) of this definition; and

(3) The written authorization is submitted to the POTW.

Bypass means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Control authority means designated officials of the city.

Environmental Protection Agency (EPA) means the Environmental Protection Agency or a duly authorized official of the agency.

Industrial user or user means any person who introduces pollutants into a POTW from any nondomestic source regulated under the act or state or local ordinance.

Interference means any discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(a) Inhibits or disrupts the POTW and any of its processes or operations or its sludge use or disposal; and

(b) Therefore is a cause of a violation of any requirement of the POTW's WPDES permit, including an increase in the magnitude or duration of a violation, or of the prevention of sewage sludge use or disposal.

National categorical pretreatment standard or categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 and (c) of the act (33 USC 1317), which applies to a specific category of industrial users.

New source means any building, structure, facility or installation of which the construction commenced after the publication of proposed pretreatment standards under section 307(c) (33 USC 1317) which will be applicable to such source if such standards

are thereafter promulgated in accordance with that section, provided:

(a) The construction is at a site at which no other source is located;

(b) The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or

(c) The production or wastewater generating processes are substantially independent of an existing source at the same site.

Pass through means a discharge which exits the POTW into waters of the state in quantities or concentration which, alone or in conjunction with a discharge from other sources, causes a violation of any requirement of the POTW's WPDES permit, including an increase in the magnitude or duration of a violation.

Person means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The singular shall include the plural where indicated by the context.

Pollutant means any dredged spoil, solid waste incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, oil, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant, and certain characteristics of wastewater (e.g., pH, temperature, suspended solids, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment or treatment means the reduction, elimination or alteration of pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into a POTW. This can be accomplished by physical, chemical, or biological processes, process changes, or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment standard or standard means any local, state or federal regulation containing pollutant discharge limits. The term "pretreatment standard" includes limits, prohibitive discharge limits, including those promulgated under 40 CFR 403.5, and categorical pretreatment standards.

Publicly-owned treatment works (POTW) means a treatment works as defined by section 212 of the Act including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term "publicly-owned treatment works" also includes the municipality as defined in section 502(4) of the act which discharges from such a treatment works.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and

permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant industrial user (SIU) means:

(a) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;

(b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW, excluding sanitary, noncontact cooling and boiler blowdown wastewater; contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Upon finding that an industrial user meeting the criteria in subsection (b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time determine such user is not a significant industrial user.

Significant noncompliance (SNC) means:

(a) Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.

(b) Technical review criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS fats, oil, and grease, and 1.2 for all other pollutants except pH or exceed a pH limit by 0.4 standard pH units).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority in accordance with 40 CFR 403.8 to halt or prevent such a discharge.

(e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

(f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(g) Failure to accurately report noncompliance.

(h) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge means any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, whether treated or untreated.

(Code 1975, § 34.5-110; Code 1997, § 122-466)

Sec 54-482 Purpose

The purposes of this article are to:

(a) Establish uniform requirements for direct and indirect contributions into the wastewater collection and treatment system owned and operated by the city and to enable the city to comply with applicable state and federal laws and the general pretreatment regulations (40 CFR 403);

(b) Prevent the introduction of pollutants into the municipality's wastewater system which will:

(1) Interfere with the operation of the system;

(2) Cause the treatment plant to violate its WPDES discharge permits;

(3) Contaminate the sludge;

(4) Pass through the system, inadequately treated, into receiving waters or the atmosphere;

(5) Pose a health threat to sewer workers; or

(6) Be otherwise incompatible with the system.

(c) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) Provide for equitable distribution of the cost of the municipal wastewater system.

(Code 1975, § 34.5-108; Code 1997, § 122-467)

Sec 54-483 Applicability

This article shall apply to all users of the city POTW, including all persons outside the city who are users of the city POTW.

(Code 1975, § 34.5-109; Code 1997, § 122-468)

Sec 54-484 General Discharge Prohibitions

(a) No person shall contribute or cause to be contributed directly or indirectly to the POTW any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW.

(b) No person shall contribute the following substances to the POTW:

(1) Any substances which may create a fire or explosion hazard to the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH less than 5.0 or greater than 12.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.

(3) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater collection and treatment facilities.

(4) Any pollutant, including oxygen demanding pollutants released in a discharge at a flow rate or concentration which may cause interference to the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless the approval authority, upon request of the POTW, approves alternate temperature limits.

(6) Any wastewater containing more than 200 mg/L of total oil and grease, including, but not limited to, fats, waxes, petroleum oil, cutting oils or products of mineral oil origin.

(7) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(9) Any substance which may cause public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair.

(10) Any wastewater containing substances which are not amenable to treatment or reduction by the POTW.

(11) Any pollutant in excess of the allowable limits as determined by city, state or federal rules and regulations.

(12) Any sludges, scums, skimmings, residuals, etc., generated by industrial and commercial facilities. Such substances shall be contained, transported and disposed of in accordance with all federal, state and local regulations.

(13) Any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage or noncontact cooling water. Stormwater runoff and groundwater from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the POTW.

(14) Any wastewater containing antifreeze originating from automotive service or repair facilities. Such material shall be recycled or disposed of in accordance with all federal, state and local regulations.

(Code 1975, § 34.5-111; Code 1997, § 122-469)

Sec 54-485 Specific Pollutant Limitations (Local Limits)

No person shall discharge wastewater to the POTW containing the following pollutants in excess of the following 24-hour flow proportional average concentrations:

Pollutant	*Limit, mg/L*
Cadmium, total	0.69
Chromium, total	10.0
Copper, total	4.3
Lead, total	0.69
Mercury, total	0.02

Nickel, total	4.1
Silver, total	5.0
Zinc, total	4.0
Cyanide, total	5.0[1]

[1] The limitation for total cyanide shall be based on a single grab sample.

(Code 1975, § 34.5-112; Code 1997, § 122-470; Ord. No. 21-96-97, 7-17-1996; Ord. No. 104-97-98, § 9, 12-15-1997)

Sec 54-486 Pretreatment Requirements

(a) Industrial users shall provide necessary wastewater treatment as required to comply with the most stringent standards of this article, federal pretreatment standards, as established by 40 CFR chapter N, subpart I, state standards and permit conditions and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations and with any other pretreatment standards by applicable deadlines.

(b) Any facilities required to pretreat wastewater shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the POTW for review before construction of the facility. The review of plans and operating procedures does not relieve the industrial user from complying with this article and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the POTW prior to the industrial user's initiation of the changes.

(Code 1975, § 34.5-113; Code 1997, § 122-471)

Sec 54-487 Dilution Prohibition

No industrial user shall increase the use of process water or in any way dilute a discharge as a substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations is appropriate.

(Code 1975, § 34.5-114; Code 1997, § 122-472)

Sec 54-488 Spill Prevention And Slug Control Plans

(a) Industrial users shall provide protection from accidental discharge of prohibited materials or other regulated substances by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense.

(b) The POTW shall evaluate each significant industrial user at least once every two years and other industrial users as necessary to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

(1) Description of discharge practices, including nonroutine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition of limitation under sections 54-484 and 54-485, with procedures for follow-up written notification within five days.

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and measures and equipment for emergency response.

(Code 1975, § 34.5-115; Code 1997, § 122-473)

Sec 54-489 Bypass

(a) *Generally*. An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not subject to subsections (b) and (c) of this section.

(b) *Notice*.

(1) If an industrial user knows in advance of the need by a bypass, it shall submit prior notice to the POTW, if possible, at least ten days before the date of the bypass.

(2) An industrial user shall orally notify the POTW of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours of becoming aware of the bypass. A written report shall also be provided within five days of becoming aware of the bypass. The written report shall contain a description of the bypass and its cause; the duration of the

bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(c) *Prohibited*.

(1) Bypass is prohibited, and the POTW may take enforcement action against an individual user for a bypass, unless:

a. The bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

b. There are no feasible alternatives to bypass, such as use of auxiliary treatment facilities, retention of wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed to prevent bypass which occurred during normal period of equipment downtime or preventative maintenance; and

c. The industrial user submitted notices as required by subsection (b) of this section.

(2) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (c)(1) of this section.

(Code 1975, § 34.5-116; Code 1997, § 122-474)

Sec 54-490 Notification Requirements

(a) *Potential problems*. Industrial users shall immediately notify the POTW by telephone of any discharge that could cause problems to the POTW, including any slug discharges or upsets, as defined by section 54-481.

(1) The notification shall include the following:

a. The date, time, location and duration of the discharge;

b. The type of waste including concentration and volume; and

c. The corrective actions taken by the user.

(2) Within five days following such a discharge, the user shall submit a written report describing the cause of the discharge and the measures that have been or will be taken by the user to prevent similar future discharges.

(3) Such notification shall not relieve the user of any expense, loss, damage or other liability resulting from the discharge nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this article or other applicable state or federal law.

(b) *Changed discharge*. Every industrial user shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under section 54-491.

(c) *Changed flows*. Industrial users operating under a discharge permit incorporating alternative categorical discharge limits shall immediately notify the POTW of any significant change in any of the flow rates used to calculate the alternative discharge limit. Industrial users shall also notify the POTW at least 90 days before any new wastestream is discharged to the sewer system.

(d) *Changed production*. Industrial users operating under a discharge permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the POTW within two business days after the user has a reasonable basis to know that the long-term production or flow rate will change by more than 20 percent.

(Code 1975, § 34.5-117; Code 1997, § 122-475)

Sec 54-491 Hazardous Waste Notification

(a) Except as specified in subsection (e) of this section, industrial users shall notify the POTW, the EPA Region V waste management division director, and the DNR bureau of solid and hazardous wastes in writing of any discharge to the POTW of any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR 261.

(b) The hazardous waste notification shall include the following:

(1) The name of the hazardous waste as set forth in 40 CFR 261;

(2) The EPA hazardous waste number;

(3) The type of discharge (continuous, batch, or other); and

(4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the greatest degree economically practical.

(c) If the industrial user discharges more than 100 kilograms of hazardous waste per calendar month to the POTW, the notification shall also include the following information to the extent such information is known to the user:

(1) An identification of the hazardous constituents contained in the waste;

(2) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and

(3) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(d) Hazardous waste notifications shall be submitted no later than February 19, 1991, except that, industrial users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days after the discharge of the hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged; however, notifications of changed discharges must be submitted under section 54-490(b).

(e) An industrial user is exempt from the hazardous waste notification requirement during a calendar month in which it discharges 15 kilograms or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

(Code 1975, § 34.5-118; Code 1997, § 122-476)

Sec 54-492 Employee Training

The industrial user shall permanently post a notice in a prominent place advising all employees to call the city designated emergency reporting number if a discharge occurs that could cause problems to the POTW for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedures.

(Code 1975, § 34.5-119; Code 1997, § 122-477)

Sec 54-493 Recordkeeping

(a) Significant industrial users shall maintain records of all information resulting from any monitoring activities required by this article or any permit or order issued pursuant to this article. Such records for all samples shall include the following:

(1) The date, exact location, method, sample type and time of sampling and the names of the persons taking the samples;

(2) The dates the analyses were performed;

(3) The laboratory that performed the analyses;

(4) The analytical techniques and methods used; and

(5) The results of the analyses.

(b) The industrial user shall retain for a minimum of three years all records of monitoring activities and results and shall make such records available for inspection and copying by the POTW. All records that pertain to the subject of special orders or any other enforcement litigation activities initiated by the city shall be retained by the user until all enforcement activities have concluded and all periods with respect to any and all appeals have expired.

(Code 1975, § 34.5-120; Code 1997, § 122-478)

Sec 54-494 Monitoring Facilities

(a) Under this article, users shall provide and maintain in safe and proper condition, at their own expense, facilities to allow the authorized representatives of the POTW to inspect, sample or measure flows from wastewater subject to this article.

(b) There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.

(c) If locating such facilities on a user's property would be impractical, the user may apply to the POTW for a right-of-way or for permission to construct on public property.

(Code 1975, § 34.5-121; Code 1997, § 122-479)

Sec 54-495 Analytical Requirements

All sampling and analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order under this article shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other sampling and analytical procedures approved by the EPA. All analyses shall be performed by a laboratory certified or registered by the state.

(Code 1975, § 34.5-122; Code 1997, § 122-480)

Sec 54-496 Confidential Information

Under this article, information and data about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information

would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such requests must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(Code 1975, § 34.5-123; Code 1997, § 122-481)

Sec 54-497 Right Of Entry

Representatives of the POTW, upon showing proper identification, shall have the right to enter and inspect the premises of any user who may be subject to the requirements of article V of this chapter and this article. Industrial users shall allow authorized representatives of the POTW access to all premises for the purpose of inspecting, sampling, measuring flows, examining records or copying records in the performance of their duties. Authorized representatives of the POTW shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training or wearing of special protective gear, the user shall make necessary arrangements at its own expense to enable authorized representatives of the POTW to enter and inspect the premises as guaranteed by this section.

(Code 1975, § 34.5-124; Code 1997, § 122-482)

Sec 54-498 Falsifying Information

No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or the wastewater discharge permit nor shall any person falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.

(Code 1975, § 34.5-125; Code 1997, § 122-483)

DIVISION 54-VI-2 ADMINISTRATION

Sec 54-520 Wastewater Discharge Permits
Sec 54-521 Permit Duration
Sec 54-522 Permit Extension
Sec 54-523 Permit Modifications
Sec 54-524 Permit Transfer
Sec 54-525 Enforcing Authority
Sec 54-526 Compliance Monitoring And Inspections
Sec 54-527 Compliance Schedules
Sec 54-528 Publication Of Significant Noncompliance
Sec 54-529 Enforcement Responses

Sec 54-520 Wastewater Discharge Permits

(a) *General permits*. It shall be unlawful for any significant industrial user (SIU) to contribute wastewater to the POTW without a wastewater discharge permit. All existing SIUs and all new SIUs proposing to contribute wastewater to the POTW shall obtain a wastewater discharge permit.

(b) *Permit application*. A user required to obtain a wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city and accompanied by a permit fee as specified in section 54-553. Proposed new SIUs shall submit a permit application at least 90 days prior to contributing to the POTW. Existing users who will be required to be permitted after changing their wastewater volume or characteristics shall submit a permit application at least 90 days before the proposed wastewater is discharged to the sewer system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address and location of the facility, including the name of the owner and operator.

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(3) Wastewater constituents and characteristics, including, but not limited to, those mentioned in section 54-485, as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFR 136, as amended. New industrial users should estimate their wastewater constituents and characteristics.

(4) Time and duration of contribution.

(5) Average daily and maximum daily wastewater flow rates, including daily, monthly, and seasonal variations, if any.

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, sampling locations and appurtenances by the size, location and elevation and a current water use schematic.

(7) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged.

(8) The nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement signed by an authorized representative of the user and certified by a qualified professional regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether

additional operation and maintenance (O&M) and additional pretreatment is required for the user to meet applicable pretreatment standards.

(9) If additional pretreatment or O&M will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in subsection (b)(9)a of this section shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.

(10) Each product and byproduct produced by type, amount, process and rate of production.

(11) Type and amount of raw materials processed (average and maximum per day).

(12) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system.

(13) List of any environmental control permits held by or for the facility.

(14) Any other information as may be deemed by the POTW to be necessary to evaluate the permit application.

The POTW will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the

POTW may issue a wastewater discharge permit subject to terms and conditions provided in this article.

(c) *Contents*. Permits may contain, as appropriate, the following:

(1) Statement of duration, including issuance and expiration dates.

(2) Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by this article, and state and local law.

(3) General and specific discharge prohibitions as established by sections 54-484 and 54-485.

(4) Requirements to pay fees for the wastewater to be discharged to the POTW.

(5) Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.

(6) Requirements for installation and maintenance of inspection and sampling facilities.

(7) Requirements and specifications for monitoring programs, including sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

(8) Compliance schedules.

(9) Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a national categorical standard or pretreatment requirement.

(10) Requirements for collecting/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection.

(11) Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater treatment system.

(12) Requirements for notification of spills, potential problems to the POTW, including slug loadings, upsets or violations.

(13) Requirements for installation, operation and maintenance of pollution control equipment.

(14) Requirements to develop and implement spill and slug control plans.

(15) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(16) Statement of nontransferability.

(17) Conditions for modification, suspension or revocation of the permit.

(18) Any other conditions as deemed appropriate by the POTW to ensure compliance with article V of this chapter and this article, state and federal pretreatment standards and requirements.

(Code 1975, § 34.5-131; Code 1997, § 122-511)

Sec 54-521 Permit Duration

Permits issued under this division shall be issued for a specified time period, not to exceed five years. If a user wishes to continue to discharge regulated wastewater after the expiration of the user's permit, the user shall apply for permit reissuance and submit a permit application at least 90 days prior to the expiration date of the user's existing permit.

(Code 1975, § 34.5-132; Code 1997, § 122-512)

Sec 54-522 Permit Extension

Under this division, an expired permit shall continue to be effective and enforceable until the permit is reissued, provided the user has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit.

(Code 1975, § 34.5-133; Code 1997, § 122-513)

Sec 54-523 Permit Modifications

The terms and conditions of a permit issued under this division may be subject to modification by the POTW at any time as limitations or requirements are identified in federal, state or local law or for other just causes. A permit may also be modified to incorporate conditions resulting from the issuance of an administrative order.

(Code 1975, § 34.5-134; Code 1997, § 122-514)

Sec 54-524 Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation and location and are not transferable without prior approval by the POTW. The user must request the permit transfer at least 90 days before moving or changing ownership.

(Code 1975, § 34.5-135; Code 1997, § 122-515)

Sec 54-525 Enforcing Authority

The control authority shall enforce those provisions of article V of this chapter and this article that come into jurisdiction of the authority's office and shall make periodic inspections and inspections upon complaint to ensure such provisions are not violated.

(Code 1975, § 34.5-155; Code 1997, § 122-516)

Sec 54-526 Compliance Monitoring And Inspections

(a) The POTW shall monitor the wastewater from industrial users and inspect the premises of industrial users as often as necessary to ensure compliance with article V of this chapter and this article, a permit or order issued under article V of this chapter and this article or any other applicable pretreatment standards or requirements.

(b) All costs incurred for the sample collection and analysis of the user's wastewater shall be charged to the user.

(Code 1975, § 34.5-156; Code 1997, § 122-517)

Sec 54-527 Compliance Schedules

If the POTW finds that an industrial user has violated or is violating any provision of article V of this chapter and this article, a permit issued under article V of this chapter and this article or any other applicable pretreatment standard or requirement, the POTW may request the user to submit a compliance schedule containing specific required actions to correct and prevent future violations. This schedule shall also include a final compliance date. The control authority may approve, conditionally approve or reject the compliance schedule. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the plan.

(Code 1975, § 34.5-157; Code 1997, § 122-518)

Sec 54-528 Publication Of Significant Noncompliance

The POTW shall annually publish in the area's largest daily newspaper a list of industrial users which were in significant noncompliance, as defined in section 54-481, with applicable pretreatment standards or requirements during the previous calendar year.

(Code 1975, § 34.5-158; Code 1997, § 122-519)

Sec 54-529 Enforcement Responses

(a) *Informal notice*. Whenever the POTW finds an industrial user is in minor noncompliance of article V of this chapter and this article, a permit issued or any other applicable pretreatment standard or requirement, the POTW may telephone

the user or send a letter informing the user of the minor violation. If the violation is expeditiously corrected, the POTW may decide not to take further enforcement action.

(b) *Notice of violation*. Whenever the POTW finds an industrial user is in violation of article V of this chapter and this article, a permit issued or any other applicable pretreatment standard or requirement, the POTW may issue the user written notice of violation. Within 15 days of issuance of this notice, the user shall submit to the POTW a written response explaining the cause of the violation and what corrective action has been or will be taken to prevent future violations.

(c) *Administrative order*. When the POTW finds that an industrial user has violated or continues to violate any provision of article V of this chapter and this article, a permit issued or any other applicable pretreatment standard or requirement, the control authority may issue an order to the industrial user directing, that unless specific requirements are met and compliance is achieved within a specified period of time, the user may be fined, and sewer service may be terminated.

(d) *Administrative fines*. Any user who is found to have violated any provision of article V of this chapter and this article, a permit or order issued, or any other applicable pretreatment standard or requirement shall be subject to fines of up to $1,000.00 per violation. Each day on which noncompliance occurs or continues shall be deemed a separate and distinct violation.

(e) *Civil penalties*. Any user who has violated or continues to violate any provision of article V of this chapter and this article, a permit or order issued, or any other applicable pretreatment standard or requirement shall be liable to the POTW for civil penalties of up to $10,000.00 per violation per day. In addition to the penalties, the POTW may recover any expense, loss or damage incurred by the city including monitoring expenses and reasonable attorney's fees, court costs, and other expenses associated with enforcement activities.

(f) *Termination of service*.

(1) Any user who violates or continues to violate any provision of article V of this chapter and this article, a permit or order issued, or any other applicable pretreatment standard or requirement shall be subject to suspension or termination of sewer service.

(2) Any user notified by the POTW of a suspension or termination of sewer service or suspension or revocation of a wastewater discharge permit shall stop or eliminate the contribution. In an emergency, the order to cease discharge may be given by telephone. In nonemergency situations, an administrative order may be used to suspend or terminate sewer service. If the user fails to comply with the suspension or termination order, the control authority shall take all steps as deemed necessary to halt the discharge including immediate severance of the sewer

connection.

(3) The POTW shall not reinstate the wastewater discharge permit or the sewer service until proof of the elimination of the noncomplying discharge.

(Code 1975, § 34.5-159; Code 1997, § 122-520)

DIVISION 54-VI-3 FEES

Sec 54-552 Purpose
Sec 54-553 Charges And Fees
Sec 54-554 Delinquent Charges And Fees

Sec 54-552 Purpose

The purpose of this division is to provide for the recovery of costs for the implementation of the pretreatment program established in this article. The applicable charges and fees shall be evaluated periodically and amended as necessary to reflect the current costs of program implementation.

(Code 1975, § 34.5-141; Code 1997, § 122-551)

Sec 54-553 Charges And Fees

(a) The POTW shall charge all SIUs an annual permit fee of $3,500.00 per calendar year. The user shall receive a credit of $1,500.00 if no pretreatment violations occurred during the previous calendar year or the user shall receive a credit of $1,000.00 if such user was not in significant noncompliance at any time during the previous calendar year.

(b) In addition to the permit fee, the user shall be charged for all sample collection and analyses of the user's wastewater, including administrative fees. The sample collection and analysis charge shall be determined by the commercial laboratory retained by the POTW.

(c) Additional costs shall be charged to industrial users on a case-by-case basis as the POTW may deem necessary to carry out the requirements contained in article V of this chapter and this article.

(Code 1975, § 34.5-142; Code 1997, § 122-552; Ord. No. 30-16-17, § 4, 11-21-2016; Ord. No. 26-17-18, § 4, 11-20-2017)

Sec 54-554 Delinquent Charges And Fees

(a) Charges and fees assessed in accordance with section 54-553 shall be a debt due the city and shall be a lien against the property. If such debt is not paid within

20 days after it is due, it shall be deemed delinquent and may be recovered by civil action against the property owner or person. The city may also recover any expense associated with enforcement activities.

(b) For failure to pay assessed charges and fees after they become delinquent, the city shall have the right to enter upon the property to remove or close sewer connections. The expense of such removal or closing may be recovered by civil action against the property owner or person. Sewer service shall not be restored until all charges and fees, including the expense of removal, closing and restoration have been paid.

(Code 1975, § 34.5-143; Code 1997, § 122-553)

DIVISION 54-VI-4 REPORTING

Sec 54-572 Baseline Monitoring Report
Sec 54-573 Final Compliance Report
Sec 54-574 Periodic Compliance Reports
Sec 54-575 Monitoring And Analysis

Sec 54-572 Baseline Monitoring Report

(a) Existing industrial users subject to a national categorical pretreatment standard shall submit a baseline report to the POTW within 180 days after the effective date of a categorical pretreatment standard, or 180 days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 CFR 403.6(a)(4), whichever is later.

(b) New sources, when subject to a national categorical pretreatment standard, shall submit at least 90 days prior to commencement of discharge to the POTW a report which contains the information listed in subsections (c)(1) through (4) of this section.

(c) In support of the baseline report, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name and address of the facility, including the name of the operator and owner.

(2) List of any environmental control permits held by or for the facility.

(3) A brief description of the nature, average rate of production and standard industrial classification of the operation carried out by such user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes including sampling locations.

(4) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following (new

sources should estimate the information requested in this subsection):

a. Regulated process streams; and

b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).

(5) The industrial user shall identify the categorical pretreatment standards applicable to each regulated process, and shall comply with the following:

a. The user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentrations shall be reported. The sample shall be representative of daily operations.

b. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

c. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

d. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the related wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit, along with supporting data shall be submitted to the POTW.

e. The user shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(6) The industrial user shall provide a statement, reviewed by an authorized representative of the industrial user and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance measures (O&M) or additional pretreatment is required for the industrial user to meet the categorical pretreatment standards.

(7) If additional pretreatment or O&M will be required to meet the categorical pretreatment standards, the industrial user will provide the shortest schedule which will provide such additional pretreatment or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable categorical pretreatment standard.

(8) The following conditions shall apply to any schedule submitted in response to subsection (c)(7) of this section:

a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable national categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

b. No increment referred to in subsection (c)(8)a of this section shall exceed nine months.

c. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the POTW.

(9) Any other information as may be reasonably requested by the POTW.

(Code 1975, § 34.5-145; Code 1997, § 122-581)

Sec 54-573 Final Compliance Report

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source, following commencement of the

introduction of wastewater into the POTW, any user subject to categorical pretreatment standards shall submit to the POTW a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by such standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements, as required under 40 CFR 403.12(b)(4)—(6). Where equivalent mass or concentration limits are established by the POTW for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O&M and pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

(Code 1975, § 34.5-146; Code 1997, § 122-582)

Sec 54-574 Periodic Compliance Reports

(a) Any user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard or, for a new source, after commencement of the discharge into the POTW, shall submit to the POTW during the months of January and July, unless required more frequently in the pretreatment standard or by the POTW, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of the measured or estimated average and maximum daily flows for the reporting period for the discharge reported in section 54-572(c)(4), except that the POTW may require more detailed reporting of flows.

(b) Where the POTW has imposed mass limitations on the industrial user, the report shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

(c) For industrial users subject to equivalent mass or concentration limits established by the POTW, the report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production or other measure of operation, the report shall include the user's actual average production rate for the reporting period.

(d) Significant noncategorical industrial users shall submit to the POTW during the months of January and July, unless required more frequently by the POTW, a report describing the nature, concentration and flow of pollutants required to be reported by the POTW.

(Code 1975, § 34.5-147; Code 1997, § 122-583)

Sec 54-575 Monitoring And Analysis

(a) If sampling performed by an industrial user indicates a violation, the user shall notify the POTW within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within 30 days after becoming aware of the violation.

(b) The reports required in section 54-574(a) and (d) shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The POTW shall require that frequency of monitoring necessary to assess and ensure compliance by industrial users with applicable pretreatment standards and requirements.

(c) If an industrial user subject to the reporting requirement in sections 54-572 through 54-574 monitors any pollutant more frequently than required by the POTW, in accordance with the conditions and procedures prescribed in the user's wastewater discharge permit, the results of this monitoring shall be included in the report.

(d) The reports required by sections 54-572 through 54-574 shall include the certification statement as set forth in 40 CFR 403.6(a)(2)(ii) and shall be signed by an authorized representative of the industrial user.

(Code 1975, § 34.5-148; Code 1997, § 122-584)

ARTICLE 54-VII STORM SEWERS

Sec 54-599 Definitions
Sec 54-600 Prohibition Of Illicit Discharges
Sec 54-601 Exceptions
Sec 54-602 Prohibition Of Illegal Connections
Sec 54-603 Elimination Of Illicit Discharges And Illegal Connections
Sec 54-604 Nuisance Abatement
Sec 54-605 Appeal
Sec 54-606 Penalty

Sec 54-599 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City storm sewer means a conveyance or system of conveyances for stormwater runoff, snow-melt runoff and surface runoff and drainage, which is owned or operated by the city. The term "city storm sewer" includes roadway drainage systems, streets,

catchbasins, stormwater inlets, curbs, gutters, ditches, swales, dug channels, storm drains and storm sewer pipes.

Illegal connection means any unpermitted connection to the drainage system.

Illicit discharge means any discharge to a city storm sewer which is not composed entirely of stormwater, unless a permit has been obtained from the appropriate regulatory authority, or unless excepted under this article. This includes, but is not limited to, activities related to spills, dumping and disposal of any substance or material.

Storm drainage system means the collection and conveyance of stormwater runoff, snow-melt runoff, surface water runoff or other drainage from the land. The term "storm drainage system" includes all drainage facilities, watercourses, water bodies and wetlands.

(Code 1997, § 122-601; Ord. No. 90-01-02, § 1, 3-4-2002)

Sec 54-600 Prohibition Of Illicit Discharges

Except as provided in section 122-603, no person shall discharge or cause to be discharged to a city storm sewer anything that is not composed entirely of stormwater. Any such illicit discharge is a public nuisance.

(Code 1997, § 122-602; Ord. No. 90-01-02, § 1, 3-4-2002)

Sec 54-601 Exceptions

The following nonstormwater discharges or flows are not considered illicit discharges under this article: water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, lawn watering, individual residential and occasional noncommercial car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool water, street wash water, firefighting and discharges authorized by a permit issued by the state department of natural resources or other appropriate governmental regulatory authority.

(Code 1997, § 122-603; Ord. No. 90-01-02, § 1, 3-4-2002)

Sec 54-602 Prohibition Of Illegal Connections

(a) The construction, use, maintenance or continued existence of illegal connections to the storm drainage system is a public nuisance and is prohibited.

(b) This prohibition expressly includes, without limitation, any illegal connection made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(Code 1997, § 122-604; Ord. No. 90-01-02, § 1, 3-4-2002)

Sec 54-603 Elimination Of Illicit Discharges And Illegal Connections

The director of public works or designee may require by written notice that a person responsible for an illicit discharge or illegal connection immediately, or by a specified date, discontinue the discharge or connection, and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illicit discharges.

(Code 1997, § 122-605; Ord. No. 90-01-02, § 1, 3-4-2002)

Sec 54-604 Nuisance Abatement

The director of public works or designee is authorized to require immediate abatement of any nuisance hereunder that constitutes an immediate threat to the health, safety or well-being of the public. If any nuisance hereunder is not abated within the time specified by the director of public works or designee, the city is authorized to enter onto private property to the extent necessary, and to take any and all measures necessary to abate the nuisance. The cost of abatement, together with a 50 percent surcharge, plus any applicable sales tax, with a minimum fee of $25.00, shall be assessed as a special charge to the owner, occupant or person causing, maintaining or permitting the public nuisance.

(Code 1997, § 122-606; Ord. No. 90-01-02, § 1, 3-4-2002)

Sec 54-605 Appeal

Any person aggrieved by a determination that a public nuisance exists under this article may appeal within 15 days of the mailing of the notice to remove the public nuisance. Appeal shall be to the public works committee. All requests for appeal shall be filed with the city clerk and must inform the committee of the reasons for the appeal. Within 30 days, the public works committee shall hold a hearing at which the parties may offer testimony and documents. Within 20 days of the hearing, the committee shall affirm, modify or reverse the determination that a public nuisance exists. Appeal from the action of the committee shall be to circuit court.

(Code 1997, § 122-607; Ord. No. 90-01-02, § 1, 3-4-2002)

Sec 54-606 Penalty

Any person violating this article shall, upon conviction thereof, be subject to a forfeiture of not less than $50.00 and not more than $1,000.00, together with the costs of prosecution, and, in default of payment of such forfeiture and costs, to imprisonment in the county jail until the forfeiture and costs are paid, but not in excess of 40 days for each offense. Each day of violation shall constitute a separate offense.

(Code 1997, § 122-608; Ord. No. 90-01-02, § 1, 3-4-2002)

ARTICLE 54-VIII STORMWATER MANAGEMENT SYSTEM AND USER FEE

Sec 54-631 Findings And Determination
Sec 54-632 Definitions
Sec 54-633 Establishment; Purpose
Sec 54-634 Stormwater User Fee
Sec 54-635 Stormwater User Fee Determination
Sec 54-636 Fee Adjustments
Sec 54-637 Special Assessment Authority
Sec 54-638 Budget Excess Revenues

Sec 54-631 Findings And Determination

It is found, determined and declared as follows:

(a) The management of stormwater and other surface water discharge within the city is a matter that affects the health, safety and welfare of the city, its citizens and businesses.

(b) Failure to effectively manage stormwater may create among other things, erosion of lands, damage to homes and businesses and created sedimentation and environmental damages to waterways within the city.

(c) In order to protect the health, safety and welfare of the public the common council of the city establishes a stormwater management system and authorizes the establishment of a fee in connection therewith.

(d) Those elements of the stormwater management system which provide for the collection and disposal of stormwater are of benefit to all real property within the city including property not presently served by the system.

(e) The costs of operating and maintaining the stormwater management system and financing necessary repairs, replacement, improvements and extension thereof should, to the maximum extent practicable, be allocated in direct relationship to the contributions to the system.

(f) The city is acting under the authority contained in Wis. Stats. chs. 62 and 66 and, in particular, Wis. Stats. §§ 66.0621, 66.0809 and 66.0821.

(g) The fees established herein bear a reasonable relationship to the service provided by the city's stormwater management system.

(Code 1997, § 122-631; Ord. No. 17-03-04, § 1, 8-25-2003)

Sec 54-632 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Committee means the public works committee of the common council.

Debt service means, with respect to any particular fiscal year and any particular bond series, an amount equal to the sum of:

(a) All interest payable on such bonds during such fiscal year; plus

(b) Any principal installments of such bonds during such fiscal year.

Developed property means real property, which has been altered from its natural state by the addition of any improvements, such as a building, structure or impervious surface.

Director means the director of public works and engineering, or the director's designee.

Duplex means a residential property with two dwelling units.

Dwelling unit means a single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equivalent run-off unit (ERU) means the estimated average impervious area of a single-family home within the city on the date of adoption of the ordinance from which this article is derived. The term "impervious area" includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. One ERU is equal to 2,215 square feet of impervious area.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisition for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the costs of construction, or any other expenses which are not costs of operation and maintenance or debt service.

Fiscal year means a 12-month period commencing on January 1 of any year.

Impervious area or impervious surface means a horizontal surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. The term "impervious area" or "impervious surface" includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as streets, roofs, sidewalks, parking lots and other similar surfaces.

Mobile home means a single residential unit (mobile home) within a mobile home park.

Multifamily means a residential property with four or more dwelling units.

Nonresidential means any developed property not used, primarily, as a permanent residence, such as a commercial, industrial or an institutional property (schools, churches, hospitals, fraternal organizations, municipal facilities, etc.).

Operating budget means estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service of the system for each fiscal year.

Operation and maintenance means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practice and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of regulatory compliance, the cost of materials and supplies used for current operations and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

Private stormwater management and treatment facilities means the existing stormwater collection system of the nonresidential property, including, but not limited to, storm sewers, retention ponds, detention ponds, ditches, drainageways, streams, wetlands, qualifying receiving waters, and all improvements thereto, which by this article are constituted as the responsibility of the nonresidential property owner, to be operated as a private facility, and all activities undertaken to conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or, otherwise, affect the quality and quantity of discharge from such system.

Qualifying receiving water means a receiving body of water within the municipal boundaries of the city for which the city has or is expected to have little or no debt service costs or extension and replacement costs. Those portions of the Sheboygan River, Pigeon River and Lake Michigan located within the municipal boundaries of the city are qualifying receiving waters.

Rate means the user fee charged on each ERU. The rate is determined by the common council for each fiscal year.

Residential property means all parcels developed exclusively for residential purposes, including, but not limited to, single-family, mobile home, duplex, triplex, condominium and multifamily.

Revenues means all rates, fees, assessments, rentals, fines or other charges or other income received by the city, in connection with the management and operation of the system, including amounts received from the investment or deposit of monies in any fund

or account, as herein required, and any amounts contributed by the city, all as calculated in accordance with sound accounting practices.

Single-family home means a residential property with exactly one dwelling unit.

Stormwater management system, stormwater system or system means the existing stormwater collection system of the city, including, but not limited to, storm sewers, retention ponds, detention ponds, ditches, drainageways, streams, wetlands, qualifying receiving waters, and all improvements thereto, which by this article are constituted as the responsibility of the city, to be operated as an enterprise fund, and all activities undertaken to conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or, otherwise, affect the quality and quantity of discharge from such system.

Tri-plex means a residential property with three dwelling units.

Undeveloped land means any real property with no impervious area.

User charge means the charge established by the common council on developed property in the city to pay operations and maintenance, extension and replacement and debt service for the stormwater management system.

(Code 1997, § 122-632; Ord. No. 17-03-04, § 1, 8-25-2003; Ord. No. 47-04-05, § 1, 12-6-2004)

Sec 54-633 Establishment; Purpose

The city has established a city stormwater management system. The city, through the stormwater management system may, without limitation because of enumeration acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities as are deemed by the city to be proper and reasonably necessary for a system of stormwater management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, retention ponds, detention ponds and such other facilities and appurtenances as will support a stormwater system.

(Code 1997, § 122-633; Ord. No. 17-03-04, § 1, 8-25-2003)

Sec 54-634 Stormwater User Fee

(a) *Fee established*. Subject to the provisions of this article, each and every residential developed property, nonresidential developed property and vacant improved property, within the corporate limits of the city, and the owners and nonowner users thereof, have imposed upon them a stormwater user fee. In the event the owner and nonowner users of a particular property are not the same,

the liability for each the owner and nonowner user for the user fee attributable to that property shall be joint and several. The stormwater user fee shall be a quarterly service charge and shall be determined by the provisions of this article and the ERU rate which shall be established and changed from time to time by resolution of the common council.

(b) *Stormwater user fee collection*. The stormwater user fee for metered property shall be billed and collected with and in the same manner as the city's water bill for those properties within the corporate limits of the city utilizing city water services and billed and collected separately for those properties not utilizing city water service. All such bills for stormwater user fees shall be rendered by the water utility. The stormwater user fee for those properties utilizing city water is part of a consolidated statement for utility customers which is generally paid by a single payment. In the event that a partial payment is received, the payment shall be applied first to water charges, second to sewer charges and third to stormwater user fee. The stormwater user fee for property not utilizing city water shall be billed quarterly. All bills for stormwater user fees shall become due and payable in accordance with the rules and regulations of the water utility pertaining to the collection of water bills. The maximum penalty permitted by law for past-due water charges shall be added to user charges not paid by the due date.

(c) *Lien*. Pursuant to Wis. Stats. § 66.0821(4)(d), all user charges established hereunder shall be collected and taxed and shall be a lien upon the property served in the same manner as water rates are taxed and collected under Wis. Stats. § 66.0809.

(Code 1997, § 122-634; Ord. No. 17-03-04, § 1, 8-25-2003)

Sec 54-635 Stormwater User Fee Determination

There is established the following uniform schedule of rates for the services and use of facilities of the stormwater management system by the owner, tenant or occupant of the premises using the services and facilities of the system:

(a) The common council shall, by resolution, establish reasonable rates for stormwater management systems for each single-family residence: each single-family residence shall be billed at a flat fee established by the city council for an equivalent residential unit (ERU).

(b) Each mobile home shall be billed at a flat fee established by the city council for one equivalent residential unit (ERU).

(c) Each duplex and tri-plex shall be billed at a flat rate established by the city council for 0.7 equivalent residential units (ERUs) per dwelling unit.

(d) For any occupancy not covered by subsections (a) through (c) of this section, the

rate shall be computed based on the total impervious area of the property divided by the average impervious area of an equivalent residential unit times the rate established for an equivalent residential unit.

(e) For any undeveloped land, the equivalent residential unit shall be zero.

(Code 1997, § 122-635; Ord. No. 17-03-04, § 1, 8-25-2003)

Sec 54-636 Fee Adjustments

(a) *Intent*. In certain situations, the amount of services used by and the costs of providing service to a property may be lessened due to unique characteristics of the property served. This section provides a procedure to seek adjustments of charges in those situations. In developing this process, the city recognizes that debt service costs and extension and replacement costs are incurred primarily to provide the capacity needed in the stormwater management system, and operation and maintenance costs are incurred to ensure the administration of the stormwater system, the day-to-day operation of the stormwater system and the needed capacity in the system.

(b) *Requests for adjustment*. Requests for adjustments shall be limited to the fees for nonresidential developed properties. All such requests shall be in writing and submitted to the director of public works and engineering along with a review fee of $200.00.

(1) The director will investigate and make recommendations to the public works committee as to whether the stormwater user fee is fair and reasonable, or whether an adjustment is merited based upon the guidelines set forth herein. It shall be the burden of the requester to demonstrate by a preponderance of the evidence that a fee adjustment is warranted. Failure to file a request for adjustment within 30 days of payment waives all rights to any refund of fees as a result of any adjustment's determination.

(2) A customer may be eligible for an adjustment under the following conditions:

a. The allocated ERUs may be adjusted if the square footage calculation of impervious area for the property is incorrect.

b. If the stormwater, from a nonresidential property, discharges directly into a qualifying receiving water without crossing the property of another, and the discharge does not contribute to the exceedance of federal, state or local water quality standards.

c. Nonresidential properties with private on-site stormwater management and treatment facilities that are designed to properly manage the stormwater runoff from impervious surface areas in

accordance with the design criteria described by the city's stormwater management ordinances may be eligible for a stormwater user fee adjustment. In considering such a request, the public works committee shall consider whether and to what extent the city's cost of providing service or making service available to a property has been lessened by the private on-site stormwater management and treatment facilities. If the city's cost of providing service or making service available to a property has not been lessened by the on-site stormwater management and treatment facilities, the request for the adjustment shall be denied. If the city's cost of providing service or making service available to a property has been lessened by the on-site stormwater management and treatment facilities, the fee shall be reduced to reflect the approximate reduction in the city's costs.

(3) The director shall submit a written recommendation to the public works committee as to whether the request for adjustment should be granted, denied or granted in part and denied in part. The written recommendation shall also set forth the reason or reasons for such recommendation.

(4) In considering a request for an adjustment, the director or the committee may, in their discretion, separately examine multiple drainage areas on one piece of property and may recommend allowing an adjustment for a portion of the property if the characteristics of one or more drainage areas meets the criteria set forth in subsection (b)(2) of this section.

(5) The committee, in its discretion, may allow an adjustment for a nonresidential property for reasons other than as specifically set forth in subsection (b)(2) of this section, provided that the adjustment is reasonable and not unjustly discriminatory.

(6) Committee review of the request for adjustment shall be completed within 60 days of the date the written request for adjustment and required fee are submitted to the director. The committee shall review the request and director's recommendation and determine whether an adjustment should be made. The committee may act with or without a hearing and will inform the requester in writing of its decision.

(7) The requester has 30 days from the decision of the committee to file a written appeal to the common council.

(8) If the council or the committee determines that a refund is due the requester, the refund will be applied as a credit on the customer's next quarterly stormwater billing or will be refunded at the discretion of the city finance director/treasurer.

(c) *Public service commission complaint*. Notwithstanding subsection (b) of this section, any user may file a complaint with the public service commission claiming that the rates, rules and practices herein are unreasonable or unjustly discriminatory pursuant to Wis. Stats. § 66.0821(5).

(Code 1997, § 122-636; Ord. No. 17-03-04, § 1, 8-25-2003; Ord. No. 47-04-05, § 2, 12-6-2004)

Sec 54-637 Special Assessment Authority

In addition to any other method for collection of the charges established pursuant to this article for stormwater utility costs, the common council finds that these charges may be levied on property as a special charge pursuant to Wis. Stats. § 66.0627. The charges established hereunder reasonably reflect the benefits conferred on property and may be assessed as special charges. The mailing of the bill for such charges to the owner will serve as notice to the owner that failure to pay the charges when due may result in them being charged pursuant to the authority of Wis. Stats. § 66.0627. In addition, the city may provide notice each September of any unpaid charges to the stormwater utility, which charges, if not paid by November 15, may be placed upon the tax roll under Wis. Stats. § 66.0627.

(Code 1997, § 122-637; Ord. No. 17-03-04, § 1, 8-25-2003)

Sec 54-638 Budget Excess Revenues

The stormwater utility finances shall be accounted for in a separate stormwater enterprise fund by the city. The utility shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the stormwater utility. The budget is subject to approval by the common council. The costs shall be spread over the rate classifications as determined by the council. Any excess of revenues over expenditures in a year will be retained by the stormwater enterprise fund for subsequent years' needs.

(Code 1997, § 122-638; Ord. No. 17-03-04, § 1, 8-25-2003)

CHAPTER 56 VEGETATION

ARTICLE 56-I VEGETATION IN GENERAL (RESERVED)
ARTICLE 56-II TREES AND SHRUBS

ARTICLE 56-I VEGETATION IN GENERAL (RESERVED)

ARTICLE 56-II TREES AND SHRUBS

DIVISION 56-II-1 TREES AND SHRUBS GENERALLY
DIVISION 56-II-2 CITY FORESTER
DIVISION 56-II-3 PERMITS
DIVISION 56-II-4 PLANTING, TRIMMING AND REMOVAL

DIVISION 56-II-1 TREES AND SHRUBS GENERALLY

Sec 56-19 Definitions
Sec 56-20 Applicability
Sec 56-21 Penalty
Sec 56-22 City Parkway Master Tree Plan
Sec 56-23 Appeal
Sec 56-24 Injury Prohibited

Sec 56-19 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City parkway means that area between the curb or proposed location of the curb and sidewalk and tree easement areas.

Clear-sight triangle means a triangle formed by the curblines of two intersecting rights-of-way and a third line connecting specified points on those curblines so as to provide a full-view zone at the corners of streets, alleys and highways.

Dutch elm disease means:

(a) Any living or standing elm tree or part thereof infected with Dutch elm disease fungus Ceratocyslis ulmi (Buisman) or which harbors any of the elm bark beetle Scolytus multistriatus (eichh) Hylurgopinus rufipes (marsh).

(b) Any dead elm or part thereof, including logs, branches, stumps, firewood or other elm material, not buried, burned or from which the bark has not been removed.

Forestry program means a comprehensive annual plan, including maintenance,

inventory, new planting and budget, with projections for annual and long-range implementation.

Public areas means all public rights-of-way, boulevards, parks and other lands owned, controlled or leased by the city.

Public nuisance means any tree or shrub or part thereof which because of its condition interferes with the use of any public area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements; or endangers the life, health, safety or welfare of persons or property.

Public right-of-way means that part of every street and alley, the grade of which has been established, between the lot line and the curb and from property line to property line, including tree planting easements.

Public trees and shrubs means all trees and shrubs located or to be planted in or upon public areas.

(Code 1975, § 39-1; Code 1997, § 126-26)

Sec 56-20 Applicability

This article shall apply to all trees and shrubs growing or planted in or upon public areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

(Code 1975, § 39-2; Code 1997, § 126-27)

Sec 56-21 Penalty

Except as otherwise provided, any person who shall violate this article shall be penalized by a forfeiture of not less than $25.00 and not more than $200.00 and, in default of payment thereof, imprisonment for not exceeding 90 days. A separate offense shall be deemed committed on every day on which a violation occurs or continues.

(Code 1975, § 39-3; Code 1997, § 126-28)

Sec 56-22 City Parkway Master Tree Plan

The city parkway master tree plan shall consist of a citywide, street-by-street written evaluation of all public right-of-way and public area space and site factors which will aid in the determination of the tree genus and species and variety best suited to a particular planting site in regard to growth habits, shape, form, health, disease, insect and pest resistance, conflict with wires, lights, pavement, traffic, pedestrians, sidewalks, environmental pollution, sewers and space availability. The evaluation of the space and site factors and the genus and species and variety selection for a particular street shall be made by the city forester.

(Code 1975, § 39-4; Code 1997, § 126-29)

Sec 56-23 Appeal

Any person who objects to proposed parkway tree planting may appeal to the public works committee within ten days of publication of the notice. The public works committee shall hear such appeal within 30 days of receipt of written notice of appeal. After such hearing the committee shall notify the appealing party of its decision.

(Code 1975, § 39-5; Code 1997, § 126-30)

Sec 56-24 Injury Prohibited

(a) No person shall, without the consent of the owner for a private tree or shrub or without a written permit from the city forester for a public tree or shrub, do or cause to be done by others any of the following acts:

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

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

(3) Permit any toxic chemical, gas, smoke, salt brine, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub.

(4) Excavate any ditch, tunnel or trench or lay any drive a radius of ten feet from any tree or shrub except by those public utilities under authorization of an annual agreement or unless otherwise noted on the department of engineering and public works permit of excavation to public utilities.

(5) Erect, alter, repair, raze or excavate, without placing suitable guards as approved by the department of engineering and public works around all public trees or shrubs which may be injured by such operations.

(6) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.

(b) When a permit is obtained from the department of engineering and public works to move over-height and over-width structures or objects, the city forester will assist in advising the carrier regarding trees and shrubs on routes. Any damage done to trees and shrubs in the process of such a move shall be the liability of the carrier.

(Code 1975, § 39-34; Code 1997, § 126-31)

DIVISION 56-II-2 CITY FORESTER

Sec 56-52 Designation
Sec 56-53 General Powers
Sec 56-54 Right Of Entry
Sec 56-55 Nuisance Abatement Authority
Sec 56-56 Interference With Forester Prohibited

State law reference—City forester generally, Wis. Stats. § 27.09.

Sec 56-52 Designation

The superintendent of parks, by virtue of the office, shall be the city forester. The superintendent shall perform the duties of the office under the supervision and control of the department of engineering and public works.

(Code 1975, § 39-17; Code 1997, § 126-61)

Sec 56-53 General Powers

The city forester shall:

(a) Have jurisdiction, authority, control, supervision and direction over all public trees and shrubs planted or growing in or upon the public areas and as a part of a city-approved forestry program for the city and the planting, removal, maintenance and protection thereof. The city forester shall use every available avenue of communication to keep the public informed concerning the forestry program and provide informational services.

(b) Cause this chapter to be enforced.

(c) Submit an annual forestry program.

(d) Direct and implement a city parkway master tree plan.

(e) Direct, control and regulate the planting, removal, trimming, spraying and shall otherwise maintain and protect all trees and shrubs in or upon the public right-of-way, tree planting easements and on the center or side plots of all boulevards and parkways, in all public areas, clear-sight triangles and such areas as may be designated a part of a city-approved forestry program. The city forester shall direct, control and regulate such planting in such areas by others.

(f) Guard all trees and shrubs within the city to prevent the spread of disease, insects or pests. The city forester shall conduct inspection of trees located on private property upon the request of the property owner or occupant, upon complaint, or if the forester has reasonable cause to believe that diseased, prohibited or pestiferous trees or trees otherwise injurious to the general tree population or some portion thereof may exist. The city forester shall take

necessary samples for examination by a competent entomologist, plant pathologist or arborist to determine necessary and advisable tree care measures to be taken by the property owner at the owner's own expense, except that the cost of the inspection and examination shall be at the city's expense.

(g) Cause public notice to be published in the official city newspaper whenever the city forester proposes the planting of trees in accordance with the city parkway master tree plan. The notice shall specify the streets or portions thereof and the general nature and character of the improvements contemplated. In addition, the notice shall include information as to how and when to appeal such planting.

(h) Perform such other powers and duties as are provided by state law, particularly Wis. Stats. § 27.09, and by city ordinances and by the direction of the department of engineering and public works.

(Code 1975, § 39-18; Code 1997, § 126-62)

Sec 56-54 Right Of Entry

The city forester shall have the authority to enter upon private premises at all reasonable times for the purposes of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this article.

(Code 1975, § 39-67; Code 1997, § 126-63)

Sec 56-55 Nuisance Abatement Authority

(a) Whenever the city forester shall find on examination that any tree or shrub or part thereof growing or located upon private premises is a public nuisance as defined in this chapter, the forester shall notify the owner or agent in writing that the nuisance must be sprayed, removed or otherwise abated as directed in the notice within the time specified, which shall not be less than 30 days unless the city forester shall determine that immediate action is necessary for public safety.

(b) If the owner of premises upon which a public nuisance is found to exist or the owner's agent shall refuse or neglect to comply with the notice to abate the nuisance within the time specified, the city forester shall cause the nuisance to be sprayed, removed or otherwise abated and shall report the expense thereof to the city finance director/treasurer who shall enter it as a charge against the property upon which such nuisance existed.

(Code 1975, §§ 39-65, 39-66; Code 1997, §§ 126-65, 126-66)

Sec 56-56 Interference With Forester Prohibited

No person shall interfere with the city forester while the forester is engaged in carrying out any work or activities authorized by this division.

(Code 1975, § 39-19; Code 1997, § 126-64)

DIVISION 56-II-3 PERMITS

Sec 56-86 Required
Sec 56-87 Exemptions
Sec 56-88 Conditions
Sec 56-89 Form; Expiration
Sec 56-90 Procedure For Permits Issued To Public Utilities

Sec 56-86 Required

No person, except upon order of the city forester, shall plant, remove, spray, brace, trim, prune, cut above or below ground, disturb, alter or do surgery on a tree or shrub in the public right-of-way or any public area or cause such act to be done by others without first obtaining a written permit for such work from the city forester as provided in this division.

(Code 1975, § 39-48; Code 1997, § 126-96)

Sec 56-87 Exemptions

No permit shall be required under this division to cultivate, fertilize or water public trees or shrubs.

(Code 1975, § 39-49; Code 1997, § 126-97)

Sec 56-88 Conditions

Under this division, the city forester shall issue a permit to the applicant if the forester determines that the proposed work or planting described in the application for the permit is necessary and in accordance with the purposes of this article, taking into account the safety, health and welfare of the public; the location of utilities, public sidewalks, driveways and streetlights; the general character of the area in which the tree or shrub is located or proposed to be located; the type of soil; and the characteristics and physiological need of the genus, species and variety of tree or shrub.

(Code 1975, § 39-50; Code 1997, § 126-98)

Sec 56-89 Form; Expiration

Every permit required by this division shall be issued by the city forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work done under such permit must be performed in strict accordance with the terms thereof and with this article. Permits issued under this division shall expire six months after the date of issuance.

(Code 1975, § 39-51; Code 1997, § 126-99)

Sec 56-90 Procedure For Permits Issued To Public Utilities

(a) Whenever a permit is issued under this division to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the city forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual city rate.

(b) A public utility may secure an annual working agreement with the department of engineering and public works and the city forester's office which gives the city forester the authorization to supervise and direct work done associated with trees and shrubs.

(Code 1975, § 39-52; Code 1997, § 126-100)

DIVISION 56-II-4 PLANTING, TRIMMING AND REMOVAL

Sec 56-109 Planting
Sec 56-110 Trimming
Sec 56-111 Obstruction Of View At Intersections Prohibited
Sec 56-112 Removal
Sec 56-113 Expense Generally

Sec 56-109 Planting

(a) The size and genus, species and variety of trees and shrubs to be planted in public areas and as a part of a city-approved forestry program and the manner of planting shall be submitted to the city forester for approval before commencement of such work.

(b) No tree or shrub shall be planted within 35 feet of any street corner. There shall be a minimum of 35 feet between city parkway trees or as determined by the city forester, such determination to be based upon, but not limited to, the factors of the genus, the species and the variety.

(c) The following trees may be planted in the parkway: Norway maple (emerald queen, columnar, Cleveland, globe); red maple; sugar maple; hackberry; white ash (autumn purple); green ash (Marshall seedless); ginkgo, thornless honey locust (skyline, imperial morine); ironwood; red oak; linden (littleleaf, redmond, chancellor, greenspire), plus improved varieties approved by the University of Wisconsin horticulture department, college of agriculture and life sciences.

(d) The following tree varieties are not permitted in the parkway: poplar, ailanthus, box elder, catalpa, mountain ash, birch, willows, conifers, elm, silver maple or any fruit-bearing or nut-bearing trees and such others as may not be approved by the state university horticulture department, college of agriculture and life sciences.

(Code 1975, § 39-31; Code 1997, § 126-126)

Sec 56-110 Trimming

(a) Trees and shrubs standing in or upon any public right-of-way, public areas or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than 13 1/2 feet. The city forester may waive the requirements of this subsection for newly planted trees if the forester determines that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety.

(b) The necessity of the pruning shall be determined by the city forester.

(c) Clearance from the sidewalk to lower branches shall not be less than eight feet.

(d) All cuts above one inch in diameter shall be treated with a tree wound compound.

(Code 1975, § 39-32; Code 1997, § 126-127)

Sec 56-111 Obstruction Of View At Intersections Prohibited

Notwithstanding any other section of this article, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the city any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection. In the clear-sight triangle, trees and shrubs will not exceed a 30-inch height above the street grade. Any hedge, tree, shrub or growth which exceeds such 30-inch height is declared a public nuisance.

(Code 1975, § 39-33; Code 1997, § 126-128)

Sec 56-112 Removal

In cutting down a tree, the tree must be removed with the root stump grubbed out or ground out to a depth of at least nine inches below grade measured in a straight line (normal grade of sidewalk to top of curb). Surface roots beyond the main stump are to be removed to a depth of five inches below grade measured as a straight line (normal grade of sidewalk to top of curb). All wood and debris must be removed from the street prior to the end of each working day, and all holes shall be filled to normal grade level with the topsoil as soon as practicable.

(Code 1975, § 39-35; Code 1997, § 126-129)

Sec 56-113 Expense Generally

Except for the removal of elm species infested with the Dutch elm disease, which cost shall be borne by the abutting property owner, the entire cost of planting, removal, maintenance and protection of trees and shrubs on all public areas of the city, when done by the park department employees or their contractors at the direction of the city forester, shall be borne by the city out of the park department budget. When a permit is issued by the city forester to plant, remove, maintain or protect trees and shrubs, pursuant to section 56-86, the permittee shall incur all expenses.

(Code 1975, § 39-36; Code 1997, § 126-130)

CHAPTER 58 VEHICLES FOR HIRE

ARTICLE 58-I VEHICLES FOR HIRE IN GENERAL (RESERVED)
ARTICLE 58-II TAXICABS
ARTICLE 58-III COMMERCIAL QUADRICYCLES

ARTICLE 58-I VEHICLES FOR HIRE IN GENERAL (RESERVED)

ARTICLE 58-II TAXICABS

Sec 58-19 Penalties
Sec 58-20 Applicability
Sec 58-21 Licenses Required
Sec 58-22 Application
Sec 58-23 Fees
Sec 58-24 License And Operation Standards And Specifications
Sec 58-25 Investigation Of Applicants
Sec 58-26 Issuance
Sec 58-27 Appeal Of Denial
Sec 58-28 Suspension Or Revocation

Sec 58-19 Penalties

A violation of section 58-21, 58-23, 58-24 or 58-27 shall subject the violator to a forfeiture of not less than $50.00 and not more than $500.00, together with the costs of prosecution, and, in default in payment of such forfeitures and costs, to imprisonment in the county jail until the forfeitures and costs are paid, but not in excess of 60 days.

(Code 1975, § 37-1; Code 1997, § 130-26)

Sec 58-20 Applicability

This article shall not apply to commercial quadricycles, to vehicles operated over a regular route or fixed terminal, to vehicles rented to be driven by the renter or renter's agent (commonly known as rental cars), or to vehicles operated solely as funeral cars, or to paratransit buses.

(Code 1975, § 37-3; Code 1997, § 130-27; Ord. No. 31-17-18, § 1, 12-18-2017)

Sec 58-21 Licenses Required

(a) *Taxicab business license*. No person or business shall, for hire or reward, offer taxicab or similar transportation service to the public within the city or solicit passengers to be transported for hire within the city limits without first obtaining a taxicab business license from the common council and after full compliance with

this article.

(b) *Taxicab vehicle license*. No person or business shall, for hire or reward, operate or permit to be operated any vehicle for the purpose of transporting passengers within the city limits unless the vehicle has been issued a taxicab vehicle license by the common council and after full compliance with this article.

(c) *Taxicab driver's license*. No person shall, for hire or reward, transport passengers within the city limits without first obtaining a taxicab driver's license from the common council and after full compliance with this article.

(Code 1997, § 130-56; Ord. No. 56-07-08, § 1, 10-15-2007)

State law reference—Municipal license for taxicabs generally, Wis. Stats. § 349.24.

Sec 58-22 Application

(a) *Taxicab business license*. Application for a taxicab business license shall be made in writing to the city clerk, upon blanks furnished by the clerk, which the owner of the business shall sign. For a partnership, the name of the business and the names and addresses of the partners must also be given, and one of the partners shall sign the application. For an LLC or a corporation, the applicant shall also provide the names and addresses of the principal officers, and the president and secretary shall sign the application. The applicant shall also state as to whether the applicant, or any partner or principal officer within a partnership, limited liability company, or corporation, has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of conveying passengers for hire or reward and, if so, the nature and date of the offense and the penalty assessed.

(b) *Taxicab vehicle license*.

(1) At the time of application for a taxicab business license, the applicant shall provide the year, make, model, vehicle identification number and license number of each vehicle to be used by the applicant in the conduct of the business and the number of passengers that can be carried by each vehicle. The applicant shall also provide evidence of compliance with the requirements of section 58-24, as well as a copy of the title, registration, and the application for title transfer (the Wisconsin MV-1 form) for each vehicle.

(2) Should the holder of a taxicab business license wish to obtain a taxicab vehicle license not listed at the time of application for the taxicab business license, the license holder shall provide an amendment to the

application for a taxicab business license providing the year, make, model, VIN, and license number of the vehicle, as well as the number of passengers that can be carried by the vehicle. The applicant shall also provide evidence of compliance with the requirements of section 58-24, as well as a copy of the title, registration, and the application for title transfer (the Wisconsin MV-1 form) for each vehicle.

(c) *Taxicab driver's license*.

(1) No person shall operate or permit to be operated any vehicle for taxicab purposes upon the highways of the city unless such person is at least 18 years of age; unless the operator possesses a valid state driver's license which is not suspended, revoked, canceled or expired; unless the operator possesses a valid taxicab driver's license; unless a sticker issued under section 58-27(d) is affixed to the vehicle; and unless such vehicle is licensed under this division. The fact that an unlicensed person is driving a vehicle for which a taxicab vehicle license has been issued or applied for is prima facie evidence that the owner of the vehicle is in violation of this subsection.

(2) Written application for a taxicab driver's license shall be made to the city clerk on blanks furnished by the clerk, giving the name, residence address, date of birth and state driver's license number of the applicant. The application shall also require a statement as to whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relate to the circumstances of being a taxicab driver and, if so, the nature and date of the offense and the penalty assessed.

(Code 1997, § 130-57; Ord. No. 56-07-08, § 1, 10-15-2007)

Sec 58-23 Fees

(a) The fee for a taxicab business license required by this division shall be $25.00 per year or any fractional part thereof. However, if application is made during the last half of any license year, the license fee shall be one-half of such amounts.

(b) The fee for a taxicab vehicle license required by this division shall be $10.00 per vehicle per year or fractional part thereof.

(c) The fee for a taxicab driver's license required by this division shall be $17.00 per year or fractional part thereof.

(Code 1997, § 130-58; Ord. No. 56-07-08, § 1, 10-15-2007; Ord. No. 2-13-14, § 1, 5-20-

2013)

Sec 58-24 License And Operation Standards And Specifications

(a) *Insurance*.

(1) It shall be unlawful to operate or permit to be operated a vehicle for the conveyance of passengers for hire nor shall any taxicab license be issued until and unless the applicant obtains and maintains at all times a good and sufficient bond or policy of business auto liability insurance or other contract in writing, issued by a surety, indemnity or insurance company or exchange lawfully qualified to transact such business in the state, with minimum limits of coverage of $100,000.00 for one person, of $300,000.00 for any one accident and damages to property of $100,000.00 for any one accident.

(2) The policy, contract or certificate of insurance shall be submitted to the city clerk and shall be approved as to legal form by the city attorney before the license is issued and shall contain a provision that such may not be cancelled before the expiration of its term, except upon ten days' written notice to the city.

(b) *Safety and maintenance*.

(1) Taxicabs shall, at the cost and expense of the applicant/taxicab license holder, be inspected by an Automotive Service Excellence (A.S.E.) Certified Technician, who shall fill out, date and sign a safety and maintenance inspection checklist, copies of which shall be maintained in the city clerk's office, and provide a copy of their certification. The city clerk's office shall not issue any taxicab vehicle licenses to vehicles inspected by technicians for whom the clerk's office does not have a current certification on file. An inspection shall be completed, and a new report filed with the city clerk at the following intervals:

a. With the taxicab license application;

b. Within 14 days of January 1 and July 1 of each year;

c. After the taxicab was involved in an accident and damaged to any extent and prior to the taxicab being placed back into service;

d. At any time directed by the police chief or designee thereof, based upon personal observation of a police officer indicating a lack of required maintenance.

(2) A taxicab may not be put in service until the required safety and maintenance inspection has been completed, the taxicab has been rated as satisfactory, and the report has been timely filed with the city clerk.

Each day of noncompliance shall be a separate violation of this article, and shall subject the license to revocation, nonrenewal or suspension.

(3) The taxicab license holder, for the full period of operation of each taxicab, shall keep a written record, with invoices, dated and signed, documenting all maintenance work and accident repair work. These records shall be made immediately available by the license holder for inspection and copying upon request of the police department or city attorney's office.

(4) The police department may placard and order any taxicab taken out of service which has not been timely inspected, satisfactorily passed the safety inspection, and been documented as such with documents filed in the city clerk's office.

(c) *Notice of certain occurrences*. The taxicab license holder must provide written notice to the city clerk of any of the following occurrences within three days of having knowledge of the occurrence:

(1) A conviction of a taxicab license or taxicab driver's license holder for a violation of any state law or local ordinance arising out of taxicab operation;

(2) Any driver's license suspension, revocation or restriction on a taxicab license or taxicab driver's license holder, whether or not related to taxicab operation;

(3) Any death or personal injury, or damage or theft caused by a taxicab license holder or taxicab driver's license holder and arising out of taxicab operation;

(4) Any death or personal injury, or damage or theft of personal property to a passenger in a taxicab operated by a taxicab license holder or taxicab driver's license holder;

(5) Any violation of a state law or local ordinance by a taxicab license holder or taxicab driver's license holder, whether or not arising out of the operation of a taxicab, involving an offense against person or property, or an offense involving alcoholic beverages, controlled substances, prostitution or gambling.

(d) *Fares*.

(1) Within 30 days following the effective date of the ordinance from which this article is derived, every holder of a taxicab business license shall file with the city clerk a statement of the fares and charges in effect on the date of enactment of this section for the use of taxicabs for hire. Thereafter, fares and charges may be added, changed or deleted by the licensee by filing with the city clerk, a schedule of such new fares and charges at least ten days before the effective date of any change in fares

or charges. It shall be unlawful for any owner or driver to make any different charge than that filed by the licensee with the city clerk and in effect.

(2) No person may operate a taxicab, nor may any holder of a taxicab business license permit the operation of a taxicab, unless a schedule of charges is posted within the taxicab corresponding to the statement of fares and charges filed with the city clerk and in effect. The posted schedule shall be posted in such a way so as to allow any passenger or passengers being conveyed to readily read such fares or charges. The schedule shall specifically list all charges, including the rate per one-eighth mile traveled, any charge for waiting time, and any additional charges including any extra charges for luggage, packages, grocery bags, and additional passengers.

(3) It shall be unlawful for any owner or driver of any taxicab to advertise any rate to the public if such rate differs from the rates set forth in the statement of the fares and charges filed with the city clerk's office.

(4) Every taxicab driver shall, upon demand by any passenger, furnish a receipt for the amount of the fare.

(5) Each taxicab shall at all times be equipped with an accurate and dependable taxi meter designed or intended to measure the distance traveled in increments of one-eighth mile, register the time the vehicle is in waiting, and to record the charge or fare therefor. Such taxi meter must be placed as to be readily visible to passengers and shall be maintained in good operating condition at all times. Each taxi meter is subject to the standards and fees set forth in section 14-1. No person may operate a taxicab, nor may any holder of a taxicab business license permit the operation of a taxicab, unless the required taxi meter is installed and operational.

(6) No person may operate a taxicab, nor may any holder of a taxicab business license permit the operation of a taxicab, unless and until the taxi meter has been properly inspected, certified, and sealed, or to use such vehicle when the taxi meter license has been suspended or revoked. The removal of a taxi meter from a vehicle, the breaking of the seal, or the use of a taxi meter in a vehicle different than the vehicle in which the meter was inspected, certified, and sealed, is prohibited.

(7) Subsections (d)(5) and (6) of this section do not apply to taxicabs owned by a taxicab business licensee whose business is limited solely to serving disabled or elderly clients.

(8) It is unlawful for any taxicab driver or taxicab business to charge a fare for any amount not consistent with the statement of fares and charges set forth in subsection (d)(1) of this section and the reading of the required

meter. Notwithstanding this requirement, a fee may be agreed to in advance and in writing by both the cabbie and the rider for any ride that includes a stop outside of the county.

(e) *Lights and signage*.

(1) Each taxicab required to be equipped with a taxi meter shall be equipped with a tell-tale light on top of the taxicab so designed that when the meter is engaged and the parking lights are on, the light goes out and when the vehicle is not engaged the light is burning. The size of the light shall be no less than ten inches across, four inches deep, and four inches high. It is strictly prohibited for any nonmetered vehicle for hire to have any form of tell-tale light anywhere on or inside the vehicle.

(2) Each taxicab shall have the name and telephone number of the owner of the vehicle or the trade name and telephone number under which the vehicle is operated clearly and permanently marked and placed on the right and left sides of the vehicle on either the front or rear doors with each character in the name at least two inches high and each number in the telephone number at least one and one-half inches high, in a color to contrast with the auto body color. Colors of paint to be used for lettering and numbering shall be of sharp contrast with color of surface paint to which it is applied, so as to be evenly visible at a reasonable distance, especially at nighttime with streetlights. No lettering or numbers shall be acceptable which have been painted upon a sheet of metal or other material which in turn can be removed or detached to conceal the identification of such cab company. In lieu of paint, any material required by this subsection to be painted on a taxicab may be placed on the cab through the use of an adhesive decal containing the required information and name. This authorization does not include or permit the use of magnetic signs or devices to convey the required information.

(3) Each taxicab shall be equipped with a card frame or frames for the proper display of the taxicab driver's license. No vehicle shall be operated without a vehicle decal affixed thereto and issued pursuant to this subsection unless, pursuant to this division, the vehicle is being used as an authorized passenger for hire vehicle.

(4) The vehicle sticker required under section 58-26(d) must at all times be in a conspicuous place on the outside rear of the vehicle. The sticker shall be removed and destroyed immediately following any of the following circumstances:

a. The expiration, suspension, or revocation of the taxicab vehicle license.

b. The expiration, suspension, or cancellation of the insurance policy or bond required pursuant to subsection (a) of this section.

c. Failure by the taxicab of an inspection required pursuant to subsection (b)(1) of this section.

d. Failure to obtain an inspection of the taxicab within ten days of any of the occurrences listed in subsection (b)(1) of this section.

e. The placarding or ordering out of service of the taxicab by a police officer, pursuant to subsection (b)(4) of this section.

(Code 1997, § 130-59; Ord. No. 56-07-08, § 1, 10-15-2007; Ord. No. 23-12-13, § 1, 11-5-2012; Ord. No. 52-12-13, §§ 1—3, 3-18-2013)

Sec 58-25 Investigation Of Applicants

(a) The police department shall investigate each applicant for a taxicab business license or taxicab driver's license to determine whether the applicant has been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the offense substantially relate to the licensed activity and, if so, the nature and date of the offense and the penalty assessed.

(b) The police department shall also investigate each applicant for a taxicab driver's license to determine whether the applicant possesses a valid state driver's license, and the status of the license.

(c) The police department shall furnish the information derived from the investigation in writing to the city clerk.

(Code 1997, § 130-60; Ord. No. 56-07-08, § 1, 10-15-2007)

Sec 58-26 Issuance

(a) The city clerk is authorized to grant and issue the taxicab business license, taxicab vehicle license, or taxicab driver's license after consulting with the chief of police and the city attorney, or their designees and after the applicant has complied with all the requirements for the respective license under this article and, where applicable, if the applicant has not been convicted within the preceding ten years of a felony or within the preceding five years of a misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the felony, misdemeanor or other offense substantially relates to the circumstances of the licensed activity.

(b) Beginning on January 1, 2014, the license year under this section shall commence on January 1 and shall end on December 31 of any year. To accommodate the date change, the license year that began on July 1, 2012, shall

end on December 31, 2013.

(c) Upon grant of the license and payment of the required fee, the city clerk shall issue the appropriate license, which, for a taxicab driver's license, shall consist of a laminated photo identification card. A taxicab driver shall prominently display the photo identification card in a position visible to all passengers in the vehicle whenever operating a taxicab.

(d) The holder of a taxicab license shall obtain a suitable vehicle sticker from the city clerk's office for each taxicab, which must at all times be in a conspicuous place on the outside of the vehicle. No person shall affix or permit to be affixed the sticker to any vehicle except that for which it has been issued.

(e) Each vehicle in active taxicab service shall have a current schedule of applicable rates and charges posted in a position visible and legible to passengers.

(f) Provisional taxicab drivers' licenses shall be issued according to the following:

(1) The city clerk is authorized to issue a provisional taxicab driver's license to a person who has submitted an initial application for a taxicab driver's license under subsection (b) of this section, provided that, based upon the information contained in the application and the applicant's contact history provided to the city clerk by the police department within two working days of the initial application, the person meets the qualifications in subsection (a) of this section for issuance of taxicab driver's licenses; and provided further that the person is in possession of a valid state motor vehicle operator's license and has not previously been denied a taxicab driver's license by the city.

(2) The fee for a provisional taxicab driver's license shall be $5.00, which shall be nonrefundable and shall not apply toward any other license under this article.

(3) A provisional taxicab driver's license shall expire 60 days after its issuance or when a license under this section is issued or denied to the holder, whichever is sooner.

(4) The city clerk may revoke the provisional license if the clerk discovers that the holder of the license made a false statement on the application.

(Code 1997, § 130-61; Ord. No. 56-07-08, § 1, 10-15-2007; Ord. No. 53-12-13, § 1, 3-18-2013; Ord. No. 7-21-22, § 15, 6-7-2021)

Sec 58-27 Appeal Of Denial

Any applicant whose application for a license under this article is denied may appeal the denial to the common council by filing a written statement within 14 days after the date the application was denied, setting forth the grounds for appeal. The common council

shall notify the applicant, at least 72 hours prior to the time set for the hearing, of the time and place set for the hearing, such notice to be sent to the address given on the application by the applicant or served personally on the applicant.

(Code 1997, § 130-62; Ord. No. 56-07-08, § 1, 10-15-2007)

Sec 58-28 Suspension Or Revocation

Any license issued under this article may be suspended or revoked by the common council after notice and opportunity for hearing, if the licensee made any fraudulent, false, deceptive or misleading statements in the application; violates any section of this article; or is convicted of any felony, misdemeanor, statutory violation punishable by forfeiture or county or municipal ordinance violation in which the circumstances of the offense substantially relate to the circumstances of the licensed activity.

(Code 1997, § 130-63; Ord. No. 56-07-08, § 1, 10-15-2007)

ARTICLE 58-III COMMERCIAL QUADRICYCLES
DIVISION 58-III-1 COMMERCIAL QUADRICYCLES GENERALLY
DIVISION 58-III-2 LICENSES

DIVISION 58-III-1 COMMERCIAL QUADRICYCLES GENERALLY
Sec 58-60 Definitions
Sec 58-61 Regulations
Sec 58-62 Penalties

Sec 58-60 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol beverages has the meaning given in Wis. Stats. § 125.02(1).

Commercial quadricycle means a vehicle with fully operational pedals for propulsion entirely by human power, that has four wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and passengers providing pedal power to the drive train of the vehicle, and that is operated by the vehicle owner or an employee of the owner.

Commercial quadricycle business means an enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

(Code 1997, § 130-130; Ord. No. 31-17-18, § 2, 12-18-2017)

Sec 58-61 Regulations

(a) *Responsibility*. The owner and operator of a commercial quadricycle are both responsible for ensuring compliance with the requirements of this section. An owner and operator may both be cited and convicted for any violation of this section. The violation of any of the provisions of this section by an operator is prima facie evidence that the operator permitted the violation.

(b) *In general*. In addition to any regulations in this article, and except as provided in this article, commercial quadricycles operating within the city shall comply with the provisions of article 52-VIII of chapter 52, and all rules of the road according to Wis. Stats. ch. 346.

(c) *License*. No person shall operate or permit the operation of a commercial quadricycle in the city unless the operator has a valid commercial quadricycle operator's license, unless such commercial quadricycle is licensed under this article, and unless a valid license/sticker is visible in the proper registration area. The fact that an unlicensed person is driving a vehicle for which a taxicab vehicle license has been issued or applied for is prima facie evidence that the owner of the vehicle is in violation of this subsection.

(d) *Age*. No person shall operate or permit the operation of a commercial quadricycle in the city unless such person is at least 21 years of age.

(e) *Valid driver's license required*. No person shall operate or permit the operation of a commercial quadricycle in the city unless the operator possesses a valid state driver's license which is not suspended, revoked, canceled or expired.

(f) *Parking*. No person shall park or permit the parking of a commercial quadricycle upon any sidewalk or in any place not specifically designated for parking. The commercial quadricycle may occupy up to two designated parking stalls but shall pay the appropriate parking fee (including a metered parking fee) for both stalls.

(g) *Equipment requirements*. No person shall operate or permit operation of a commercial quadricycles in the city unless the commercial quadricycle is equipped with the following:

(1) Hip restraints as defined by the American National Standards Institute (ANSI)/National Golf Carts Manufacturers Association (NGCMA) shall be installed for every seat on the vehicle. The driver of the commercial quadricycle shall not operate the vehicle unless each passenger thereon is wearing a hip restraint. The failure of a passenger to wear a hip restraint shall not be considered evidence of negligence, comparative or otherwise, including apportionment of fault, on the part of the passenger, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a vehicle.

(2) Lighting on the vehicle which shall be the following:

a. A light on the front which shall emit a white light visible from a

distance of 300 feet to the front.

b. A taillight mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of 500 feet to the rear.

c. A brake light on the rear which shall emit a red light, and which shall be actuated upon application of the service (foot) brake and which may, but need not, be incorporated with a taillight. Every brake light shall be plainly visible and understandable from a distance of 300 feet to the rear regardless of the time of day.

(3) Rear signage which shall conform to state law and administrative standards and specifications for slow-moving vehicles or shall be an emblem of the same shape and size painted on such vehicle in a bright and conspicuous retro reflective red orange paint. Such emblem shall be mounted on the rear of such vehicles, in the approximate horizontal geometric center of the vehicle, at a height of three to five feet above the roadway and shall be maintained at all times in a clean and reflective condition.

(4) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.

(5) A braking system, operable by the driver, that is capable of overriding all methods of propulsion and bringing the vehicle to a complete stop.

(6) A barrier on both sides of bench seating that restricts sliding beyond seating capacity.

(h) *Routes*. No person shall operate or permit the operation of a commercial quadricycle on routes or in locations other than those approved by the police chief or designee. The police chief shall not approve any route that includes any residential neighborhood, recreational trail, or park.

(i) *Time of operation*. No person shall operate or permit the operation of a commercial quadricycle in the city except between the hours of 10:00 a.m. and 10:00 p.m.

(j) *Display*. No person shall operate or permit the operation of a commercial quadricycle in the city unless the quadricycle is conspicuously displaying on the exterior driver and passenger side of the vehicle the name or trade name and telephone number of the commercial quadricycle business. Additionally, no person shall permit or permit the operation of a commercial quadricycle in the city unless the operator is conspicuously displaying within the front passenger compartment a display holder containing the operator's commercial quadricycle operator's license.

(k) *Possession of alcoholic beverages by passengers*. No passenger on a

commercial quadricycle may possess on or carry onto the commercial quadricycle more than 36 ounces of fermented malt beverages as defined in Wis. Stats. § 125.02(6). No passenger may possess, carry upon, or consume any other alcohol beverages, as defined in Wis. Stats. ch. 125, upon a commercial quadricycle.

(l) *Requirements for operators regarding alcohol*.

(1) No person may operate a commercial quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages in the amounts permitted in subsection (k) of this section.

(2) No person may operate a commercial quadricycle on which alcohol beverages are sold, nor may any person transport alcohol beverages on a commercial quadricycle for the purposes of sale or delivery upon sale.

(3) No operator of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers, nor shall any person operate a commercial quadricycle with an alcohol concentration of more than 0.02.

(4) The operator of a commercial quadricycle shall advise all passengers that no alcohol beverages shall be possessed on, carried upon, or consumed on a commercial quadricycle in violation of city ordinance or state statute, and shall conspicuously and legibly post a notice of these restrictions upon the commercial quadricycle.

(m) *Glass containers*. No person shall carry, possess, or permit the carrying or possession of any glass container on a commercial quadricycle.

(Code 1997, § 130-131; Ord. No. 31-17-18, § 2, 12-18-2017; Ord. No. 41-18-19, § 1, 2-18-2019)

Sec 58-62 Penalties

A violation of any of the provisions of this article for which a penalty has not otherwise been specified shall subject the violator to a forfeiture of not less than $50.00 and not more than $500.00, together with the costs of prosecution.

(Code 1997, § 130-132; Ord. No. 31-17-18, § 2, 12-18-2017)

DIVISION 58-III-2 LICENSES

Sec 58-83 Licenses Required
Sec 58-84 Application
Sec 58-85 Fees
Sec 58-86 Insurance
Sec 58-87 Revocation

Sec 58-83 Licenses Required

(a) *Business license*. No person or business may engage in a commercial quadricycle business without first obtaining a commercial quadricycle business license and after full compliance with this article.

(b) *Vehicle license*. No person shall operate or permit the operation of a commercial quadricycle upon any street, sidewalk or other public place unless a commercial quadricycle vehicle license has been issued for the commercial quadricycle, and unless the commercial quadricycle has a valid license/sticker visible in the proper registration area.

(c) *Operator's license*. No person shall drive or operate a commercial quadricycle upon any street, sidewalk or other public place in the city without first obtaining a commercial quadricycle operator's license.

(Code 1997, § 130-140; Ord. No. 31-17-18, § 2, 12-18-2017)

Sec 58-84 Application

(a) *Business license*.

(1) Application for a commercial quadricycle business license shall be made in writing to the city clerk, upon blanks furnished by the clerk, which the owner of the business shall sign. For a partnership, the name of the business and the names and addresses of the partners must also be given, and one of the partners shall sign the application. For an LLC or a corporation, the applicant shall also provide the names and addresses of the principal officers, and the president and secretary shall sign the application.

(2) The license application shall identify each commercial quadricycle owned by the license holder. Should the holder of a commercial quadricycle business license wish to obtain a commercial quadricycle not listed at the time of application, the license holder shall provide an amendment to the application for a commercial quadricycle business license before putting the commercial quadricycle into service.

(3) The license application shall identify the proposed route or routes over which the commercial quadricycle shall operate. No license shall be issued under this section until the police chief or the chief's designee has approved the proposed route. Should the holder of a commercial quadricycle business license wish to modify a route or add a new route, the license holder shall make a new license application and pay the required fee.

(4) Any license issued pursuant to this subsection shall be granted and

issued by the city clerk after consulting with the chief of police and the city attorney or their designees and shall expire on December 31 following its issuance.

(b) *Vehicle license*.

(1) Application for a commercial quadricycle vehicle license shall be made by the owner of the quadricycle, in writing, upon forms furnished by the city. Such application shall be signed by the owner and granted by the city council on an annual basis. Such license shall be issued upon granting and shall expire on the December 31 following its issuance.

(2) At the time of application, the applicant shall provide evidence of compliance with the requirements of section 58-61(c), certified by an employee of a bicycle repair shop located within the county.

(3) Upon payment of the necessary fees and after consulting with the chief of police and the city attorney or their designees, the city clerk may issue or cause to be issued a proper license plate/sticker. Transfer of the license to another person is prohibited.

(4) Any license issued pursuant to this subsection shall be issued upon granting and shall expire on December 31 following its issuance.

(c) *Commercial quadricycle operator's license*. Written application for a taxicab driver's license shall be made to the city clerk on blanks furnished by the clerk, giving the name, residence address, date of birth and state driver's license number of the applicant. No such license shall be issued to a person who is less than 21 years of age or who does not possess a valid state driver's license which is not suspended, revoked, canceled or expired. Any license issued pursuant to this subsection shall be issued upon granting and shall expire on the December 31 following its issuance.

(d) *Granting licenses*. The city clerk shall issue a license under this section only if all requirements have been met and if issuance is in the best interests of the city. The clerk may deny any license under this section in the full discretion in the interest in public safety or if the application is not in the best interests of the city. The city clerk shall take into account any objections from the city administrator, the police chief, the fire chief, a building inspector, the director of planning and development, or their designees. If the city clerk denies a license, the applicant may appeal the denial to the law and licensing committee of the common council.

(Code 1997, § 130-141; Ord. No. 31-17-18, § 2, 12-18-2017; Ord. No. 7-21-22, § 16, 6-21-2021)

Sec 58-85 Fees

Fees for licenses issued under this article, for each year or fractional part thereof, are $25.00 for a business license, $10.00 per vehicle for vehicles licenses, and $17.00 for operator's licenses.

(Code 1997, § 130-142; Ord. No. 31-17-18, § 2, 12-18-2017)

Sec 58-86 Insurance

(a) No owner of a commercial quadricycle or any other person shall operate or authorize any other person to operate a quadricycle for commercial purposes within the city unless the owner has in effect a policy of comprehensive general liability insurance issued by an insurance company duly authorized to do business in the state, which policy provides for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of a quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide coverage with limits in an amount of not less than $1,000,000.00 per accident. The policy shall provide that the insurer shall give the city notice of any cancellation or nonrenewal of the policy which is due the named insured.

(b) The owner of a quadricycle shall maintain on file with the city clerk's office a copy of the current policy of comprehensive general liability insurance required by subsection (a) of this section. Failure to comply with this provision shall result in the immediate suspension of the owner's rights and privileges to operate the quadricycle commercially within the city.

(Code 1997, § 130-143; Ord. No. 31-17-18, § 2, 12-18-2017)

Sec 58-87 Revocation

(a) A license may be revoked by the city clerk or clerk's designee for failure to comply with this Code and for violations of state law.

(b) The license may also be revoked by request of a building inspector, fire inspector, fire chief, police chief, municipal prosecutor, or any of their designees when the request provides evidence of any grounds, as provided in subsection (a) of this section.

(c) Any applicant whose license has been denied or revoked under the provisions of this article may appeal the denial or revocation to the law and licensing committee of common council.

(Code 1997, § 130-144; Ord. No. 31-17-18, § 2, 12-18-2017)

CHAPTER 60 WATERWAYS AND WATER BODIES

ARTICLE 60-I WATERWAYS AND WATER BODIES IN GENERAL
ARTICLE 60-II HARBORMASTER
ARTICLE 60-III WATERCRAFT
ARTICLE 60-IV BOAT LAUNCHING

State law references—Navigable waters, harbors and navigation generally, Wis. Stats. ch. 30; statutory coverage limited as to municipally-owned submerged shorelands, Wis. Stats. § 30.05.

ARTICLE 60-I WATERWAYS AND WATER BODIES IN GENERAL

Sec 60-1 Definitions
Sec 60-2 Penalties
Sec 60-3 Operation Of Eighth Street Bridge
Sec 60-4 Dock Lines
Sec 60-5 Refuse And Obstructions
Sec 60-6 Blocking Alley Or Street Frontage
Sec 60-7 Swimming Generally
Sec 60-8 Swimming At Quarry
Sec 60-9 Removal Of Ice From River
Sec 60-10 Removal Of Sand And Gravel From Shore Of Lake Michigan
Sec 60-11 Fishing Activities Prohibited On Boardwalk
Sec 60-12 Certain Activities Prohibited At Lakefront

Sec 60-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Harbor limits includes the Sheboygan River from the westerly city limits to the end of the pier stub located east of the coast guard station.

Waterways limit includes the harbor, as described in this section, and also that area of Lake Michigan along the east side of the city and extending 1,700 feet east of the shore thereof.

(Code 1975, § 18-1; Code 1997, § 134-1)

Sec 60-2 Penalties

(a) Any person violating any of the sections in article IV of this chapter shall be fined not less than $25.00, or after five days $50.00, nor more than $100.00, plus the

costs of prosecution. In default of payment of such fines and costs, the violator shall be imprisoned in the county jail until such are paid, but not exceeding 30 days.

(b) Any person violating sections 60-5, 60-6, 60-45, 60-66 through 60-71 or article 52-IVshall be fined not less than $50.00 nor more than $500.00, plus the costs of prosecution. In default of payment of such fine and costs, the violator shall be imprisoned in the county jail until such are paid, but not exceeding 30 days.

(c) Any person violating section 60-74 or 60-79 shall be fined not more than $300.00, plus the costs of prosecution. In default of payment thereof, the violator shall be imprisoned in the county jail until such are paid, but not exceeding 60 days.

(Code 1975, § 18-3; Code 1997, § 134-2; Ord. No. 74-97-98, § 1, 10-20-1997; Ord. No. 101-05-06, § 25, 3-20-2006)

Sec 60-3 Operation Of Eighth Street Bridge

(a) The hours and operation of the Eighth Street bridge shall be in accordance with the appropriate federal regulations governing the bridge.

(b) From May 1 through October 30, the bridge shall open in accordance with the following schedule:

(1) From 6:00 a.m. to 7:00 p.m., the draw will open for marine traffic each half-hour, on the hour and half-hour.

(2) From 7:00 p.m. to 10:00 p.m., the draw shall open on signal.

(c) At all other times, the draw shall open on signal if at least two hours' advance notice has been given.

(Code 1975, § 18-64; Code 1997, § 134-3)

Sec 60-4 Dock Lines

The dock lines of the Sheboygan River shall be those as established by the common council, and which are particularly described in section 60-4 of the supplement of this Code on file in the city clerk's office.

(Code 1975, § 18-2; Code 1997, § 134-4)

Sec 60-5 Refuse And Obstructions

No person shall cast or deposit in the waterways of the city any filth, manure, carcass, offal or any other obstruction or obnoxious matter.

(Code 1975, § 18-5; Code 1997, § 134-5)

Sec 60-6 Blocking Alley Or Street Frontage

No person shall encumber any street dock or the streets and alleys fronting or abutting upon the harbor by placing or leaving thereon goods, wares or articles of any kind for the purpose of shipment, sale, storage or in discharging a cargo from a boat; nor shall any person fasten any boat to protection piers, bridges or bridge approaches or to piles driven for the protection of the same; nor shall any person place or leave in such streets or upon such docks any stone, lumber or other articles of any kind which may encumber or obstruct the docks, streets and alleys.

(Code 1975, § 18-6; Code 1997, § 134-6)

Sec 60-7 Swimming Generally

No person shall bathe on any of the beaches adjacent to the public parks, except at such places as may be designated by the department of engineering and public works.

(Code 1975, § 27-29; Code 1997, § 74-50)

Sec 60-8 Swimming At Quarry

No person shall bathe, swim, wade, or engage in any similar activity at the municipal quarry located in Jaycee Park, except at such places as may be designated by the department of public works.

(Code 1975, § 27-30; Code 1997, § 74-51; Ord. No. 17-12-13, § 1, 7-2-2012)

Sec 60-9 Removal Of Ice From River

No person shall cut or remove ice from rivers or other bodies of water within the boundaries of the city without first enclosing that portion of the river or other bodies of water from which the person intends to cut and remove ice with a suitable fence to guard and protect the public from danger.

(Code 1975, § 26-19; Code 1997, § 70-2)

Sec 60-10 Removal Of Sand And Gravel From Shore Of Lake Michigan

(a) No person shall remove or cause to be removed any stone, sand, earth or gravel from the shore of Lake Michigan in the city, or from the water of such lake within 300 feet of the high-water mark, in such manner or to such an extent so as to break the continuity of the shoreline of such lake or so as to cause the land of any neighboring property to wash away or become undermined by the action of the water.

(b) Whoever attempts to remove sand or gravel from the shore of Lake Michigan as prohibited in this section shall be guilty of a violation of this section and shall be penalized the same as if the attempt had been successful and not averted.

(c) For the purposes of this section, an attempt shall be an intent to perform an act and attain a result which, if accomplished, would constitute an ordinance violation and that the person would have committed the violation except for the intervention of another person or some other extraneous factor.

(Code 1975, §§ 26-94, 26-96; Code 1997, §§ 70-201, 70-203)

Sec 60-11 Fishing Activities Prohibited On Boardwalk

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Boardwalk means the public walkways and pier extensions along the north bank of the Sheboygan River northerly and easterly of the Eighth Street bridge.

Snagging or fouling means the act of using weighted double or treble barbs drawn through the water with the intent of hooking any part of a fish.

(b) *Snagging or fouling of fish*. No person shall engage in the snagging or fouling of fish from, on or upon any municipal boardwalk or any portion thereof.

(c) *Scaling, gutting or cleaning of fish*. No person shall scale, gut, eviscerate, clean or engage in any other process of or partial process of cleaning fish at, on or upon any municipal boardwalk or any portion thereof.

(Code 1975, § 26-25; Code 1997, § 70-3)

Sec 60-12 Certain Activities Prohibited At Lakefront

Skateboarding, in-line skating, roller skating, bicycling and any form of vehicular traffic, except police vehicles, are prohibited in the enclosed area from Wisconsin Avenue to Michigan Avenue on Broughton Drive and North Third Street during LakeFest, the day of the Independence Day celebration and Coho Derby, when the area is closed for the lakefront activities.

(Code 1997, § 118-480; Ord. No. 34-97-98, § 2, 7-7-1997)

ARTICLE 60-II HARBORMASTER

Sec 60-43 Appointment And Term
Sec 60-44 Duties
Sec 60-45 Moving Boats

Sec 60-46 Reimbursement Of Boat Expenses

Sec 60-43 Appointment And Term

The harbormaster shall be appointed by the mayor subject to confirmation by the common council for a term of two years.

(Code 1975, § 18-46; Code 1997, § 134-76)

Sec 60-44 Duties

The harbormaster shall enforce the sections of this chapter relating to operation of watercraft on the public waterways of the city and all other city and state laws and regulations pertaining to public safety, health and order upon the waterways.

(Code 1975, § 18-47; Code 1997, § 134-77)

Sec 60-45 Moving Boats

(a) The harbormaster shall give such orders and directions as the harbormaster shall deem just and proper relative to the location and change of station of any boat in the harbor and waterways of the city, and no person having charge of any boat shall neglect or refuse to comply with any such orders or directions.

(b) If any boat is not fastened, secured, raised, removed or its location changed in compliance with the directions of the harbormaster, the harbormaster shall cause the boat to be secure, raised, removed or its location changed, employing such assistance as may be necessary for the purpose. All expenses incurred in any such case shall be recoverable of the owner or agent having charge of the boat, and such charges shall constitute a lien on any such boat until they are fully paid.

(Code 1975, § 18-4; Code 1997, § 134-78)

Sec 60-46 Reimbursement Of Boat Expenses

The harbormaster shall be reimbursed for the cost of maintaining the harbormaster's privately-owned motorboat used in the performance of official duties in river and harbor patrol. The reimbursement shall be the amount authorized by the common council for contractual services; boat maintenance budgeted by the department of engineering and public works.

(Code 1975, § 18-49; Code 1997, § 134-79)

ARTICLE 60-III WATERCRAFT

DIVISION 60-III-1 WATERCRAFT GENERALLY
DIVISION 60-III-2 EQUIPMENT

State law reference—Boating regulations generally, Wis. Stats. § 30.50 et seq.

DIVISION 60-III-1 WATERCRAFT GENERALLY

Sec 60-66 Applicability Of State Law
Sec 60-67 Identification Numbers
Sec 60-68 Speed Restrictions
Sec 60-69 Negligent Operation
Sec 60-70 Anchoring
Sec 60-71 Passing Through Bridges
Sec 60-72 Boats And Watercraft At Beaches
Sec 60-73 Operation Of Boats At Quarry
Sec 60-74 Damage To Installations
Sec 60-75 Duty To Render Aid

Sec 60-66 Applicability Of State Law

Those provisions of Wis. Stats. §§ 30.50—30.77 regulating boating which are not specifically set forth in this article are, by reference, included and made a part of this article, so far as they are applicable.

(Code 1975, § 18-76; Code 1997, § 134-107)

Sec 60-67 Identification Numbers

No person shall operate, and no owner shall give permission for the operation of any motorboat or sailboat upon the waterways unless such boat either is covered by a valid certificate of number issued pursuant to Wis. Stats. §§ 30.51—30.55 or is exempt from the numbering requirements by such statutory sections.

(Code 1975, § 18-78; Code 1997, § 134-108)

Sec 60-68 Speed Restrictions

(a) *Reasonable operation*. No person shall operate a motorboat on the waterways of the city at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a motorboat shall be so controlled as to prevent a boat wake so as not to cause shoreline erosion or damage to a moored watercraft and avoid colliding with any object lawfully in or on the water or with any person, boat or conveyance in or on the water in compliance with legal requirements and exercising due care.

(b) *Fixed limits on waterways*. No person shall operate any boat in the waterways within the city limits at a speed in excess of four miles per hour.

(c) *Exception*. The speed limit contained in subsection (b) of this section shall not apply to a motorboat while competing in a race authorized by the common

council.

(Code 1975, § 18-79; Code 1997, § 134-109)

Sec 60-69 Negligent Operation

No person shall operate or use any boat upon the waterways of the city in a careless, negligent or reckless manner so as to endanger the life, property or person of another.

(Code 1975, § 18-80; Code 1997, § 134-110)

Sec 60-70 Anchoring

(a) *Dragging anchors*. No person, while operating a boat in the harbor limits, shall permit the boat anchor to drag on the bottom of the harbor.

(b) *Anchoring in traffic lanes*. No person shall anchor any boat in the traveled portion of the harbor, so as to prevent, impede or interfere with the safe passage of any other boat through the anchoring.

(Code 1975, § 18-81; Code 1997, § 134-111)

Sec 60-71 Passing Through Bridges

(a) *Safety precautions*. All boats navigating the harbor, when passing any bridge, shall be operated or moved past the bridge as expeditiously as is consistent with the proper use of the river by other boats, but no boat, while passing through any bridge, shall remain in or obstruct the passageway more than five minutes, and no boat shall be so anchored or fastened as to prevent a bridge to be freely and speedily opened.

(b) *Time allowance for opening bridges*. Every operator or person in charge of operation of a boat intending to move the boat past a bridge shall allow a reasonable time for the opening of the bridge, and no such person shall move the boat against the bridge or the center or protective pier thereof before the bridge shall be opened.

(Code 1975, § 18-82; Code 1997, § 134-112)

Sec 60-72 Boats And Watercraft At Beaches

Public beaches shall at all times be kept free of all privately-owned boats and other motorized watercraft.

(Code 1975, § 27-44; Code 1997, § 74-60)

Sec 60-73 Operation Of Boats At Quarry

No person shall ride, drive, propel or operate any private boat or similar vehicle in or on the municipal quarry located in Jaycee Park, without permission from the chief of police. Such authority may be granted when necessary for health, welfare and safety reasons.

(Code 1975, § 27-45; Code 1997, § 74-61)

Sec 60-74 Damage To Installations

No person shall carelessly, willfully or negligently operate a boat or permit a boat to be so operated so as to cause it to run into any bridge or bridge abutments, piers, cribs or docks of the harbor and waterways of the city or take any stones from a crib. Any violator of this section shall, in addition to the penalty imposed for violation, be liable for all resulting damages to such installations.

(Code 1975, § 18-83; Code 1997, § 134-113)

Sec 60-75 Duty To Render Aid

Insofar as may be done without serious danger to the operator's own boat or to persons on board, the operator of a boat involved in a boating accident shall stop the boat and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident. The boat operator shall give the operator's name and address and identification of the operator's boat to any person injured and to the owner of any property damaged in the accident.

(Code 1975, § 18-84; Code 1997, § 134-114)

DIVISION 60-III-2 EQUIPMENT

Sec 60-94 Compliance
Sec 60-95 Lighting Equipment
Sec 60-96 Mufflers
Sec 60-97 Exceptions To Certain Sections
Sec 60-98 Life Preservers
Sec 60-99 Fire Extinguishers

State law reference—Boat equipment generally, Wis. Stats. §§ 30.61, 30.62.

Sec 60-94 Compliance

No person shall operate any boat on the city waterways unless such boat is equipped as required by this division, nor shall an owner of a boat rent such boat for use upon the city waterways unless the boat is so equipped.

(Code 1975, § 18-91; Code 1997, § 134-141)

Sec 60-95 Lighting Equipment

No person shall operate, nor shall any owner give permission for the operation of any boat at any time upon the waterways from sunset to sunrise, unless such boat carries lighting equipment as required by Wis. Stats. § 30.61 and unless such equipment is lighted when and as required by such statute.

(Code 1975, § 18-93; Code 1997, § 134-142)

Sec 60-96 Mufflers

The engine of every motorboat propelled by an internal combustion engine shall be equipped with a muffler which meets the requirements of Wis. Stats. § 30.62(2).

(Code 1975, § 18-94; Code 1997, § 134-143)

Sec 60-97 Exceptions To Certain Sections

Sections 60-96 and 60-99 shall not apply to a motorboat while competing in a race authorized by the city or agency of the federal government nor to a boat designed and intended solely for racing, while it is operated incidentally for tuning up the boat and engine for the race.

(Code 1975, § 18-92; Code 1997, § 134-144)

Sec 60-98 Life Preservers

Every boat shall carry at least one U.S. Coast Guard approved personal flotation device for each person on board and in addition at least one throwable personal flotation device, so placed as to be readily accessible.

(Code 1975, § 18-95; Code 1997, § 134-145)

Sec 60-99 Fire Extinguishers

Every motorboat, except outboards of open construction, shall be provided with such number, size and type of fire extinguishers, capable of promptly and effectively extinguishing burning gasoline, as prescribed by state law. Such fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(Code 1975, § 18-96; Code 1997, § 134-146)

ARTICLE 60-IV BOAT LAUNCHING

Sec 60-127 Boating Season

Sec 60-128 Administrative Responsibility; Accounting
Sec 60-129 Launching Sites
Sec 60-130 Fees Applicable During Boating Season
Sec 60-131 Use Of Boat Launch Sites

Sec 60-127 Boating Season

The boating season shall commence May 1 and shall terminate October 31 each year.

(Code 1975, § 18-112; Code 1997, § 134-176)

Sec 60-128 Administrative Responsibility; Accounting

(a) The department of public works shall be responsible for enforcement of this article and for issuance of annual stickers. The department may authorize retail vendors as agents to sell annual stickers, for which the authorized agents shall be entitled to retain $0.50 from each annual sticker sold.

(b) The city's contracted operator of the Harbor Centre Marina shall be responsible for collecting the daily deposits at the city's public boat launch ramps and shall have the authority to give notices of violation of this article.

(c) All revenues from annual and daily boat launch fees shall be accounted for as Harbor Centre Marina operating revenues. Costs for production of stickers, daily fee envelopes and printed forms shall be accounted for as Harbor Centre Marina operating expenses.

(Code 1975, § 18-114; Code 1997, § 134-177; Ord. No. 86-95-96, § 1, 11-20-1995; Ord. No. 82-96-97, §§ 1, 2, 11-4-1996)

Sec 60-129 Launching Sites

The sites included in this article are located at Deland Park parking lot and 8th Street Launch (at the intersection of South 8th Street and Riverfront Drive).

(Code 1975, § 18-110; Code 1997, § 134-178; Ord. No. 21-20-21, § 1, 9-21-2020)

Sec 60-130 Fees Applicable During Boating Season

Fees shall be charged for boat launching at the municipal sites designated in this section of this Code. Absent a written waiver from the state department of natural resources, the fee charges shall be in conformity with the rate charged by the state for vehicular access to state park and forest areas. The one-day permit fee for all users will be $7.00 per day, the annual sticker fee for nonresidents will be $70.00 per year and the annual sticker fee for a resident will be $60.00 per year.

(Code 1975, § 18-111; Code 1997, § 134-179; Ord. No. 79-02-03, § 1, 3-17-2003)

Sec 60-131 Use Of Boat Launch Sites

(a) No person shall launch a boat or other watercraft or otherwise utilize any of the designated municipal boat launch sites, nor shall any person park a boat trailer or other vehicle in the parking stalls near the boat launch sites designated for vehicles with boat trailers only, without having done the following:

(1) Obtained the appropriate permit or sticker;

(2) Paid the established fee;

(3) Followed the procedures set forth on the application for the permit or sticker, including, but not limited to, time stamping the application prior to submission, and properly affixing the permit or sticker to the parked trailer or vehicle.

(b) Any vehicle parked in the parking stalls near the boat launch sites designated for vehicles with boat trailers only shall have a permit or sticker valid for each and every day it is so parked. A one-day permit shall be in effect until 11:59 p.m. on the date the permit was purchased.

(Code 1997, § 134-181; Ord. No. 85-97-98, § 1, 11-3-1997; Ord. No. 88-98-99, § 1, 10-5-1998)

PART II LAND DEVELOPMENT ORDINANCES

CHAPTER 101 PLANNING

ARTICLE 101-I PLANNING IN GENERAL (RESERVED)
ARTICLE 101-II CITY PLAN COMMISSION
ARTICLE 101-III PLANNING AND DEVELOPMENT DEPARTMENT

State law reference—City planning and zoning generally, Wis. Stats. § 62.23.

ARTICLE 101-I PLANNING IN GENERAL (RESERVED)

ARTICLE 101-II CITY PLAN COMMISSION

Sec 101-19 Composition
Sec 101-20 Selection; Term
Sec 101-21 Compensation; Meetings
Sec 101-22 Duties And Functions

Sec 101-19 Composition

The city plan commission shall consist of the mayor, who shall be its presiding officer, the city engineer, an alderperson and four citizens so that the commission shall at all times consist of seven members. Citizen members shall be the persons of recognized experience and qualifications.

(Code 1997, § 86-31; Ord. No. 2-07-08, § 1, 6-4-2007)

Sec 101-20 Selection; Term

(a) The alderperson member of the city plan commission shall be elected by a two-thirds vote of the council in the month of April of each year.

(b) Three of the citizen members shall be appointed for terms of three years in such a manner as to have an appointment of a member each year. The additional citizen member shall be appointed for a term of one year.

(Code 1997, § 86-32; Ord. No. 2-07-08, § 1, 6-4-2007)

Sec 101-21 Compensation; Meetings

The members of the city plan commission shall receive no compensation for their services on the commission and shall meet on the first Wednesday of each month. Any matter referred to the city plan commission may be subsequently referred to the committee of the whole prior to its resubmission to the common council.

(Code 1997, § 86-33; Ord. No. 2-07-08, § 1, 6-4-2007)

Sec 101-22 Duties And Functions

The duties and functions of the city plan commission shall be as prescribed by the state statutes, particularly Wis. Stats. § 62.23, and the duties and functions prescribed for it by the city zoning ordinance.

(Code 1997, § 86-34; Ord. No. 2-07-08, § 1, 6-4-2007)

ARTICLE 101-III PLANNING AND DEVELOPMENT DEPARTMENT

Sec 101-48 Establishment; Composition
Sec 101-49 Personnel
Sec 101-50 Director

Sec 101-48 Establishment; Composition

A department of planning and development is established which shall consist of a director of planning and development and shall be responsible for city planning and zoning, city development, and city building inspection, and shall have the authority and powers as prescribed by the council and state statutes.

(Code 1997, § 86-66; Ord. No. 32-10-11, § 1, 10-18-2010)

Sec 101-49 Personnel

The director of planning and development shall have general control of city planning and zoning, city development, and city building inspection.

(Code 1997, § 86-67; Ord. No. 32-10-11, § 1, 10-18-2010)

Sec 101-50 Director

(a) *Qualifications*. The director of planning and development shall be a person who has the equivalent of six years of experience in the fields of urban planning and development and shall be a graduate of an accredited college with a Bachelor of Arts or Bachelor of Science degree and have completed a major in city planning or a closely related field; Master's degree helpful.

(b) *Appointment*. The director of planning and development shall be appointed by the common council based on the recommendation of the city administrator and the mayor. The appointment shall be an at-will appointment, removable by the appointing authority at pleasure.

(c) *Duties and powers*. The director of planning and development shall perform the duties and have the authority and power prescribed by the council and the state law. The director of planning and development, the manager of planning and zoning, their designees and inspectors shall have the right to enter upon any private or public premises and make inspections or assist in making inspections

thereof and may require the production of the permit issued for work in any building or upon any premises.

(Code 1997, §§ 86-91—86-93; Ord. No. 2-07-08, § 1, 6-4-2007; Ord. No. 63-12-13, § 1, 4-15-2013; Ord. No. 39-16-17, § 45, 4-5-2017)

CHAPTER 103 SUBDIVISIONS

ARTICLE 103-I SUBDIVISIONS IN GENERAL
ARTICLE 103-II PROCEDURE
ARTICLE 103-III REQUIREMENTS AND STANDARDS
ARTICLE 103-IV PARKS, OPEN SPACES AND NATURAL FEATURES
ARTICLE 103-V REQUIRED PUBLIC IMPROVEMENTS
ARTICLE 103-VI GAS, ELECTRIC AND COMMUNICATION FACILITIES

ARTICLE 103-I SUBDIVISIONS IN GENERAL

Sec 103-1 Findings
Sec 103-2 Authority
Sec 103-3 Purpose And Intent
Sec 103-4 Definitions
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Sec 103-8 Excepted Land Divisions
Sec 103-9 Variances
Sec 103-10 Penalties
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Sec 103-12 Conflict With Other Laws
Sec 103-13 Fees

Sec 103-1 Findings

(a) Since a subdivision is a small unit of the city and the means by which cities are built and grow, it is obvious that the design of the whole city is a direct result of the design of the parts, the subdivision. In fact, the city is the sum total of the Original Plat of 1836 together with some 200 subsequent subdivisions.

(b) The initial decisions with respect to the design of the street system, lot layout, orientation, etc., have extraordinarily enduring effects, and no city planning will be adequate which does not include public controls over the subdivision process.

(c) It is for that reason that subdivision regulations are not a mere optional supplement to the planning program of the city, but an integral part of the planning process, as follows:

(1) A master plan provides the blueprint for long-range development.

(2) The official map documents the plan with the legal specifications of required public streets, parks and facilities.

(3) Zoning requires that the land is used according to the plan.

(4) Subdivision regulations provide that the city be built according to plan.

(5) Subdivision regulations serve a wide range of city interests:

(6) The health department can use them to ensure that new residential developments have safe water and sewer systems.

(7) The tax assessor requires them for adequate records of land title.

(8) To the city engineer and public works department, who are a key to proper street design and utility construction.

(9) The fire department needs such regulations to secure water systems of adequate size and pressure on streets which allow adequate access and maneuvering for fire trucks.

(10) To the school board, they are a way to preserve strategic school sites in developing neighborhoods.

(11) The recreation and parks officials find the same advantage.

(12) The planner has two requirements satisfied:

a. Coordination of many small tract developments in a unified master city plan; and

b. Control of internal design in each subdivision so that its streets, lots and facilities are safe, pleasant and economical to maintain.

(13) Finally, from the standpoint of the common council itself, subdivision regulations will permit the equitable allocation of costs of certain improvements between residents of the specific area and the taxpayers of the city as a whole.

(d) To accomplish these purposes, this chapter has been enacted for the city.

(Ord. No. 63-74-75, § 1(1))

Sec 103-2 Authority

This chapter is adopted under the authority granted by Wis. Stats. ch. 236.

(Ord. No. 63-74-75, § 1(2.1))

Sec 103-3 Purpose And Intent

It is the purpose of this chapter to promote the public health, safety and general welfare of the community. These are designed to lessen congestion in the streets and highways; further the orderly layout and use of land; secure safety from fire, panic and other dangers; provide adequate light and air; prevent overcrowding of land; avoid undue

concentration of population; facilitate adequate provision for transportation, water, sewer, schools, parks, playgrounds and other public requirements; and facilitate the further resubdivision of larger tracts into smaller parcels.

(Ord. No. 63-74-75, § 1(2.2))

Sec 103-4 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land. No alley in a residential area shall be less than 20 feet wide, and no alley in a commercial or industrial area shall be less than 30 feet wide.

Building setback line means a line which indicates the distance from the lot lines defining an area within which no buildings may be erected.

Certified survey map means a map of a division of land prepared in accordance with Wis. Stats. § 236.34.

Clear-sight triangle means a triangle formed by the right-of-way lines of two intersecting streets and a third straight line. The third straight line shall connect with the street right-of-way lines at points 20 feet from the intersection of the street right-of-way lines.

Comprehensive plan means the official guide for the physical, social and economic growth and development of the area which is now or may hereafter be adopted by the plan commission.

Cul-de-sac means a short minor street having one end open to traffic and the other end permanently closed and provided with a vehicular turnaround.

Division of land means any division of land other than a subdivision.

Extraterritorial plat approval jurisdiction means the unincorporated area within three miles of the corporate limits of the city.

Lot splitting means the division for sale of any portion of a platted lot.

Official map means the map of the city of and surrounding area showing the existing and planned streets, playgrounds, parks, schools and other public facilities in accordance with and adopted under state statutes.

Plat means a map of a subdivision.

Preliminary plat means a map showing the salient features of a proposed subdivision submitted to the approving authority for the purposes of preliminary consideration.

Raw land value means value of the vacant unimproved land prior to subdividing.

Replat means the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot, within a recorded subdivision plat without changing exterior boundaries of the block, lot or outlot is not a replat.

Right-of-way means a strip of land used or intended to be used for street, alley, crosswalk or other public use and dedicated for such use.

Roadway means that portion of a street right-of-way paved or intended to be paved in the future, the width of which is to be determined in accordance with the area transportation study and the thoroughfares plan of the city.

Street means a public right-of-way which provides the primary means of access to abutting properties and designated as follows:

(a) *Arterial street* means a major street intended and designed to carry large volumes of traffic between various areas of the community.

(b) *Collector street* means a street intended and designed to carry traffic from local streets to the system of arterial streets.

(c) *Local street (minor street)* means a street intended and designed primarily to provide access to abutting properties.

Subdivision means a division of a lot, parcel or tract of land by the owner or agent thereof for the purpose of sale or building development, where the act of division creates:

(a) Three or more parcels or building sites of five acres or less; or

(b) Three or more parcels or building sites each of five acres or less by successive division within a period of five years.

Subdivider means any person, agent or corporation dividing land so as to create a subdivision as defined herein.

Utility easement means a strip of land reserved by dedication or easement for the installation and maintenance of utility facilities such as electric, communications, gas, sewer and water mains.

(Ord. No. 63-74-75, § 1(3))

Sec 103-5 Approving Authority

(a) The city plan commission is designated as the approving authority for all preliminary plats and certified survey maps within the plat approval jurisdiction of the city.

(b) The common council is designated as the approving authority for all final plats within the plat approval jurisdiction of the city. The common council and the appropriate town and county agencies, where applicable, are designated as the approving authority for all final plats within the extraterritorial plat jurisdiction of the city. The council shall receive the recommendation of the commission prior to making the final decision on a plat.

(Ord. No. 63-74-75, § 1(2.3))

Sec 103-6 Applicability

(a) No conveyancing document for any lot, parcel or tract of land, regulated by this chapter, may be recorded without compliance with this chapter and the approval of the city. The regulations contained herein shall apply to the subdivision of any land within the corporate limits and the extraterritorial plat approval jurisdiction of the city.

(b) Any division of land under five acres, other than a subdivision, within the corporate limits of the city or its extraterritorial plat approval jurisdiction shall be surveyed, and a certified survey map of such division approved and recorded as required by this chapter and Wis. Stats. § 236.34.

(Ord. No. 63-74-75, § 1(2.4))

Sec 103-7 Lot Splitting

No lot splitting, except as permitted by Wis. Stats. §§ 236.335 and 236.45 shall be permitted. When lot splitting is permitted, all proposed lot splits, where the future lot lines will not be parallel to the existing lot lines, shall be approved by the director of city development prior to any building or plumbing permit being issued for a new structure. The applicant or any aggrieved party may file an appeal to the plan commission on the decision of the director of city development, within 15 days of the decision. The commission shall affirm, modify or reverse the decision of the director.

(Ord. No. 63-74-75, § 1(2.4))

Sec 103-8 Excepted Land Divisions

The provisions of this chapter, insofar as it may apply to divisions of less than five parcels, shall not apply to the following divisions of land:

(a) Transfers of interest in land by will or pursuant to court order;

(b) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not created thereby and the lots resulting are not reduced below the minimum sizes required by city ordinance or other applicable laws;

(c) Leases for a term not to exceed ten years, mortgages or easements.

(Ord. No. 63-74-75, § 1(2.4))

Sec 103-9 Variances

When, in the judgment of the commission, it would be inadvisable to literally apply a provision of this chapter because of exceptional or undue hardship, the commission may modify only such provisions so that substantial justice is done and the public interest secured, provided that in no event shall the requirement of filing and recording of the plat or survey map be waived. Any such modification shall be requested in writing by the owner, or owner's agent. Any such modification granted under this provision shall be duly entered and recorded in the minutes of the commission setting forth therein the reasons which justify the modification.

(Ord. No. 63-74-75, § 1(2.5))

Sec 103-10 Penalties

(a) Any person, agent or corporation found guilty of violating any of the provisions of this chapter, upon conviction thereof, shall be subject to a fine of not more than $1,000.00 nor less than $100.00 and the cost of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

(b) Any person causing a final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the same for record within the time prescribed after approval, shall forfeit not less than $100.00 nor more than $1,000.00 to the city.

(Ord. No. 63-74-75, § 1(2.6))

Sec 103-11 Amendments

(a) The commission may of, its own motion, or upon petition, prepare an ordinance amending, supplementing or changing the regulations herein established. The commission will then cause such ordinance to be introduced into the common council for review and final action.

(b) All amendments to this chapter, originating outside of the commission, shall be referred to the commission for its recommendation prior to final action being taken by the common council.

(c) Before adoption of any amendment to this chapter, the common council shall

hold a public hearing on the amendment. Notice of hearing shall be given by publication of a Type 2 notice, under Wis. Stats. ch. 285.

(Ord. No. 63-74-75, § 1(2.7))

Sec 103-12 Conflict With Other Laws

Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any provision of this chapter or of any other law, ordinance, resolution or regulation, the provisions which are more restrictive shall apply.

(Ord. No. 63-74-75, § 1(2.8))

Sec 103-13 Fees

(a) Preliminary plat review: $75.00.

(b) Final plat review: $50.00.

(c) Certified survey map review: $50.00.

(Ord. No. 42-97-98, § 1, 7-21-1997; Ord. No. 63-74-75, § 1(2.10))

ARTICLE 103-II PROCEDURE

Sec 103-45 Preapplication Conference
Sec 103-46 Preliminary Plat Procedures
Sec 103-47 Data Required On Preliminary Plat
Sec 103-48 Final Plat Procedures
Sec 103-49 Data Required On Final Plats
Sec 103-50 Certified Survey For Division Of Lands Other Than By Subdivision
Sec 103-51 Replatting

Sec 103-45 Preapplication Conference

Before filing application for approval of a preliminary plat, the subdivider should consult the plan commission or the planning staff of the building inspection department for advice and assistance regarding the general program and objectives of the proposed development and its effects on the community. The following information shall be provided at this time:

(a) Proposed covenants, land characteristics and available community facilities and utilities, description of the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants and proposed utilities and street improvements.

(b) A location map showing the relationship of the proposed subdivision to existing community facilities which serve or influence it, including development name and location, main traffic arteries, public transportation, shopping centers, elementary and high schools, parks and playgrounds and other community features such as hospitals and churches. The map shall also include title, scale, north arrow and date.

(c) A sketch plan including existing topography showing in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch made directly on a print of the topographic survey.

(Ord. No. 63-74-75, § 1(4.1))

Sec 103-46 Preliminary Plat Procedures

(a) The subdivider or agent, before submitting a final plat, shall submit to the plan commission two copies of the preliminary plat with a letter of transmittal not less than ten days preceding the meeting of the commission.

(b) The subdivider shall submit four copies of the preliminary plat to the plan commission and one copy each to the telephone, gas and electric utilities. The commission shall transmit one copy to the city engineering and public works department and one copy to the water department for comments. The preliminary plat shall then be reviewed by the commission for compliance with this chapter and all ordinances, rules, regulations, comprehensive plans and plan components which affect it.

(c) The commission, after review of the preliminary plat, shall, within 90 days of its submission, approve, conditionally approve or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. Approval of the preliminary plat shall not in all cases entitle the subdivider to approval of the final plat. If any conditions arise which would cause the preliminary plat to become unsatisfactory for the health, safety or welfare of the community, the final plat may be rejected. Failure of the commission to act within the 90 days, or extension thereof, constitutes approval of the preliminary plat.

(d) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Wis. Stats. § 236.11(1)(b), the final plat shall be entitled to approval with respect to such layout. Approval of the preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the commission at the time of its submission.

(Ord. No. 63-74-75, § 1(4.2); Ord. No. 71-87-88, § 1, 9-21-1987)

Sec 103-47 Data Required On Preliminary Plat

The preliminary plat shall be legibly drawn on tracing cloth or tracing paper of good quality, or be a blueprint or other acceptable reproduction thereof, be at a scale of not more than 100 feet to an inch, and show correctly on its face:

(a) Date, scale and north arrow.

(b) The proposed subdivision name, which shall not duplicate the name of any plat previously recorded in the county.

(c) The names and addresses of the owner, the subdivider and the surveyor, registered in the state, preparing the plat.

(d) Location of the subdivision by private claim or by government lot, quarter section, section, township, range and county.

(e) A small-scale drawing of the section or governmental subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.

(f) Existing topography with contour intervals of not more than five feet showing existing natural growth and special landforms.

(g) The length and bearing of the exterior boundaries of the subdivision, and the gross area within the subdivision.

(h) Locations and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

(i) Zoning classification of the land within and adjacent to the subdivision.

(j) Locations, widths and names of all existing platted or dedicated streets, alleys or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the commission.

(k) The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to U.S. Coast and Geodetic Survey or established city datum.

(l) Layout and width of all new street rights-of-way, and the rights-of-way of any alleys, highways and all utility easements.

(m) Approximate dimensions of the blocks and lots.

(n) Approximate radii of all curves and lengths of tangents.

(o) Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed or covenant for use of all property owners in the subdivision with the conditions thereto, if any.

(p) Drainage plan of all blocks within the subdivision.

(Ord. No. 63-74-75, § 1(4.3))

Sec 103-48 Final Plat Procedures

(a) Five copies of the final plat together with a letter of transmittal shall be submitted to the common council within six months of the approval of the preliminary plat.

(b) The final plat may constitute only that portion of the approved preliminary plat which the subdivider proposes to record at this time. Approval for any such divisions shall be obtained from the plan commission at the time of approval of the preliminary plat.

(c) The secretary of the commission shall submit the final plat to the common council for approval. Copies of the final plat shall be submitted by the subdivider to all other state and local agencies having authority of approval or objections and to the local utilities.

(d) The common council, after referral to the commission for its recommendation, shall examine the plat and all necessary certificates to determine its conformance to the preliminary plat and all ordinances, rules, regulations, comprehensive plans and components which may affect it. Action shall be taken within 60 days after the plat has been officially submitted. If disapproved or conditionally approved, the reasons or conditions shall be stated in the official records of the city and forwarded in writing to the subdivider. The subdivider shall notify the utilities of any conditions.

(e) The approved final plat shall be recorded by the subdivider in the office of the register of deeds of the county.

(Ord. No. 63-74-75, § 1(4.4))

Sec 103-49 Data Required On Final Plats

All requirements of Wis. Stats. § 236.20 relating to final platting shall be complied with and are hereby adopted by reference and incorporated as though fully set out in this article. There shall be described on the final plat the dedication of all lands that are required to be dedicated by this chapter and all easements required by this article.

(Ord. No. 63-74-75, § 1(4.5))

Sec 103-50 Certified Survey For Division Of Lands Other Than By Subdivision

(a) Except for the divisions exempted by this section, any division of land other than a subdivision, within the city or its extraterritorial plat approval jurisdiction, shall be surveyed, and a certified survey map of such division approved by the director of city development or the director's designee and recorded as provided by Wis. Stats. ch. 236 and as described herein.

(b) A certified survey map shall be prepared in compliance with the requirements of Wis. Stats. § 236.34 is adopted by reference and incorporated herein as though fully set out. A copy of the certified survey map shall be submitted to each affected utility by the subdivider or subdivider's agent at the time of submission to the director of city development or director's designee. Each utility shall notify the director's designee in writing of any objections to the certified survey map within 20 days of such receipt.

(c) Upon submission of two copies of the proposed certified survey map, the director's designee shall, within ten days, approve, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection.

(d) The map shall include the affidavit of the surveyor who surveyed and mapped the parcel as required by Wis. Stats. § 236.34 and shall be signed by the property owner.

(e) The certificate of approval of the plan commission shall be typed, lettered or reproduced legibly on the face of the map.

(f) Any party aggrieved by a decision of the director of city development with respect to approval, conditional approval, or rejection of a certified survey map may appeal the decision of the director of city development to the city plan commission. The city plan commission shall affirm, modify, or reverse the decision of the director of city development.

(Ord. No. 63-74-75, § 1(4.6); Ord. No. 119-77-78, § 13, 12-5-1977; Ord. No. 123-86-87, § 1, 12-1-1986)

Sec 103-51 Replatting

Replatting or resubdividing existing subdivisions shall follow all the rules and regulations of Wis. Stats. § 236.36 and of this chapter that apply to subdividing.

(Ord. No. 63-74-75, § 1(4.7))

ARTICLE 103-III REQUIREMENTS AND STANDARDS

Sec 103-76 General Requirements
Sec 103-77 Streets
Sec 103-78 Alleys, Service Ways
Sec 103-79 Blocks
Sec 103-80 Lots

Sec 103-76 General Requirements

All subdivisions and divisions regulated by this chapter shall conform to Wis. Stats. ch. 236 and all amendments and revisions thereto, the comprehensive plan of the city, the official map of the city, the administrative rules of the various state agencies relating to the subdivision of land, and all other applicable ordinances of the city.

(Ord. No. 63-74-75, § 1(5.1))

Sec 103-77 Streets

(a) *General provisions*. The arrangement, character, extent, width, grade and location of all streets shall conform to all applicable plans officially adopted by the common council and/or the plan commission. All proposed streets shall be related to existing and planned streets, topography, natural features, public convenience and safety, and to the proposed use of the land to be served by such streets.

(b) *Functions of streets*. Functions of various street types are as follows:

(1) Arterial streets shall be arranged so as to provide ready access to centers of employment and governmental activity, shopping centers, community recreation facilities, and points beyond the boundaries of the city. They should be properly integrated with and related to the existing and proposed system of major streets and highways and shall be continuous and in alignment with existing or planned streets with which they are to connect.

(2) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, special traffic generators such as schools, churches and shopping centers and other concentrations of population and the major streets into which they feed.

(3) Local (minor) streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of an efficient storm and sanitary sewer system, and to require the minimum street area necessary to provide safe and convenient access to abutting property.

(c) *Arterial street and highway protection*.

(1) When a subdivision abuts or contains an existing or proposed arterial street, the commission may require service drives, reverse frontage lots with screen planting contained in a nonaccess reservation strip along the rear of the property line, deep lots with rear service alleys or such other

treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) When a nonaccess reservation strip is required, it shall be at least 30 feet deep adjacent to the right-of-way and be in addition to the normal lot depth. The strip shall be part of the platted lots; however, it shall be designated as a reservation for planting trees and shrubs with no structures being permitted.

(d) *Reservation strips*. Reservation strips controlling access to streets shall be prohibited except where specifically approved by the commission.

(e) *Street names*.

(1) The city shall name all streets within the subdivision. Suggestions and requests by the subdivider will be considered, however the final decision rests with the city.

(2) Any street which is the reasonable continuation of an existing street shall bear the same name. If the topography or other features of a permanent nature are such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

(3) The term boulevard shall be reserved for such streets which, because of their breadth or monumental character, are to be specifically designated.

(4) As far as practical all straight north-south streets shall bear the classification of street and all straight east-west streets shall bear the classification of avenue. Curving streets may bear the classification of crescent, drive or road. Dead-end or cul-de-sac streets may bear the classification of circle, place or court.

(f) *Street design standards*.

(1) All streets shall be of the width specified on the official map or master plan and if no width is specified, they shall not be less than as follows:

Arterial streets or parkways	100 feet, plus eight-foot tree planting easement on each side
Collector streets	80 feet, plus eight-foot tree planting easement on each side
Local (minor) streets	60 feet, plus eight-foot tree planting easement on each side
Frontage streets	40 feet, plus eight-foot tree planting easement on each side

(2) The radii of curvature, measured at the centerline, shall not be less than the following:

Arterial streets	300 feet
Collector streets	200 feet
Local (minor) streets	100 feet

(3) Unless necessitated by exceptional topography, the percent grade of the centerline of any street shall not exceed the following:

Arterial streets	6%
Collector streets	8%
Local (minor) streets	10%

The elevation grade of all streets within the corporate limits of the city shall be established by the common council.

(4) Cul-de-sac and dead-end streets shall not exceed 500 feet in length and shall be provided at the closed end with a turnaround with a minimum radius of 50 feet, unless the commission approves a Y or T turnaround.

(5) Where a half street has been previously dedicated adjacent to the subdivision, the remaining half of the street shall be dedicated by the subdivider. Where no half street adjacent to the subdivision exists, dedication of half streets will not be approved unless the remaining portion shall appear as a mapped street on the official map. No building permit shall be issued for any structure fronting on half streets.

(6) *Intersections*.

a. All streets shall intersect at right angles or as close thereto as possible. No street shall intersect at an angle less than 70 degrees.

b. More than two streets intersecting at the same point shall be prohibited.

c. Where two consecutive streets intersect the same street from opposite directions, they shall not be nearer than 150 feet measured from centerline to centerline, unless the commission shall find it necessary due to topography or other natural features.

d. Where the commission may find it necessary for reasons of safety

and protection of property, the property lines at intersections shall be rounded with a 15-foot radius.

(7) Excess ground, piles or mounds of dirt, and construction materials may be temporarily stored, for a period not to exceed six months, provided the location of the ground, piles or mounds of dirt, or construction materials conforms to sections 103-79(c) and 103-161(b) and is not within the clear-sight triangle.

(Ord. No. 63-74-75, § 1(5.2))

Sec 103-78 Alleys, Service Ways

(a) Alleys shall be provided in all commercial districts except where any such district will be used as a self-contained unit, then other provisions shall be made on the site for service drives and service areas.

(b) Alleys shall not be approved for residential areas unless a secondary means of access to certain property is necessary because of topography or other exceptional circumstances.

(c) Alleys in commercial and industrial areas shall not be less than 30 feet in width, and where required in residential areas, not less than 20 feet.

(d) Dead-end alleys are prohibited except where natural or other features make it impossible to continue them. Where dead-end alleys are unavoidable, they should be provided with adequate turnaround areas with a minimum radius of 50 feet at the closed end.

(Ord. No. 63-74-75, § 1(5.3))

Sec 103-79 Blocks

(a) The lengths, widths and shapes of blocks shall be such as are appropriate for the topography and type of development contemplated. Blocks in residential developments shall not exceed 1,200 feet between cross streets, except in a curvilinear subdivision design, the block may be a maximum of 1,500 feet with specific commission approval.

(b) Crosswalks, not less than ten feet nor more than 15 feet wide, if deemed essential by the commission, shall be provided in the center of blocks greater than 800 feet in length to provide convenient access to schools, playgrounds, shopping centers, transportation or other community facilities.

(c) All lots within a block shall be graded by the building contractor in accordance with the drainage plan approved by the plan commission so as to ensure proper drainage of surface stormwater to appropriate storm sewer facilities. A copy of the

pertinent section of the drainage plan shall be furnished by the subdivider to the purchaser of each lot. No builder, developer, contractor, subdivider, owner or tenant shall alter the block drainage without authorization of the commission.

(Ord. No. 63-74-75, § 1(5.4))

Sec 103-80 Lots

(a) All lots and dimensions thereof shall conform to the requirements of the city zoning regulations, but in no case shall residential lots have a width less than 40 feet at the street right-of-way line. The commission may approve lots with less than a 40-foot width at the street right-of-way line, if, in its opinion, 40 feet would cause hardship to the subdivider, and the lots front on a cul-de-sac or a curvilinear street and have an area greater than 7,200 square feet.

(b) Lots to be serviced by private sewerage facilities shall comply with the regulations of the division of health, state department of health and social services and other applicable ordinances, including the county subdivision regulations.

(c) Every lot shall front or abut a public street.

(d) Side lot lines shall be at right angles to or radial to the street lines on which the lot fronts.

(e) Lot layout where rear lot lines coincide with side lot lines shall be avoided wherever possible.

(f) Lots shall follow municipal boundaries, rather than cross them.

(g) Where a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to provide for the resubdivision into normal lots in accordance with this section.

(h) No lots shall have frontage on two streets, except to separate residential areas from major streets and highways, or to overcome specific disadvantages of topography and orientation.

(i) Lot depths within a subdivision shall be varied so as to provide reasonable design and siting alternatives to prospective purchasers.

(Ord. No. 63-74-75, § 1(5.5))

ARTICLE 103-IV PARKS, OPEN SPACES AND NATURAL FEATURES

Sec 103-104 Preservation Of Natural Features
Sec 103-105 Dedication Of Lake And Stream Shore Lands
Sec 103-106 Dedication Of Parks, Playgrounds And Other Open Space

Sec 103-104 Preservation Of Natural Features

(a) The commission shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, watercourses, beaches, historic spots, vistas and similar irreplaceable assets.

(b) No tree, except if diseased or damaged, with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street or alley as shown on the final plat, or unless such tree is within the buildable area as established by the yard requirements of the city zoning regulations.

(Ord. No. 63-74-75, § 1(6.1))

Sec 103-105 Dedication Of Lake And Stream Shore Lands

(a) The commission shall require in every plat abutting a natural river, or navigable stream, the dedication of the lake and stream shore lands to the public.

(b) The dedication of the lands shall be determined individually for each subdivision based on the conditions existing for the land to be subdivided, including, but not limited to, such factors as topography, erosion rates, beach conditions, flood hazards and vegetation.

(c) The land to be dedicated shall, wherever possible, extend 100 feet inland from the established high watermark.

(Ord. No. 63-74-75, § 1(6.2))

Sec 103-106 Dedication Of Parks, Playgrounds And Other Open Space

Where a proposed park, playground or other public open space shown on the official map or the comprehensive plan of the city is located within a proposed subdivision, the subdivider shall dedicate the park, playground or other open space to the city or other appropriate public body. Such dedication shall be at the rate of one acre for each 35 lots to be created within the subdivision. Where a park, playground or other public open space is larger in area than the required dedication, the additional required land shall be made available to the city for purchase at raw land value for a period extending one year from the date of approval of the final plat.

(Ord. No. 63-74-75, § 1(6.3))

ARTICLE 103-V REQUIRED PUBLIC IMPROVEMENTS

Sec 103-126 Public Improvements Prerequisite To Issuance Of Building Permit
Sec 103-127 Map Showing Location Of Mains, Manholes, Etc.
Sec 103-128 Title
Sec 103-129 Letters Of Compliance

Sec 103-130 Subdivisions Within Floodprone Areas

Sec 103-126 Public Improvements Prerequisite To Issuance Of Building Permit

In any subdivision located within the city or its extraterritorial plat approval jurisdiction, no lot, portion of a lot, or combination of lots may be sold, except that the entire subdivision may be sold, and no building permit may be issued until the subdivider has provided the following public improvements, including inspection costs, to the specifications of the city, at no cost to the city. Unless council approval is obtained, all engineering plans and specifications for public improvements under subsections (b) through (e) of this section shall be done by the city, and the city shall let bids and inspect the projects.

(a) *Public streets*. All streets shall be graded to a width three feet wider than the back-to-back of curb width of the street and ten inches below the bottom of the proposed concrete pavement. The remainder of the street right-of-way shall be graded four inches below the established sidewalk grade.

(b) *Sanitary sewer facilities*. All sanitary sewer mains that directly serve the subdivision.

(c) *Water distribution facilities*. All water supply and distribution facilities as per applicable ordinances and the rules of the board of water commissioners, including required fire hydrants.

(d) *Storm sewer facilities*. The common council, upon recommendation of the city engineer, may require the installation of storm sewer mains in all streets. All storm sewer mains shall be installed at a depth which will permit the proper installation of laterals from each building lot for the handling of stormwater drainage. The cost of the installation of storm sewer mains shall be assessed in accordance with the appropriate special assessment ordinance adopted by the common council.

(e) *Streetlights*. Streetlights shall be installed, at no cost to the city, prior to the sale of any lot within the subdivision. The type, design and location of all lighting materials, poles and fixtures shall be approved by the streets committee of the common council for all subdivisions within the corporate limits of the city.

(Ord. No. 63-74-75, § 1(7.1); Ord. No. 27-83-84, § 2, 6-20-1983; Ord. No. 103-83-84, §§ 1, 2, 12-19-1983)

Sec 103-127 Map Showing Location Of Mains, Manholes, Etc.

After completion of all required improvements installed by the developer, the subdivider shall provide to the city, at no cost, a reproducible map showing the actual location of all valves, manholes, stubs, mains, and such other facilities as the city engineer may require. Manufacturer guarantees and instructions shall also be furnished at no cost to

the city.

(Ord. No. 63-74-75, § 1(7.2))

Sec 103-128 Title

Title to all required public improvements shall be vested in the city and shall be free and clear of all liens or encumbrances of any kind at no cost to the city.

(Ord. No. 63-74-75, § 1(7.3))

Sec 103-129 Letters Of Compliance

The subdivider shall furnish to the superintendent of building inspection, a letter from each appropriate city department indicating compliance with sections 103-8 and 103-126 through 103-128. The letters shall be sent within 30 days of receiving approval from the respective city agencies.

(Ord. No. 63-74-75, § 1(7.4))

Sec 103-130 Subdivisions Within Floodprone Areas

(a) New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters.

(b) All on-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

(c) All subdivisions containing more than 50 lots or five acres, whichever is the lesser, which are located within the unnumbered A zones as shown on the flood insurance rate map as provided by the Federal Insurance Administration shall be accompanied by regional flood elevation data.

(Ord. No. 63-74-75, § 1(7.5); Ord. No. 5-78-79, § 1, 6-5-1978)

ARTICLE 103-VI GAS, ELECTRIC AND COMMUNICATION FACILITIES

Sec 103-159 Applicability
Sec 103-160 Lines To Be Underground In Newly Platted Areas
Sec 103-161 Utility Easements
Sec 103-162 Street Lighting
Sec 103-163 Subdivisions Within Floodprone Areas

Sec 103-159 Applicability

The gas, electric and communication facilities to serve new plats may be installed underground in the manner provided in this article.

(Ord. No. 63-74-75, § 1(8.1))

Sec 103-160 Lines To Be Underground In Newly Platted Areas

(a) All new electric distribution lines (excluding lines of 12,000 volts or more), telephone lines from which lots are individually served, telegraph lines and community antenna television cables and services, installed within a subdivision, mobile home park or planned residential development shall be underground unless the plan commission specifically finds that:

(1) The placing of such facilities underground would not be compatible with the planned development;

(2) Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable; or

(3) The lots to be served by the facilities can be served directly from existing overhead facilities. Service to each lot shall, however, be installed underground.

(b) Associated equipment and facilities which are appurtenant to underground electric and communication systems, such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above grade pedestal-mounted boxes may be located aboveground.

(c) The subdivider or subdivider's agent shall furnish, to the commission, documentation that such arrangements as may be required by the utilities serving the area under applicable rates and rules filed with the public service commission have been made with such utilities for placing their facilities underground as required by this section as a condition precedent to approval of the final plat or certified survey map.

(d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the plan commission under subsection (a) of this section.

(Ord. No. 63-74-75, § 1(8.1))

Sec 103-161 Utility Easements

(a) Adequate easements shall be provided and dedicated on each side of rear lot lines, side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities. Such easements shall be noted as "utility easements" on the final plat or certified survey map. Prior to

approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the easements shall be transmitted to the commission.

(b) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction material shall not be stored on such easement areas.

(c) Where the electric and/or communications facilities are to be installed underground, a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six inches by the subdivider, subdivider's agent, or by subsequent owners of the lots on which such utilities are involved.

(Ord. No. 63-74-75, § 1(8.2))

Sec 103-162 Street Lighting

In a newly platted area, the subdivider shall provide for the location of all streetlights within the area being developed, upon consultation with the electric utility serving the subdivision, public streets committee, and as approved by the common council. In areas where underground electric facilities are installed, poles for streetlights shall be of an ornamental type.

(Ord. No. 63-74-75, § 1(8.3))

Sec 103-163 Subdivisions Within Floodprone Areas

(a) Subdivisions located within the area defined as the "regional flood" in the floodplain zoning regulations of the city of shall be consistent with the need to minimize flood damage.

(b) All utilities such as gas, electrical and communication systems shall be located, elevated and constructed to minimize or eliminate flood damage.

(c) Adequate drainage shall be provided so as to reduce exposure to flood hazards.

(Ord. No. 63-74-75, § 1(8.4))

CHAPTER 105 GENERAL ZONING
ARTICLE 105-I GENERAL ZONING IN GENERAL
ARTICLE 105-II ESTABLISHMENT OF ZONING DISTRICTS
ARTICLE 105-III LAND USE REGULATIONS
ARTICLE 105-IV DENSITY AND INTENSITY
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ARTICLE 105-I GENERAL ZONING IN GENERAL
Sec 105-1 Purpose And Intent
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Sec 105-3 Abrogation
Sec 105-4 Application
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Sec 105-6 Abbreviations
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Sec 105-1 Purpose And Intent

(a) *Relationship to comprehensive master plan*. In enacting this chapter, special attention has been given to ensuring a direct relationship of these regulations to the city's comprehensive master plan. In developing the specific regulations of this chapter, much effort has gone into balancing the goals and objectives of the plan. The current status of this chapter and its components, including the official zoning map, represents the cohesive result of carefully considered plan implementation practices. Amendments to these provisions or the official zoning map shall seriously consider the effect of such changes on the interrelationships which exist within this chapter, and between this document, the comprehensive master plan, and related long-range planning policies and programs.

(b) *General intent*. The general intent of this chapter is to implement certain goals and objectives of the comprehensive master plan which are best addressed through zoning approaches, as enabled by state law.

(c) *Purpose and design*. The purpose of this chapter is to implement the comprehensive master plan to the extent possible with zoning, as authorized by state law. This chapter is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of

groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to preserve burial sites as defined in section 105-926. Specifically, this chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the comprehensive master plan. Additional purposes of this chapter are specified throughout this chapter.

(Ord. of 2-7-2020, §§ 15.003—15.005)

Sec 105-2 Separability And Nonliability

The provisions of this chapter are separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgement shall not affect any other provisions of this chapter not specifically included in said judgement.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, water, building, or other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.

(c) If any requirement or limitation which is attached to an authorization given in this chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation.

(d) The city does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the common council, its agencies, or employees for any flood damage, sanitation problems, or structural damages, upon reliance or conformance with this chapter.

(Ord. of 2-7-2020, § 15.006)

Sec 105-3 Abrogation

It is not intended that this chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

(Ord. of 2-7-2020, § 15.007)

Sec 105-4 Application

(a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the city and shall not be construed to be a limitation or repeal of any other power now possessed by the city.

(b) Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.

(c) No structure shall be constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained, and no land shall be used, modified, or maintained for any purpose nor in any manner which is not in conformity with the provisions of this chapter.

(d) Except as provided in this chapter, under provisions for nonconforming uses (section 105-747), nonconforming developments (section 105-786), substandard lots (section 105-817), and nonconforming structures and buildings (section 105-818), no building, structure, development or premises shall be used or occupied, and no applicable permit granted that does not conform to the requirements of this chapter.

(e) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used.

(f) Except for outlots authorized under the city's land division regulations to contain permanently protected green space area, no yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot.

(Ord. of 2-7-2020, § 15.008)

Sec 105-5 Jurisdiction

This chapter is applicable to all territory located within the corporate limits of the city.

(Ord. of 2-7-2020, § 15.009)

Sec 105-6 Abbreviations

The abbreviations in this chapter are intended to have the following meanings:

Ac	Acre
CC	Central Commercial (zoning district)

db	Decibel
ER-1	Estate Residential (zoning district)
FAR	Floor Area Ratio
ft.	Foot
GSA	Gross Site Area
GSR	Green Space Ratio
HI	Heavy Industrial (zoning district)
ISR	Impervious Surface Ratio
LSR	Landscape Surface Ratio
max.	Maximum
MBS	Maximum Building Size
MGD	Maximum Gross Density
min.	Minimum
MH	Maximum Height
MLA	Maximum Lot Area
MR-8	Mixed Residential-8 (zoning district)
MSA	Minimum Site Area
NA	Not Applicable
NC	Neighborhood Commercial (zoning district)
NO	Neighborhood Office (zoning district)
NR-6	Neighborhood Residential-6 (zoning district)
NDA	Net Developable Area
Nonres	Nonresidential
PPUD	Pre-Planned Unit Development (zoning district)
PUD	Planned Unit Development
RA-35ac	Rural Agricultural (zoning district)
Res	Residential
RPA	Resource Protection Area
SC	Suburban Commercial (zoning district)
SI	Suburban Industrial (zoning district)

SO	Suburban Office (zoning district)
SR-3	Suburban Residential-3 (zoning district)
SR-5	Suburban Residential-5 (zoning district)
s.f.	Square Feet
UC	Urban Commercial (zoning district)
UI	Urban Industrial (zoning district)
UR-12	Urban Residential-12 (zoning district)
8-	Eight or fewer
9+	Nine or more
16+	16 or more
#F	Number of floors
<	Less than
>	Greater than

(Ord. of 2-7-2020, § 15.033)

Sec 105-7 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting means having a common border with or being separated from such common border by an alley or easement.

Access, primary, means a means of vehicular approach, i.e., entry to or exit from a property, street or highway.

Access, secondary, means a means of vehicular or nonvehicular approach, entry to, or exit from property from a source other than a public street or highway.

Accessory use or structure means a use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto.

Acre means an area totaling 43,560 square feet.

Activity center means an area which is typified by a concentration of nonresidential or multifamily development.

Addition means any walled and roofed expansion to the perimeter or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls and is new construction.

Adjacent means being located directly across a right-of-way from, or abutting, a separate lot.

Alley means a public right-of-way usually of reduced width which affords a secondary means of access to abutting property.

Ambient noise means the level of all of the encompassing noise associated with a given environment in the absence of the specific noise source being regulated, being usually a composite of sounds from many sources near and far. Ambient noise shall be measured at the property line of the noise source being regulated.

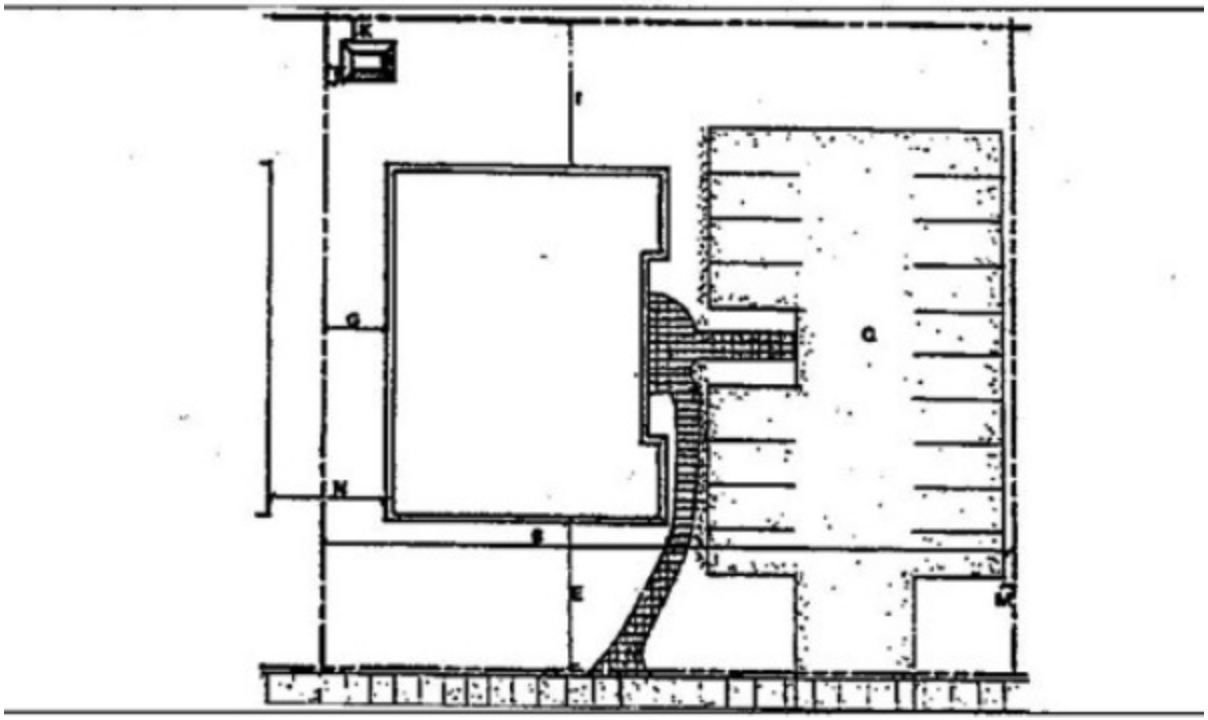
Animal unit means a measure which represents a common denominator for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit:

Animal Unit Table

Type of Livestock	*Number of Animals/Animal Unit*	*Type of Livestock*	*Number of Animals/Animal Unit*	*Type of Livestock*	*Number of Animals/Animal Unit*
Horse (> 2 yrs)	1.0	Calves (< 1 yr.)	4.0	Lambs	14.0
Colt (< 2 yrs)	2.0	Brood Sow or Boar	2.5	Chickens	200.00
Cattle (> 2 yrs)	1.0	Hogs (up to 220 lbs.)	5.0	Other Poultry	200.00
Cattle (< 2 yrs)	2.0	Sheep	7.0		
Source means the Stockman's Handbook					

Apartment means a dwelling unit type consisting of an attached, multifamily residence which is accessed from a shared entrance or hallway. A minimum one hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 24 dwelling units, and no less than three, may be located in a building. Buildings with more than 24 dwelling units may be

considered as part of a commission. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain four or more dwelling units shall provide additional site design features such as: underground parking, architectural elements, landscaping, or on site recreational facilities. All units must be located within a development which conforms to the requirements of table 105-783. All apartment units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below, table 105-812, and districts in article II of this chapter for setback requirements:



Appeal means a means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of section 105-1002.

Attic means that part of a building which is immediately below and wholly or partly within the roof framing.

Average ground elevation means the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year. The 100-year flood.

Bedroom means a room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Blanket variance means a variance which is automatically granted by a provision of this

chapter in order to reduce the creation of legal nonconforming developments or legal nonconforming residential structures.

Bufferyard means any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property.

Building means a structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term "building" is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building, accessory, means a building which:

(a) Is subordinate to and serves a principal structure or a principal use;

(b) Is subordinate in area, extent, and purpose to the principal structure or use served;

(c) Is located on the same lot as the principal structure or use served; and

(d) Is customarily incidental to the principal structure or use.

Building envelope means a component of a group development which conforms to the lot lines of developments which are not group developments, in that required minimum setback distances are measured from the building envelope line.

Building front means that exterior wall of a building which faces the front lot line of the lot.

Building height means the vertical distance from:

(a) The average elevation of the adjoining ground level; or

(b) The established grade;

whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof. Also applies to structures. Accessory structures shall be measured from the top of the slab to the highest part of the roof.

Building line means a line on a lot, generally parallel to a lot line or road right of way line, located a sufficient distance therefrom to provide the minimum yards required by this chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this chapter. The term "building line" is also referred to as a "setback."

Building, principal, means a building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building separation means the narrowest distance between two buildings. See *Minimum building separation*.

Building size means the total gross floor area of a building. See *Maximum building size*.

Bulk (of a building) means the combination of building height, size, and location on a lot.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department of natural resources pursuant to Wis. Stats. § 30.11 and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

Caliper means a measurement of the size of a tree equal to the diameter of its trunk measurement one half foot above natural grade. Used for trees in a nursery setting.

Candlepower means the amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Caretaker's residence means a dwelling unit used exclusively by the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use.

Carport (land use) means an open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building.

Clerestory window means a window in which the lowest glassed area is a minimum of seven feet above the level of the floor located directly under the window.

Climax tree means a tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include hickory, oak, maple, etc.

Commercial vehicle means any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

Community character means the impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

Comprehensive master plan means the comprehensive master plan as of 1995 and as subsequently amended.

Conditional use means a land use which requires a conditional use permit in order to be developed.

Construction, start of, means the installation of foundation footings or materials for road construction.

Day care. See *Family day care home, Intermediate day care home, or Group day care center*.

Deck means a structure that has no roof or walls and is elevated above grade by more than eight inches. Can be attached or detached to the principal structure. If attached, it is required to have main supports and continuous footings below grade by 48 inches and must be raised above grade and must comply with principal setback requirements or as modified by section 105-815(d). If detached, shall be an accessory structure.

Dedication means the transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

Density means a term used to describe the number of dwelling units per acre.

Developer means the legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this chapter.

Development option means the type of residential or nonresidential development as categorized by the proportion of the site devoted to permanently protected green space.

Development pad means the area of a lot within which site disruption occurs.

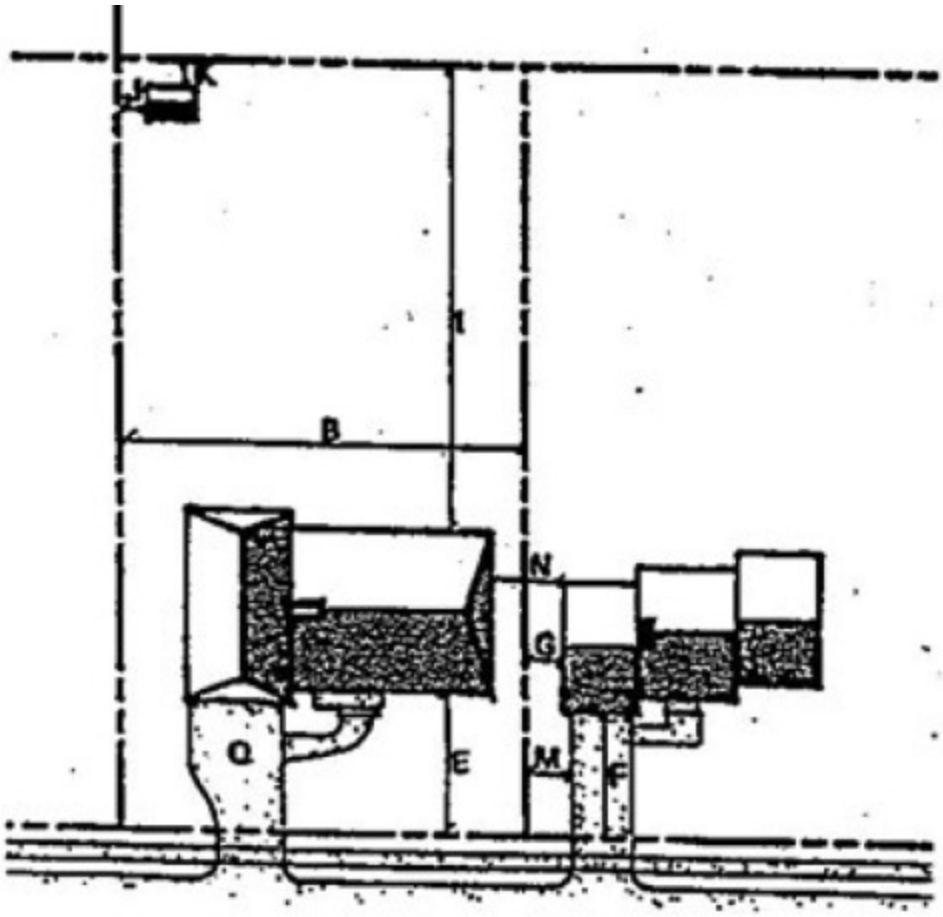
Direct access means a condition of immediate physical connection resulting from adjacency of a road or right of way abutting a property.

Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. The term "drainage" also includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Dripline means the outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.

Dryland access means a vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Duplex means these dwelling unit types consist of a single family detached residence, as defined by this article, which is attached on one side to another single family residence. A minimum one hour fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required for each dwelling unit. The two residences may or may not be located on individual lots. The twin house is distinguished from the duplex house merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences. All units must be located within a development which conforms to the requirements of table 105-783. Refer to the illustration below, table 105-812, and districts in article II of this chapter for setback requirements:



Dwelling means a residential building, or one or more portions thereof occupied or intended to be occupied exclusively for residential purposes, but not including habitation provided in nonresidential uses such as lodging uses and commercial campgrounds.

Dwelling, attached, means a dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, detached, means a dwelling which is entirely surrounded by open space on the same lot.

Dwelling, single family detached, means a dwelling unit type consisting of a fully detached single-family residence which is located on an individual lot or within a group development. This dwelling unit type may not be split into two or more residences, except as a two-flat, and is designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. All units must be located within a development which conforms to the requirements of table 105-783. All single- and two-family dwellings, including manufactured dwellings and manufactured homes, shall meet all of the following requirements:

(a) Shall be set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1) which meets the standards set forth in subchapters III, IV, and V of Wis. Admin. Code ch. SPS 321, Construction Standards or is set on a comparable enclosed foundation system approved by the building inspector. The building inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.

(b) Shall be properly connected to utilities.

(c) Shall have a minimum width of 24 feet.

(d) Shall have a minimum core area of living space (that area or space within a dwelling unit, measured at ground floor elevation, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, decks, carports, or other appurtenances) of at least 24 feet by 40 feet in size.

(e) Shall have a minimum floor area of 920 square feet.

(f) Shall have eaves attached to a minimum of 75 percent of the roof perimeter and extending a minimum of 18 inches beyond the nearest vertical wall.

(g) Have a non-metallic, wood shake, slate, tile, asphalt or fiber glass shingle roof with a minimum pitch of 3:12 (three feet of rise in 12 feet of run).

(h) Have exterior wall coverings consisting of any of the following:

(1) Wood or simulated wood;

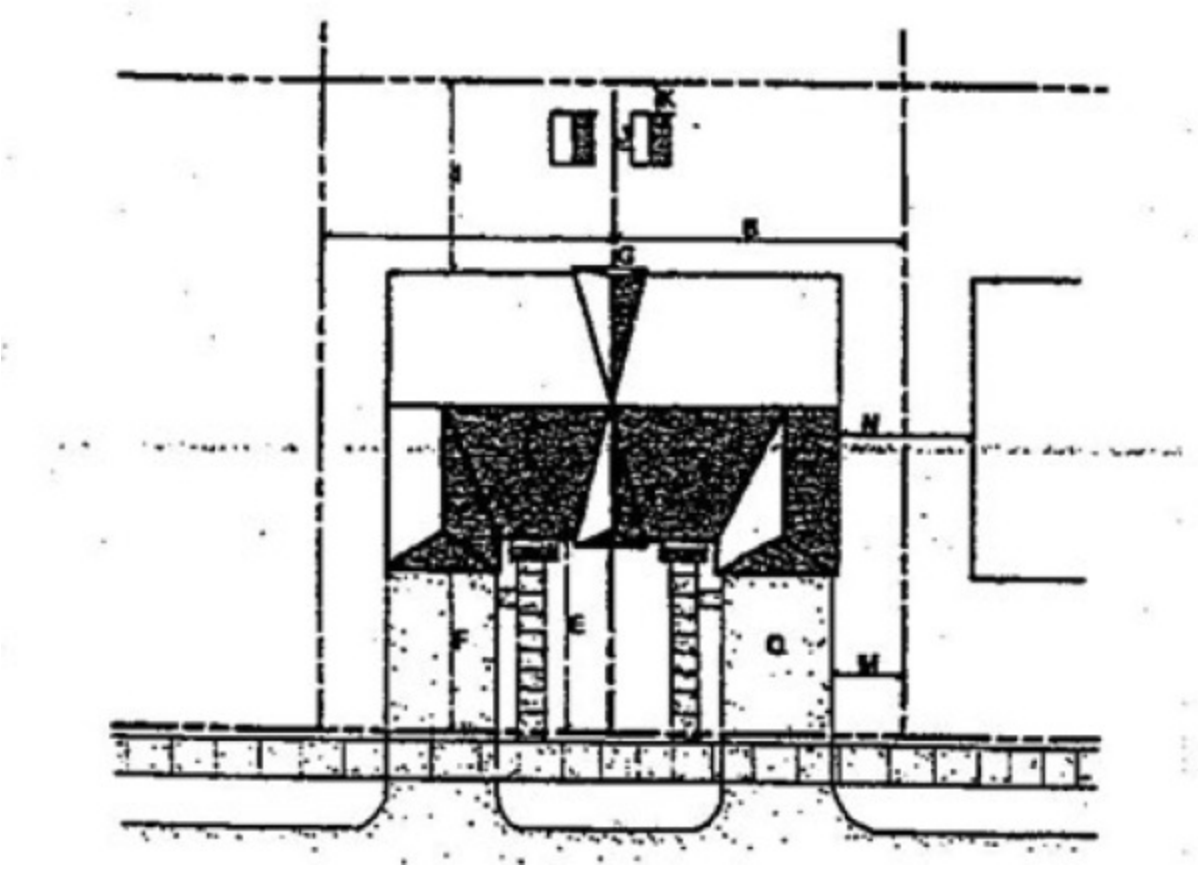
(2) Brick or stone; or

(3) Non-corrugated aluminum, steel or vinyl siding.

(i) Have a permanent foundation meeting the requirements of the state uniform dwelling code which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.

(j) For mobile homes, have the running gear and towing hitch removed and have an anchoring system totally concealed beneath the structure.

(k) Refer to the illustration below, table 105-812, and districts in article II of this chapter for setback requirements:



Dwelling unit means a room or group of rooms, providing or intended to provide living quarters for not more than one family.

Dwelling unit separation means the narrowest distance between two dwelling units. See *Minimum dwelling unit separation*.

Easement means authorization by a property owner for another party to use, for a specified purpose, any designated part of the property.

Elevated building means a non-basement building built to have its lowest floor elevated

above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

Encroachment means any fill, structure, building, use, or development in the floodway.

Environmental control facility means any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the measurement, control, monitoring, required setbacks, or prevention of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Environs (of the city) means the area in which the city exercises extraterritorial powers.

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Essential services means facilities that are:

(a) Owned or maintained by public utility companies or public agencies;

(b) Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;

(c) Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers; and

(d) Not including any cross-country line or towers.

Extraterritorial area means the area outside of the city limits in which the city exercises extraterritorial powers of land division or zoning review.

Family means an individual or two or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four persons not so related, maintaining a common household.

First habitable floor means the top surface above an unfinished basement, cellar, or crawl space that is intended for living quarters.

Floor area means the sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

Floor area ratio (FAR) means the ratio calculated by dividing the total floor area of all buildings on a site by the gross site area. See *Maximum floor area ratio*.

Footcandle means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Freeboard means represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or streambed.

Garage (residential) means a detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of 10,000 pounds. The maximum square footage of a garage is 1,000 square feet. However, a garage structure shall not exceed the footprint square footage of the primary residential structure. A maximum of one garage per lot.

Gazebo means a detached roofed accessory building, open on all sides, which is used for entertaining.

General floor plans means a graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Glare means the brightness of a light source which causes eye discomfort.

Green space ratio (GSR) means the percentage of the gross site area which is preserved as permanently protected green space. Green space ratio is calculated by dividing the area of permanently protected green space by the gross site area.

Greenhouse means a detached glass-enclosed accessory building used for cultivating plants.

Gross density means the result of dividing the number of dwelling units located on a site by the gross site area.

Gross floor area means the total floor area of a building.

Gross site area (GSA) means the total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development, as determined by the calculation contained in section 105-782(c)(1).

Habitable building means any building, or portion thereof, meeting minimum health and sanitary standards, used for human habitation.

Hearing notice means publication or posting meeting the requirements of Wis. Stats. ch. 985.

(a) Class 1 notice is the minimum required for appeals: Published once at least one week (seven days) before hearing.

(b) Class 2 notice is the minimum required for all zoning ordinances and amendments, including map amendments: Published twice, once each week consecutively, the last at least a week (seven days) before the hearing.

Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential means any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

Holding zone means a zoning district designed to limit development potential until adequate public services and infrastructure are provided.

Increase in regional flood height means a calculated upward rise in the regional flood elevation, equal or greater than 0.01 foot, resulting in comparison of existing conditions and proposed conditions which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Infill development means development located in areas which are, for the most part, already developed.

Institutional Residential unit means a dwelling unit type consisting of an attached, multifamily residence which takes access from a shared entrance or hallway. All units must be located within a development which conforms to the requirements of table 105-783. All institutional residential units within a development shall be located a minimum of 30 feet from the boundary of the development.

Intensity means the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Lakeshore means those lands lying within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream; or to a landward side of the floodplain, whichever distance is the greater. The term "lakeshore" does not include those lands adjacent to farm drainage ditches where:

(a) Such lands are not adjacent to a navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and

(c) Such lands are maintained in nonstructural agricultural use.

Land use means the type of development or activity occurring on a piece of property.

Landscape surface area ratio (LSR) means the percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

Landscaped area means the area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The term "landscaped area" includes the area located within planted and continually maintained landscaped planters.

Local residential street means a road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

Lot means a parcel of land that:

(a) Is undivided by any street or private road;

(b) Is occupied by, or designated to be developed for, one building or principal use; and

(c) Contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this chapter for such building, use, or development.

Lot area means the area contained within the property boundaries of a recorded lot.

Lot, corner, means a lot situated at the junction of and abutting on two or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot depth means the mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot frontage means lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this chapter shall be provided at each such line.

Lot, interior, means a lot other than a corner lot.

Lot line means the property line bounding a lot except that where any portion of a lot extends into the public right of way or a proposed public right of way, the line of such public right of way shall be the lot line for applying this chapter.

Lot line, front, means a lot line which abuts a public or private street right of way. In the case of a lot which has two of more street frontages, the lot line along the street from which the structure is addressed shall be the front lot line.

Lot line, rear, means, in the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Lot line, side, means any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side, means any lot line which abuts a public or private street right of way which is not the front lot line.

Lot of record means a platted lot or lot described in a certified survey map or metes and bounds description which has been approved by the city or county; and has been recorded in the office of the register of deeds.

Lot, through, means a lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul de sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this chapter.

Lot width means the maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard. See *Minimum lot width*.

Lowest floor means the lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non elevation design requirements of this chapter.

Maintenance guarantee means a guarantee of facilities or work to either ensure the correction of any failures of any improvements required pursuant to this chapter or to maintain same.

Manufactured dwelling means a dwelling structure or component thereof as defined in Wis. Admin. Code § SPS 320.07 which bears the department of workforce development insignia certifying that it has been inspected and found to be in compliance with Wis. Admin. Code ch. SPS 320, article V.

Manufactured home means a dwelling structure or component thereof fabricated in an off-site manufacturing facility after June 15, 1976, for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.

Master plan means a plan, map, report, or other document pertaining to the physical development of the city which has been adopted by the city plan commission, as described in Wis. Stats. § 62.23(2) and (3).

Maximum building size (MBS) means the largest permitted total gross floor area a building may contain.

Maximum floor area ratio (FAR) means the largest amount of floor area permitted on a site.

Maximum gross density (MGD) means the maximum number of dwelling units permitted per acre of gross site area.

Maximum height means the maximum height of the highest portion of any structure.

Minimum building separation means the narrowest permitted building separation.

Minimum dwelling unit separation means the narrowest permitted dwelling unit separation.

Minimum floor elevation means the lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Minimum landscape surface ratio means the lowest permitted landscape surface ratio.

Minimum lot area (MLA) means the minimum size lot permitted within the specified zoning district and development option.

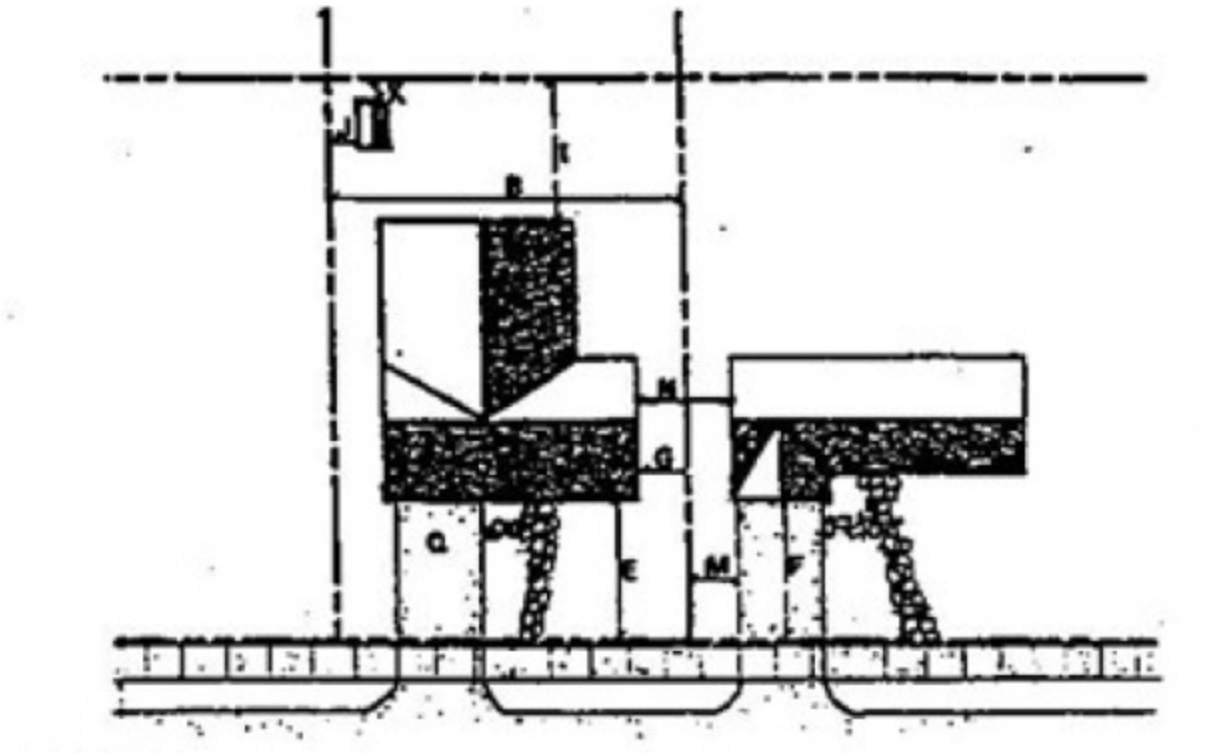
Minimum lot width means the smallest permissible lot width for the applicable dwelling unit type (table 105-812) or nonresidential development (table 105-813).

Minimum setback means the narrowest distance permitted from a street, side, or rear property line to a structure.

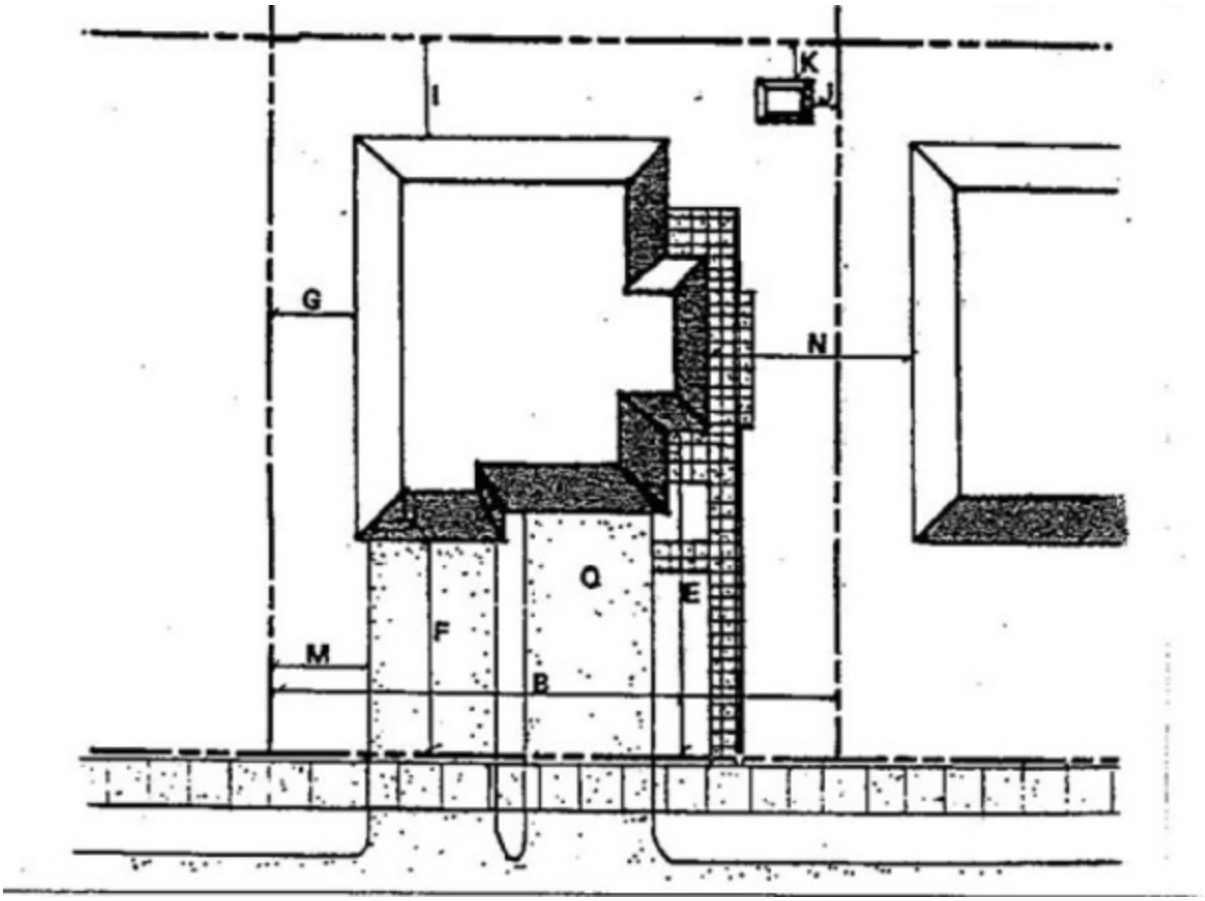
Minimum site area (MSA) means the minimum gross site area in which the specified development option may occur.

Mobile home (land use) means a readily transportable factory-built structure, except a manufactured dwelling or manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit

from state or county highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation. The removal of the wheels, axles, or other components of the running gear or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 USC 5401 to 5406, but which is not set on an enclosed foundation, in the manner described in this section, shall be deemed to be a mobile home under this chapter. Recreational vehicles are not classified as mobile homes and may not be used as a residence. This dwelling unit type may not be split into two or more residences. All units must be located within a development which conforms to the requirements of table 105-783. Within 30 days of occupancy, the owner shall remove the axle an install skirting per the requirements of the plan commission. Refer to the illustration below, table 105-812, and districts in article II of this chapter for setback requirements:



Multiplex means a dwelling unit type consisting of an attached, multifamily residence which has private individual access. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than six and no less than three multiplex dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of table 105-783. All multiplex units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below, table 105-812, and districts in article II of this chapter for setback requirements:



Natural resource protection overlay zoning districts means zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources.

Navigable water means all natural and manmade inland lakes within the state, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of the state, including the Wisconsin portion of boundary waters, which are navigable under state law. For the purposes of this chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the state department of natural resources has made a determination that the waterway is not, in fact, navigable.

Net developable area (NDA) means the area of a site which may be disturbed by development activity. Net developable area is calculated in section 105-782(c)(3) and is the result of subtracting required resource protection area (RPA) from the gross site area (GSA).

Nonconforming building or structure means any building, or other structure, which is lawfully existing under provisions preceding the effective date of the ordinance from which this chapter is derived, which would not conform to the applicable regulations if

the building or structure were to be erected under the provisions of this chapter.

Nonconforming development means a lawful development approved under provisions preceding the effective date of the ordinance from which this chapter is derived, which would not conform to the applicable regulations if the development were to be created under the current provisions of this chapter.

Nonconforming use means an active and actual use of land, building, or structure lawfully existing prior to the effective date of the ordinance from which this chapter is derived, which has continued as the same use to the present and which does not comply with all the applicable regulations of this chapter.

Noxious matter or materials means material capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects on the physical or economic well being of individuals.

Obstruction to flow means any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

Official map means the map adopted by the common council which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights of way, waterways, public transit facilities and other public facilities as authorized by state statute.

On site means located on the lot in question, except in the context of on site detention, when the term means within the boundaries of the development site as a whole.

Opacity means the degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

Open sales lot means an unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Ordinary high-water mark means the point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Other permanently protected green space means permanently protected green space areas which are not constrained by one of the protected natural resources under article VI of this chapter. Examples include portions of private lots, outlots, or parcels commonly held by a property owners' association (as in a cluster development) which are deed restricted from site disruption.

Overlay zoning district means a zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in section 105-34, as well as the general restrictions of this chapter.

Owner means the person or persons having the right of legal title to a lot or parcel of land.

Performance guarantee means a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with the chapter, regulations and the approved plans and specifications of a development.

Performance standard means criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

Peripheral setback means the distance between a structure and the boundary of a development option.

Permanently protected green space means an area in which site disruption or development is strictly limited.

Principal use means any and all of the primary uses of a property, treated as a use permitted by right, as a special use, or as a conditional use (rather than as an accessory use or a temporary use) per section 105-715.

Private sewage system means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term "private sewage system" also means an alternative sewage system approved by the department of workforce development including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Protected natural resources means resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this chapter.

Public improvement means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public sewer means and includes the city sewer system and other forms of sewer systems approved by the department of natural resources and maintained by a public agency authorized to operate such systems.

Recorded lot. See *Lot of record*.

Recreational vehicle means a vehicular unit designed as temporary living quarters for recreational, camping, or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic categories are travel trailer, camping trailer, truck camper, or motor home.

Required resource protection area (RPA) means the area of a site which may not be disturbed by development activity, and which must also be reserved as permanently protected green space. Required resource protection area is calculated in section 105-782(c)(2) and is the result of subtracting the net developable area (NDA) from the gross site area (GSA).

Residential collector street means a collector street serving primarily residential land uses which primarily serves to connect local residential streets to collector or arterial streets.

Restrictive, more (less), means a regulation imposed by this chapter which prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Scale (of development) means the gross floor area, height, or volume of a single structure or group of structures.

Sedimentation means the deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Setback means the shortest distance between a building's or structure's exterior from the nearest point on the referenced lot line. See *Minimum setback*.

Sheet two of official zoning map means the officially adopted map depicting the boundaries of natural resource protection overlay zoning districts. Where this document has not been officially adopted, it shall be compiled by the property owner and approved by city staff from other applicable source maps and on-site analysis as depicted on a detailed site analysis map.

Shrub means a low lying deciduous or evergreen plant.

Skylight means a window or other paned area located on the ceiling or roof of a structure.

Solid fence means any fence which cannot be seen through. Such fences include basketweave fences, stockade fences, plank fences, and similar fences.

Special use means a land use which must be developed per a set of requirements specifically applying to that use.

Standard Industrial Classification code (SIC) means the numeric code for categorizing land uses developed by the U.S. Department of Commerce. SIC codes in this chapter are based on the listing contained within the most recent edition of the manual.

Standard zoning districts means zoning districts which primarily regulate the use of land, and intensity or density of such use.

Start of construction means the date the building permit is issued, provided the actual start of activity was within four months of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; the installation of streets or walkways; excavation for basement, footings, piers, or foundations; the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or part of the main structure.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

Street means any public or private way dedicated or permanently open to pedestrian and vehicular use which is 22 feet or more in width if it exists at the time of enactment of this chapter; and any such public right of way when established after the effective date of the ordinance from which this chapter is derived.

Strip development means a pattern of land uses typified by nonresidential or multifamily development located along one or both sides of a street which is generally only one lot deep, and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, or low quantities of landscaping, typical of urban commercial developments.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Substandard lot means a lot of record which lawfully existed prior to this chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this chapter.

Substantial improvement means any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term "substantial improvement" does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; and

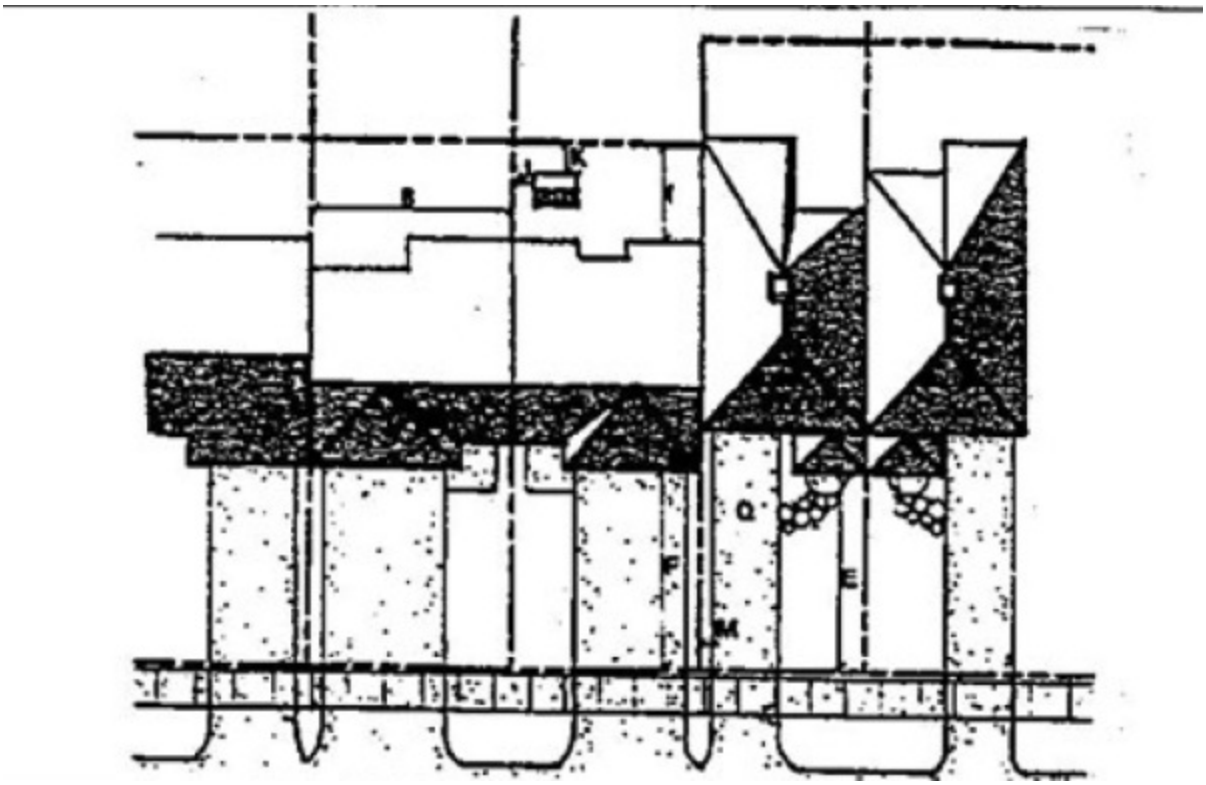
(b) Any alteration of a structure or site documented as deserving preservation by the state historical society or listed on the National Register of Historic Places.

Ordinary maintenance repairs means work done which is not substantial improvement and is not considered structural repairs, modifications or additions. The term "ordinary maintenance repairs" includes internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For the purposes of this definition, the term "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

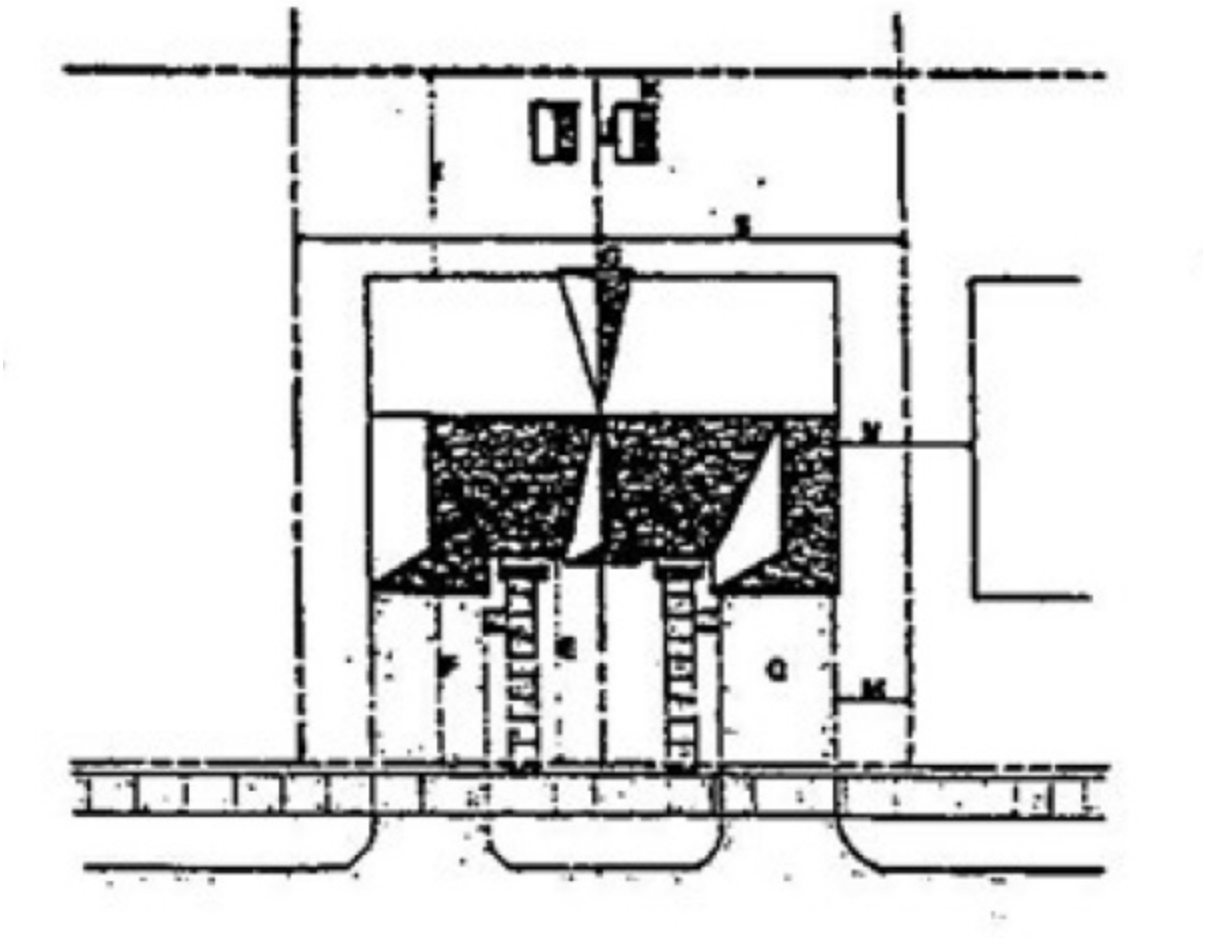
Swale means a linear depression in land running downhill or having a marked change in contour direction in which runoff would collect and form a temporary watercourse.

Temporary use means a land use which is present on a property for a limited and specified period of time.

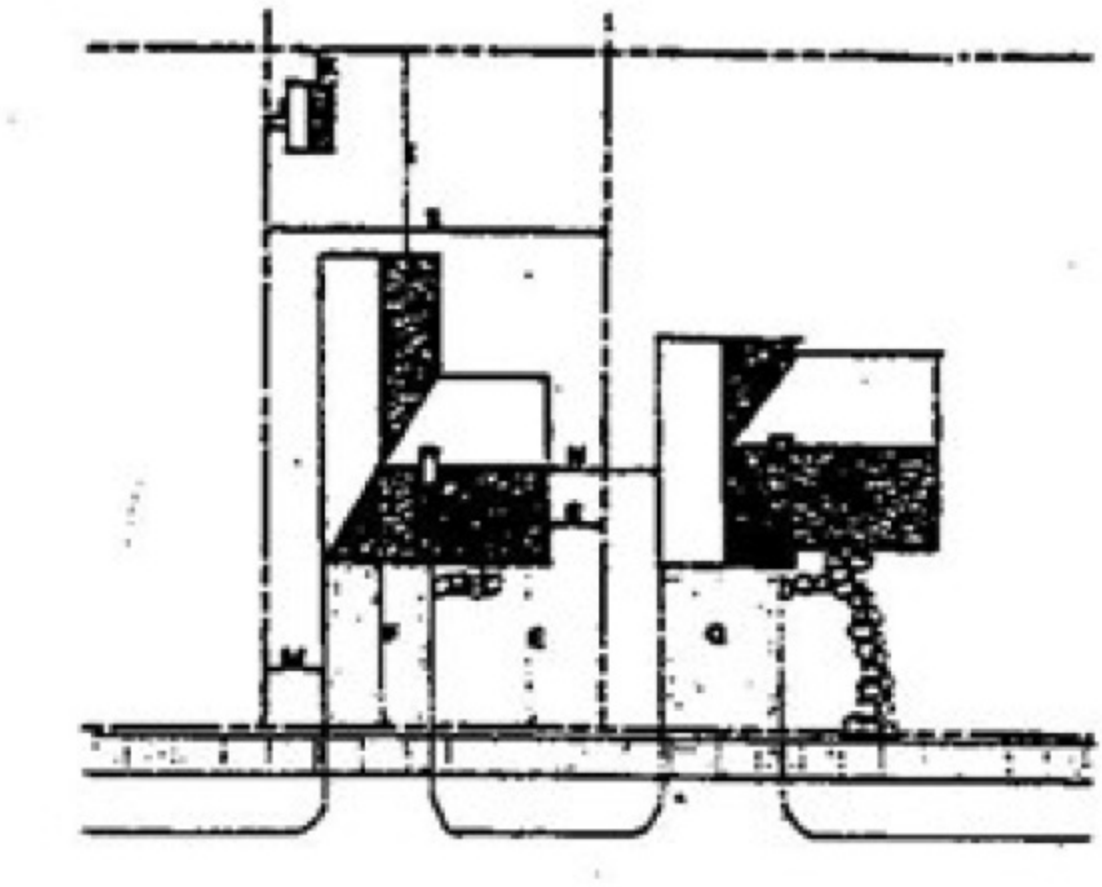
Townhouse means a dwelling unit type consisting of an attached, two story, single family residence which has a private, individual access and is located on its own lot or within a group development. This dwelling unit type may not be split into additional residences. A minimum one hour fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. No more than eight and no less than three townhouse dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of table 105-783. All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below, table 105-812, and districts in article II of this chapter for setback requirements:



Twin house means a dwelling unit type consisting of a single family residence, which is attached on one side to another single family residence. A minimum one hour fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The two residences may or may not be located on individual lots. The twin house is distinguished from the duplex house, as defined by this article, merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences. All units must be located within a development which conforms to the requirements of section 105-783. Refer to the illustration below, table 105-812 and districts in article II of this chapter for setback requirements:



Two flat house means a dwelling unit type consisting of a single family detached residence as defined by this chapter, which is in complete compliance with the state one and two family dwelling code, which has been converted into a two family residence. The two residences are both located on the same lot or within the same group development. This dwelling unit type may not be split into additional residences. Where permitted, this use is a conditional use and must be approved through the procedures of section 105-998. Refer to the illustration below, table 105-812, and districts in article II of this chapter for setback requirements:



Unnecessary hardship means the circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

Use means the purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Utility shed means a detached accessory building which is used for the storage of residential maintenance equipment.

Variance means permission to depart from the literal requirements of this chapter granted pursuant to section 105-1002.

Wisconsin Wetland Inventory Map means the maps prepared by the state department of natural resources.

Working days means Monday, Tuesday, Wednesday, Thursday and Friday; excluding holidays granted by the city to its department heads.

Yard means a required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district where the lot is located.

Yard, front, means a yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right of way line to a depth required in the yard regulations for the district in which such lot is located.

Yard, rear, means a yard extending along the full width of the rear lot line between the front and rear yards, with a width specified in the yard regulations for the district where the lot is located.

Zoning administrator means the city employee charged with the application and interpretation of this chapter.

(Ord. of 2-7-2020, § 15.034)

ARTICLE 105-II ESTABLISHMENT OF ZONING DISTRICTS
DIVISION 105-II-1 ESTABLISHMENT OF ZONING DISTRICTS GENERALLY
DIVISION 105-II-2 AGRICULTURAL DISTRICT
DIVISION 105-II-3 RESIDENTIAL DISTRICTS
DIVISION 105-II-4 NONRESIDENTIAL DISTRICTS
DIVISION 105-II-5 MIXED RESIDENTIAL AND NONRESIDENTIAL DISTRICTS
DIVISION 105-II-6 NATURAL RESOURCE PROTECTION OVERLAY ZONING DISTRICTS
DIVISION 105-II-7 PLANNED UNIT DEVELOPMENT DISTRICT

DIVISION 105-II-1 ESTABLISHMENT OF ZONING DISTRICTS GENERALLY

Sec 105-33 Purpose
Sec 105-34 Standard Zoning Districts And Standard Zoning District Categories
Sec 105-35 Map Of Standard Zoning Districts
Sec 105-36 Interpretation Of Zoning District Boundaries
Sec 105-37 Purpose And Intent Of Standard Zoning Districts

Sec 105-33 Purpose

The area located within the jurisdiction of this chapter (see section 105-5) is hereby divided into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district, to implement the officially adopted city comprehensive master plan, and to achieve the other purposes of this chapter (see section 105-1).

(Ord. of 2-7-2020, § 15.101)

Sec 105-34 Standard Zoning Districts And Standard Zoning District Categories

For the purpose of this chapter, all areas within the jurisdiction of this chapter (see section 105-5) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

(a) Agricultural District. RA-35ac Rural Agricultural-35ac District.

(b) Residential Districts.

(1) ER-1 Estate Residential-1 District.

(2) SR-3 Suburban Residential-3 District.

(3) SR-5 Suburban Residential-5 District.

(4) NR-6 Neighborhood Residential District.

(5) MR-8 Mixed Residential-8 District.

(6) UR-12 Urban Residential-12 District.

(c) Nonresidential Districts.

(d) Office Districts.

(1) NO Neighborhood Office District.

(2) SO Suburban Office District.

(e) Commercial Districts.

(1) NC Neighborhood Commercial District.

(2) SC Suburban Commercial District.

(3) UC Urban Commercial District.

(4) CC Central Commercial District.

(f) Industrial Districts.

(1) SI Suburban Industrial District.

(2) UI Urban Industrial District.

(3) HI Heavy Industrial District.

(g) Mixed Residential and Nonresidential District.

(h) PPUD Pre-Planned Unit Development District.

(Ord. of 2-7-2020, § 15.102)

Sec 105-35 Map Of Standard Zoning Districts

Standard zoning districts established by this chapter are shown on sheet one of the official zoning map of the city, which together with all explanatory materials thereon, is hereby made part of this article.

(Ord. of 2-7-2020, § 15.103)

Sec 105-36 Interpretation Of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the official zoning map of the city:

(a) Zoning district boundaries shown as following or approximately following the limits of any city, village, town or county boundary shall be construed as following such limits.

(b) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(c) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the city or county tax maps shall be construed as following such lines.

(d) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(e) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(f) Zoning district boundaries shown as separated from any of the features listed in subsections (a) through (e) of this section, shall be construed to be at such distances therefrom as are shown on the official zoning map.

(g) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the official zoning map, the location of the line shall be determined by the zoning administrator.

(Ord. of 2-7-2020, § 15.104)

Sec 105-37 Purpose And Intent Of Standard Zoning Districts

The following subsections specify the purpose and intent of the standard zoning districts

established by this chapter. References to development options refer to conventional and cluster development options.

(Ord. of 2-7-2020, § 15.105(intro. ¶))

DIVISION 105-II-2 AGRICULTURAL DISTRICT

Subdivision 105-II-2-I Agricultural District In General (Reserved)
Subdivision 105-II-2-II RA-35ac Rural Agricultural-35ac District

Subdivision 105-II-2-I Agricultural District In General (Reserved)

Subdivision 105-II-2-II RA-35ac Rural Agricultural-35ac District

Sec 105-83 Description And Purpose
Sec 105-84 List Of Allowable Land Uses
Sec 105-85 Regulations Applicable To Residential Users
Sec 105-86 Regulations Applicable To Nonresidential Uses

Sec 105-83 Description And Purpose

(a) *Intent*. This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of one dwelling unit for every 35 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the RA-35ac District shall either serve as a designation which preserves and protects agricultural activities, or as a holding zone which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

(b) *Rationale*. This district provides for the protection of agricultural activities, and a very low-density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the RA-35ac District designation is retained. In this manner, even if all property were developed in a given area with the RA-35ac District designation, the rural community character of that area would still be maintained.

(Ord. of 2-7-2020, § 15.105(1)(a)1)

Sec 105-84 List Of Allowable Land Uses

(a) *Land uses permitted by right.*

(1) Single-family: 35-acre lot.

(2) Cultivation.

(3) Selective cutting.

(4) Passive outdoor public recreation.

(b) *Land uses permitted as special use*.

(1) On-site agricultural retail.

(2) Active outdoor public recreation.

(3) Public services and utilities.

(4) Community living arrangement (one to eight residents).

(c) *Land uses permitted as conditional use*.

(1) Husbandry.

(2) Intensive agriculture.

(3) Agricultural services.

(4) Clear cutting.

(5) Indoor institutional.

(6) Outdoor institutional.

(7) Outdoor commercial entertainment.

(8) Commercial animal boarding.

(9) Bed and breakfast establishments.

(10) Campground.

(11) Junk yard or salvage yard.

(12) Waste disposal facility.

(13) Composting operation.

(14) Airport/heliport.

(15) Communication tower.

(16) Extraction use.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Detached garage, carport or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Private residential recreational facility.

c. Private residential kennel.

d. Private residential stable.

e. Drainage structure.

f. Filling.

g. Home occupation.

h. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Detached garage, carport or shed.

b. Septic systems.

c. Exterior communication devices.

d. Intermediate day care home.

e. Migrant labor camp.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) On-site real estate sales office.

(4) Outdoor sales of farm products.

(5) Outdoor assembly.

(6) Remediation structure.

(7) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(1)(a)2)

Sec 105-85 Regulations Applicable To Residential Users

(a) *Residential density and intensity requirements*.

(1) Maximum gross density (MGD): 0.03 dwelling units per acre.

(2) Minimum lot area (MLA): 35 acres.

(3) Minimum site area (MSA): 35 acres.

(b) *Residential bulk requirements*.

(1) Minimum lot area: 35 acres.

(2) Minimum lot width: 150 feet.

(3) Minimum setbacks:

a. Building coverage ratio: 0.30.

b. Front or street side lot line to house: 50 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: 50 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: 25 feet.

e. Total of both sides, lot lines to house/attached garage: 50 feet, 75 feet for a corner lot.

f. Rear lot line to house or attached garage: 50 feet.

g. Side lot line to accessory structure: 50 feet.

h. Rear lot line to accessory structure: 50 feet.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Five feet from side or rear.

k. Minimum dwelling unit separation: 50 feet.

l. Maximum height of dwelling unit: 35 feet.

m. Maximum height of accessory structure: 45 feet.

n. Minimum number of off-street parking spaced required on the lot, including garages, drives, and all designated parking surfaces:

1. Four spaces per dwelling unit if located on street with standard pavement width.
2. Eight spaces per dwelling unit if located on street with reduced pavement width.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(1)(a)3)

Sec 105-86 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.700.

(2) Minimum lot area (MLA): 35 acres.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 35 acres.

(2) Minimum lot width: 150 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 50 feet.

b. Building to residential side lot line: 50 feet.

c. Building to residential rear lot line: 50 feet.

d. Building to nonresidential side lot line: 25 feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;
2. Ten feet from street.

h. Minimum building separation: 50 feet.

i. Maximum building height: 35 feet.

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Twenty landscaping points per 100 linear feet of building foundation.

(2) Ten landscaping points per 1,000 square feet of gross floor area.

(3) Twenty landscaping points per 100 linear feet of street frontage.

(4) Forty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(1)(a)4)

DIVISION 105-II-3 RESIDENTIAL DISTRICTS

Subdivision 105-II-3-I In General (Reserved)
Subdivision 105-II-3-II ER-1 Estate Residential-1 District
Subdivision 105-II-3-III SR-3 Suburban Residential-3 District
Subdivision 105-II-3-IV SR-5 Suburban Residential-5 District
Subdivision 105-II-3-V NR-6 Neighborhood Residential-6 District
Subdivision 105-II-3-VI MR-8 Mixed Residential-8 District
Subdivision 105-II-3-VII UR-12 Urban Residential-12 District

Subdivision 105-II-3-I In General (Reserved)

Subdivision 105-II-3-II ER-1 Estate Residential-1 District

Sec 105-144 Description And Purpose
Sec 105-145 List Of Allowable Land Uses
Sec 105-146 Regulations Applicable To Residential Uses
Sec 105-147 Regulations Applicable To Nonresidential Uses

Sec 105-144 Description And Purpose

(a) *Intent*. This district is intended to permit development which has a low density,

estate community character. The land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the ER-1 District shall serve as a designation which preserves and protects the estate community character of its area. A cluster residential development option is available in this district, with a maximum gross density (MGD) of one dwelling unit per gross acre.

(b) *Rationale*. This district provides for the permanent protection of a low-density residential area for those who want to live in an estate environment and retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the ER-1 District designation is retained, regardless of how much development occurs within that area.

(Ord. of 2-7-2020, § 15.105(2)(a)1)

Sec 105-145 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 40,000 square foot lot.

(2) Selective cutting.

(3) Passive outdoor public recreation.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Public services and utilities.

(4) Community living arrangement (one to eight residents).

(c) *Land uses permitted as conditional uses*.

(1) Single-family: 15,000 square foot lot in a cluster development.

(2) Clear cutting.

(3) Indoor institutional.

(4) Outdoor institutional.

(5) Community living arrangements (nine to 15 residents).

(6) Bed and breakfast establishments.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Detached garage, carport or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Private residential recreational facility.

c. Drainage structure.

d. Filling.

e. Home occupation.

f. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Detached garage, carport or shed.

b. Private residential kennel.

c. Septic systems.

d. Exterior communication devices.

e. Intermediate day care home.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) On-site real estate sales office.

(4) Outdoor assembly.

(5) Remediation structure.

(6) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(2)(a)2)

Sec 105-146 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Conventional single-family development:

a. Maximum gross density (MGD): 1.00 dwelling units per acre.

b. Minimum lot area (MLA): 40,000 square feet.

c. Minimum site area (MSA): 40,000 square feet.

(2) Cluster single-family development:

a. Maximum gross density (MGD): 1.00 dwelling units per acre.

b. Minimum lot area (MLA): 15,000 square feet.

c. Minimum site area (MSA): 40,000 square feet.

(b) *Residential bulk requirements*.

(1) Minimum lot area:

a. Single-family: 40,000 square feet;

b. Single-family: 15,000 square feet.

(2) Minimum lot width:

a. Single-family: 150 feet;

b. Single-family: 90 feet or 100 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.30.

b. Front or street side lot line to house:

1. Single-family: 50 feet;

2. Single-family: 25 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage:

1. Single-family: 50 feet;

2. Single-family: 25 feet, add ten more feet for a lot adjacent

to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage:
    1. Single-family: 25 feet;
    2. Single-family: 15 feet.

e. Total of both sides, lot lines to house/attached garage:
    1. Single-family: 50 feet or 75 feet for a corner lot:
    2. Single-family: 30 feet or 40 feet for a corner lot.

f. Rear lot line to house/attached garage:
    1. Single-family: 50 feet;
    2. Single-family: 30 feet.

g. Side lot line to accessory structure:
    1. Single-family: 15 feet:
    2. Single-family: Five feet.

h. Rear lot line to accessory structure:
    1. Single-family: 15 feet:
    2. Single-family: Five feet.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Five feet from side or rear.

k. Minimum dwelling unit separation:
    1. Single-family: 50 feet;
    2. Single-family: 30 feet.

l. Maximum height of dwelling unit: 35 feet.

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot (including garage, drives, and all designated parking surfaced): Three spaces per dwelling unit.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(a)3)

Sec 105-147 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.700.

(2) Minimum lot area (MLA): 40,000 square feet.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 40,000 square feet.

(2) Minimum lot width: 150 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 50 feet.

b. Building to residential side lot line: 50 feet.

c. Building to residential rear lot line: 50 feet.

d. Building to nonresidential side lot line: 25 feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 50 feet.

i. Maximum building height: 35 feet.

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Forty-five landscaping points per 100 linear feet of building foundation.

(2) Twenty-five landscaping points per 1,000 square feet of gross floor area.

(3) Forty-five landscaping points per 100 linear feet of street frontage.

(4) Ninety landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(a)4)

Subdivision 105-II-3-III SR-3 Suburban Residential-3 District

Sec 105-178 Description And Purpose
Sec 105-179 List Of Allowable Land Uses
Sec 105-180 Regulations Applicable To Residential Uses
Sec 105-181 Regulations Applicable To Nonresidential Uses

Sec 105-178 Description And Purpose

(a) *Intent*. This district is intended to permit development which has a moderate density, suburban community character. Density and intensity standards for this district are designed to ensure that the SR-3 District shall serve as a designation which preserves and protects the suburban residential community character of its area. A variety of residential development options are available in this district, with a maximum gross density (MGD) of three dwelling units per gross acre.

(b) *Rationale*. This district provides for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the suburban community character is maintained as long as the SR-3 District designation is retained, regardless of how much development occurs within that area.

(Ord. of 2-7-2020, § 15.105(2)(b)1)

Sec 105-179 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 10,000 square foot lot.

(2) Selective cutting.

(3) Passive outdoor public recreation.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Public services and utilities.

(4) Community living arrangement (one to eight residents).

(c) *Land uses permitted as conditional use*.

(1) Clear cutting.

(2) Indoor institutional.

(3) Outdoor institutional.

(4) Community living arrangement (nine to 15 residents).

(5) Bed and breakfast establishments.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Private residential recreational facility.

c. Drainage structure.

d. Filling.

e. Home occupation.

f. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Exterior communication devices.

b. Intermediate day care home.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) On-site real estate sales office.

(4) Outdoor assembly.

(5) Remediation structure.

(6) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(2)(b)2)

Sec 105-180 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Maximum gross density (MGD): 3.00 dwelling units per acre.

(2) Minimum lot area (MLA): 10,000 square feet.

(3) Minimum site area (MSA): 10,000 square feet.

(b) *Residential bulk requirements*.

(1) Minimum lot area: 10,000 square feet.

(2) Minimum lot width: 70 feet or 80 feet for corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.30.

b. Front lot line to house: 35 feet, street side lot line to house 25 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front lot line to attached garage: 35 feet, street side lot line to attached garage 25 feet, add ten more feet for a lot adjacent to a

street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Ten feet.

e. Total of both sides, lot lines to house or attached garage: 25 feet, 35 feet for a corner lot.

f. Rear lot line to house or attached garage: 20 feet.

g. Side lot line to accessory structure: Five feet.

h. Rear lot line to accessory structure: Five feet.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear.

k. Minimum dwelling unit separation: 20 feet.

l. Maximum height of dwelling unit: 35 feet.

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot (including garage, drives, and all designated surfaces): Three spaces per dwelling unit.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(b)3)

Sec 105-181 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.55.

(2) Minimum lot area (MLA): 10,000 square feet.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 10,000 square feet.

(2) Minimum lot width: 90 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 30 feet.

b. Building to residential side lot line: 50 feet.

c. Building to residential rear lot line: 30 feet.

d. Building to nonresidential side lot line: 25 feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 50 feet.

i. Maximum building height: 35 feet.

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Forty landscaping points per 100 linear feet of building foundation.

(2) Twenty landscaping points per 1,000 square feet of gross floor area.

(3) Forty landscaping points per 100 linear feet of street frontage.

(4) Eighty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(b)4)

Subdivision 105-II-3-IV SR-5 Suburban Residential-5 District

Sec 105-201 Description And Purpose
Sec 105-202 List Of Allowable Land Uses
Sec 105-203 Regulations Applicable To Residential Uses
Sec 105-204 Regulations Applicable To Nonresidential Uses

Sec 105-201 Description And Purpose

(a) *Intent*. This district is intended to permit development which has a moderate density, suburban community character. Density and intensity standards for this district are designed to ensure that the SR-5 District shall serve as a designation which preserves and protects the suburban residential community character of its area. A variety of residential development options are available in this district, with a maximum gross density (MGD) of five dwelling units per gross acre.

(b) *Rationale*. This district provides for the permanent protection of a moderate density residential area for those who want to live in a suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the suburban community character is maintained as long as the SR-5 District designation is retained, regardless of how much development occurs within that area.

(Ord. of 2-7-2020, § 15.105(2)(c)1)

Sec 105-202 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 6,000 square foot lot.

(2) Selective cutting.

(3) Passive outdoor public recreation.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Public services and utilities.

(4) Community living arrangement (one to eight residents).

(c) *Land uses permitted as conditional use*.

(1) Clear cutting.

(2) Indoor institutional.

(3) Outdoor institutional.

(4) Community living arrangement (nine to 15 residents).

(5) Bed and breakfast establishments.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Private residential recreational facility.

c. Drainage structure.

d. Filling.

e. Home occupation.

f. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Exterior communication devices.

b. Intermediate day care home.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) On-site real estate sales office.

(4) Outdoor assembly.

(5) Remediation structure.

(6) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(2)(c)2)

Sec 105-203 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Maximum gross density (MGD): 5.00 dwelling units per acre.

(2) Minimum lot area (MLA): 6,000 square feet.

(3) Minimum site area (MSA): 6,000 square feet.

(b) *Residential bulk requirements*.

(1) Minimum lot area: 6,000 square feet.

(2) Minimum lot width: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.40.

b. Front or street side lot line to house: 25 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: 25 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Five feet.

e. Total of both sides, lot lines to house or attached garage: 15 feet or 30 feet for a corner lot.

f. Rear lot line to house or attached garage: 20 feet.

g. Side lot line to accessory structure: Five feet.

h. Rear lot line to accessory structure: Five feet.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear property line, except that an existing paved area nearer than three feet from a side lot line may be replaced, provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line.

k. Minimum dwelling unit separation: Ten feet.

l. Maximum height of dwelling unit: 35 feet.

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces: Three spaces per dwelling unit.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(c)3)

Sec 105-204 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.55.

(2) Minimum lot area (MLA): 6,000 square feet.

(3) Maximum building size (MGS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 6,000 square feet.

(2) Minimum lot width: 70 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 30 feet.

b. Building to residential side lot line: 50 feet.

c. Building to residential rear lot line: 30 feet.

d. Building to nonresidential side lot line: 25 feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 50 feet.

i. Maximum building height: 35 feet.

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Forty landscaping points per 100 linear feet of building foundation.

(2) Twenty landscaping points per 1,000 square feet of gross floor area.

(3) Forty landscaping points per 100 linear feet of street frontage.

(4) Eighty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(c)4)

Subdivision 105-II-3-V NR-6 Neighborhood Residential-6 District

Sec 105-232 Description And Purpose
Sec 105-233 List Of Allowable Land Uses
Sec 105-234 Regulations Applicable To Residential Uses
Sec 105-235 Regulations Applicable To Nonresidential Uses

Sec 105-232 Description And Purpose

(a) *Intent*. This district is intended to permit development which has a moderate density, neighborhood community character. Density and intensity standards for this district are designed to ensure that the NR-6 District shall serve as a designation which preserves and protects the neighborhood residential community character of its area. This district is oriented to small lot single-family residential development, with a maximum gross density (MGD) of six dwelling units per acre.

(b) *Rationale*. This district provides for the permanent protection of a moderate density residential area for those who want to live in a neighborhood residential environment and who retain enough land with their residence, or in their development, to ensure that the neighborhood community character is maintained as long as the NR-6 District designation is retained, regardless of

how much development occurs within that area. This district is intended to provide for single- and two-family dwelling types, including two flats.

(Ord. of 2-7-2020, § 15.105(2)(d)1)

Sec 105-233 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 6,000 square foot lot.

(2) Selective cutting.

(3) Passive outdoor public recreation.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Public services and utilities.

(4) Community living arrangement (one to eight residents).

(c) *Land uses permitted as conditional use*.

(1) Single-family: 4,500 square foot lot in a cluster development.

(2) Two-flat: 6,000 square foot lot.

(3) Clear cutting.

(4) Indoor institutional.

(5) Outdoor institutional.

(6) Community living arrangements (nine to 15 residents).

(7) Bed and breakfast establishments.

(8) Off-site parking lot.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Private residential recreational facility.

c. Drainage structure.

d. Filling.

e. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Exterior communication devices.

b. Home occupation.

c. Intermediate day care home.

(4) *Land uses permitted as temporary uses*.

a. Contractor's project office.

b. Contractor's on-site equipment storage.

c. On-site real estate sales office.

d. Outdoor assembly.

e. Remediation structure.

f. Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(2)(d)2)

Sec 105-234 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Conventional single-family development:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(2) Cluster single-family development:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 20,000 square feet.

(3) Two-flat:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(b) *Residential bulk requirements*.

(1) Minimum lot area:

a. Single-family and two-flat: 6,000 square feet;

b. Single-family: 4,500 square feet.

(2) Minimum lot width: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.40.

b. Front or street side lot line to house: Single-family and single-family: 25 feet, two-flat: 20 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Side lot line to house or attached garage: Five feet.

d. Total of both sides, lot lines to house/attached garage: Single-family and single-family: 15 feet or 30 feet for a corner lot, two-flat: 15 feet or 25 feet for a corner lot.

e. Rear lot line to house or attached garage: 20 feet.

f. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

g. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Peripheral setback: See section 105-892(e) along zoning district boundary.

i. Minimum paved surface setback: Three feet from a side or rear property line, except that an existing paved area nearer than three feet from a side lot line may be replaced, provided that it is not

nearer than the existing location and surface water from the paved area is directed away from the side property line.

j. Minimum dwelling unit separation: Ten feet.

k. Maximum height of dwelling unit: 35 feet.

l. Maximum height of accessory structure: 15 feet.

m. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces: Three spaces per dwelling unit.

n. Minimum dwelling core dimensions: 24 feet by 40 feet.

o. Minimum roof pitch: 3:12.

p. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(d)3)

Sec 105-235 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.55.

(2) Minimum lot area (MLA): 4,500 square feet.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 4,500 square feet.

(2) Minimum lot width: 60 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 25 feet.

b. Building to residential side lot line: 50 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: 25 feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 50 feet.

i. Maximum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Forty landscaping points per 100 linear feet of building foundation.

(2) Twenty landscaping points per 1,000 square feet of gross floor area.

(3) Forty landscaping points per 100 linear feet of street frontage.

(4) Eighty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(d)4)

Subdivision 105-II-3-VI MR-8 Mixed Residential-8 District

Sec 105-264 Description And Purpose
Sec 105-265 List Of Allowable Land Uses
Sec 105-266 Regulations Applicable To Residential Uses
Sec 105-267 Regulations Applicable To Nonresidential Uses

Sec 105-264 Description And Purpose

(a) *Intent*. This district is intended to permit development which has a moderately high density community character which lies between suburban and urban. The land use standards for this district permit both single-family detached residential development and certain types of moderately high density single-family attached development permitted by right and moderately high density single-family

attached development permitted as a conditional use, as well as a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the MR-8 District shall serve as a designation which preserves and protects the moderately high density residential community character of its area. A variety of residential development options are available in this district, with a maximum gross density (MGD) of eight dwelling units per gross acre.

(b) *Rationale*. This district provides for the permanent protection of an area for those who want to live in a moderately high density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the MR-8 District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including twin houses, duplexes, and two flats.

(Ord. of 2-7-2020, § 15.105(2)(e)1)

Sec 105-265 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 6,000 square foot lot.

(2) Duplex: 6,000 square foot lot.

(3) Twin house: 3,000 square foot lot.

(4) Selective cutting.

(5) Passive outdoor public recreation.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Public services and utilities.

(4) Community living arrangement (one to eight residents).

(5) Community living arrangement (nine to 15 residents).

(c) *Land uses permitted as conditional use*.

(1) Single-family: 4,500 square foot lot in a cluster development.

(2) Two-flat: 6,000 square feet per lot.

(3) Mobile home: 4,500 square foot lot.

(4) Clear cutting.

(5) Indoor institutional.

(6) Outdoor institutional.

(7) Bed and breakfast establishments.

(8) Group day care center (nine or more children).

(9) Off-site parking lot.

(d) *Land uses permitted as accessory use*s.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Private residential recreational facility.

c. Drainage structure.

d. Filling.

e. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Exterior communication devices.

b. Home occupation.

c. Intermediate day care home.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) On-site real estate sales office.

(4) Outdoor assembly.

(5) Remediation structure.

(6) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(2)(e)2)

Sec 105-266 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Conventional single-family development:

a. Maximum gross density (MGD): 8.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(2) Cluster single-family development:

a. Maximum gross density (MGD): 8.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 20,000 square feet.

(3) Two-flat:

a. Maximum gross density (MGD): 8.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(4) Duplex:

a. Maximum gross density (MGD): 8.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(5) Twin house:

a. Maximum gross density (MGD): 8.00 dwelling units per acre.

b. Minimum lot area (MLA): 3,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

d. Mobile home park:

1. Maximum gross density (MGD): 8.00 dwelling units per acre.
2. Minimum lot area (MLA): 4,500 square feet.
3. Minimum site area (MSA): Five acres.

(b) *Residential bulk requirements*.

(1) Minimum lot area: Single-family, two flat, and duplex: 6,000 square feet; single-family and mobile home: 4,500 square feet; twin house: 3,000 square feet.

(2) Minimum lot width: Twin house: 30 feet or 35 feet for a corner lot: All other dwelling unit types: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.50.

b. Front or street side lot line to house: Single-family, single-family, and mobile home: 25 feet, two flat, duplex, and twin house: 20 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: Single-family, single-family, and mobile home: 25 feet, two flat, duplex, and twin house: 20 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Twin house: Five feet or zero feet on zero lot line side; all other dwelling unit types: Five feet.

e. Total of both sides, lot lines to house or attached garage: Single-family, single-family, and mobile home: Ten feet or 30 feet for a corner lot; two flat, duplex, and twin house: Ten feet or 25 feet for a corner lot.

f. Rear lot line to house or attached garage: 20 feet.

g. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear

property line, except that an existing paved area nearer than three feet from a side lot line may be replaced, provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line.

k. Minimum dwelling unit separation:

    1. Twin house[1]: Ten feet or zero feet on zero lot line side;
    2. All other dwelling unit types: Ten feet.

l. Maximum height of dwelling unit: 35 feet.

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces:

    1. Three spaces per dwelling unit;
    2. Two spaces are required per mobile home unit.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(e)3)

Sec 105-267 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.40.

(2) Minimum lot area (MLA): 4,500 square feet.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 4,500 square feet.

(2) Minimum lot width: 60 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 20 feet.

b. Building to residential side lot line: 50 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: 25 feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 50 feet.

i. Maximum building height: 35 feet.

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Forty-five landscaping points per 100 linear feet of building foundation.

(2) Twenty landscaping points per 1,000 square feet of gross floor area.

(3) Forty-five landscaping points per 100 linear feet of street frontage.

(4) Ninety landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(e)4)

Subdivision 105-II-3-VII UR-12 Urban Residential-12 District

Sec 105-298 Description And Purpose

Sec 105-299 List Of Allowable Land Uses

Sec 105-300 Regulations Applicable To Residential Uses
Sec 105-301 Regulations Applicable To Nonresidential Uses

Sec 105-298 Description And Purpose

(a) *Intent*. This district is intended to permit development which has a high density, urban community character. The land use standards for this district permit single-family attached development permitted by right, and multifamily development permitted as a conditional use, as well as a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the UR-12 District shall serve as a designation which preserves and protects the urban residential community character of its area. A variety of residential development options are available in this district, with a maximum gross density (MGD) of 12 dwelling units per gross acre.

(b) *Rationale*. This district provides for the permanent protection of an area for those who want to live in a high-density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the UR-12 District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for multifamily development, including multiplexes and apartments.

(Ord. of 2-7-2020, § 15.105(2)(f)1)

Sec 105-299 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 6,000 square foot lot.

(2) Duplex: 6,000 square foot lot.

(3) Twin house: 3,000 square foot lot.

(4) Townhouse: 2,500 square foot lot.

(5) Selective cutting.

(6) Passive outdoor public recreation.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Public services and utilities.

(4) Community living arrangement (one to eight residents).

(5) Community living arrangement (nine to 15 residents).

(c) *Land uses permitted as conditional use*.

(1) Single-family: 4,500 square foot lot in a cluster development.

(2) Two-flat: 6,000 square foot lot.

(3) Multiplex: 2,500 square foot lot area per unit.

(4) Apartment: 2,500 square foot lot area per unit.

(5) Institutional Residential.

(6) Clear cutting.

(7) Indoor institutional.

(8) Outdoor institutional.

(9) Community living arrangement (16 or more residents).

(10) Bed and breakfast establishments.

(11) Group day care center (nine or more children).

(12) Roominghouse.

(13) Off-site parking lot.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Private residential recreational facility.

c. Drainage structure.

d. Filling.

e. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Exterior communication devices.

b. Home occupation.

c. Intermediate day care home.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) On-site real estate sales office.

(4) Outdoor assembly.

(5) Remediation structure.

(6) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(2)(f)2)

Sec 105-300 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Conventional single-family development:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(2) Cluster single-family development:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 20,000 square feet.

(3) Two-flat:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(4) Duplex:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.
b. Minimum lot area (MLA): 6,000 square feet.
c. Minimum site area (MSA): 6,000 square feet.

(5) Twin house:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.
b. Minimum lot area (MLA): 3,000 square feet.
c. Minimum site area (MSA): 6,000 square feet.
d. Maximum gross density (MGD): 12.00 dwelling units per acre.
e. Minimum lot area (MLA): 2,500 square feet.
f. Minimum site area (MSA): 4,500 square feet.

(6) Multiplex:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.
b. Minimum lot area (MLA): 2,500 square feet.
c. Minimum site area (MSA): 4,500 square feet.

(7) Apartment:

a. Maximum gross density (MGD):
    1. For new structure:
        i. 12.00 dwelling units per acre for two-bedroom units or units with more than two bedrooms;
        ii. 13.00 dwelling units per acre for one-bedroom units;
        iii. 14.00 dwelling units per acre for efficiencies;
    2. For converted structures: 22.00 dwelling units per acre (2,000 square feet per unit); and
    3. For structures in the central residential area (CRA)**: 40.00 dwelling units per acre.
b. Minimum lot area (MLA): 2,500 square feet, 1,000 square feet in CRA.
c. Minimum site area (MSA): 4,500 square feet.

(8) Institutional Residential:

a. Maximum gross density (MGD): Up to 40.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

**Central residential area is bounded by Erie Avenue to the north, 13th Street to the west, Fifth Street to the east, and the Sheboygan River to the south.

(b) *Residential bulk requirements*.

(1) Minimum lot area:

a. Single-family, duplex, and two-flat: 6,000 square feet;

b. Single-family and institutional recreational: 4,500 square feet;

c. Twin house: 3,000 square feet;

d. Townhouse, multiplex, and apartment: 2,500 square feet.

(2) Minimum lot width:

a. Twin house: 30 feet or 35 feet for a corner lot;

b. Townhouse: 16 feet or 36 feet for a corner lot;

c. All other dwelling unit types: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.50.

b. Front or street side lot line to house: Single-family and single-family: 25 feet; two flat, duplex, twin house, townhouse, multiplex, and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: Single-family and single-family: 25 feet; two flat, duplex, twin house, townhouse, multiplex, and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Twin house: Five feet or zero feet on zero lot line side; townhouse: Ten feet or zero feet on zero lot line side; multiplex, apartment, and institutional residential: Ten feet; and all other dwelling unit types: Five feet.

e. Total of both sides, lot lines to house or attached garage: Single-family and single-family: Ten feet or 30 feet for a corner lot; two flat, duplex, and twin house: Ten feet or 25 feet for a corner lot; townhouse: Ten feet or 20 feet for corner lot; multiplex and apartment: 20 feet or 30 feet for a corner lot; and institutional residential: 20 feet or 40 feet for a corner lot.

f. Rear lot line to house or attached garage: Single-family, single-family, two flat, duplex, and twin house: 20 feet; townhouse, multiplex, apartment, and institutional residential: 25 feet.

g. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Rear lot line to accessory structure: 35 feet when abutting an alley.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear property line, except that an existing paved area nearer than three feet from a side lot line may be replaced, provided that it is not nearer than the existing location and surface water from the paved area is directed away from the side property line.

k. Minimum dwelling unit separation:

    1. Single-family, single-family, two flat, and duplex: Ten feet;
    2. Twin house: Ten feet or zero feet on zero lot line side;
    3. Townhouse: 20 feet or zero feet on zero lot line side;
    4. Multiplex, apartment, and institutional residential: 20 feet.

l. Maximum height of dwelling unit: 35 feet, apartment and institutional residential in excess of 35 feet permitted with a conditional use permit.

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces: Three spaces per dwelling unit, except that in multifamily development two spaces are required for each unit with two or more bedrooms, 1 1/2 spaces for each unit with one bedroom or less.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family. See nonresidential landscaping requirements for multifamily residential.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(f)(3)

Sec 105-301 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.250.

(2) Minimum lot area (MLA): 4,500 square feet.

(3) Maximum building size (MBS): 60 feet.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 4,500 square feet.

(2) Minimum lot width: 60 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 20 feet.

b. Building to residential side lot line: 50 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: 25 feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 50 feet.

i. Maximum building height: 35 feet.

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements (nonresidential and multifamily)*.

(1) Fifty landscaping points per 100 linear feet of building foundation.

(2) Twenty landscaping points per 1,000 square feet of gross floor area.

(3) Fifty landscaping points per 100 linear feet of street frontage.

(4) One hundred landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(2)(f)4)

DIVISION 105-II-4 NONRESIDENTIAL DISTRICTS

Subdivision 105-II-4-I Nonresidential Districts In General (Reserved)
Subdivision 105-II-4-II NO Neighborhood Office District
Subdivision 105-II-4-III SO Suburban Office District
Subdivision 105-II-4-IV NC Neighborhood Commercial District
Subdivision 105-II-4-V SC Suburban Commercial District
Subdivision 105-II-4-VI UC Urban Commercial District
Subdivision 105-II-4-VII CC Central Commercial District
Subdivision 105-II-4-VIII SI Suburban Industrial District
Subdivision 105-II-4-IX UI Urban Industrial District
Subdivision 105-II-4-X HI Heavy Industrial District

Subdivision 105-II-4-I Nonresidential Districts In General (Reserved)

Subdivision 105-II-4-II NO Neighborhood Office District

Sec 105-344 Description And Purpose
Sec 105-345 List Of Allowable Land Uses
Sec 105-346 Regulations Applicable To Residential Uses
Sec 105-347 Regulations Applicable To Nonresidential Uses

Sec 105-344 Description And Purpose

(a) *Intent*. This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the estate community character of older

portions of the city predominately developed with large homes which are desirable to maintain and where traffic volumes and adjacent land uses dictate the transition of these areas to certain nonresidential uses. In certain instances attached and multifamily house may be allowed. A relatively low maximum floor area ratio (FAR) and significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to adjacent residential development, no nonresidential development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides for the permanent protection of an area which preserves the original estate residential appearance, yet permits office and institutional land uses, and which ensures that the estate community character is maintained as long as the NO District designation is retained, regardless of how much development occurs within that area.

(Ord. of 2-7-2020, § 15.105(3)(a)1)

Sec 105-345 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 6,000 square foot lot.

(2) Selective cutting.

(3) Passive outdoor public recreation.

(4) Office.

(5) Personal or professional services.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Indoor institutional.

(4) Public services and utilities.

(c) *Land uses permitted as conditional use*.

(1) Single-family: 4,500 square foot lot in a cluster development.

(2) Two-flat: 6,000 square foot lot.

(3) Multiplex: 2,500 square foot lot area per unit.

(4) Apartment: 2,500 square foot lot area per unit.

(5) Institutional Residential.

(6) Clear cutting.

(7) Outdoor institutional.

(8) Community living arrangement (nine to 15 residents).

(9) Community living arrangements (16 or more residents).

(10) Indoor sales or service.

(11) In-vehicle sales or service.

(12) Indoor commercial entertainment.

(13) Commercial indoor lodging.

(14) Bed and breakfast establishments.

(15) Group day care center (nine or more children).

(16) Roominghouse.

(17) Off-site parking lot.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Company cafeteria.

d. Lawn care.

e. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Company-provided, on-site recreation without lighting.

c. Drainage structure.

d. Filling.

e. Exterior communication devices.

f. Home occupation.

g. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Company-provided, on-site recreation with lighting.

b. In-vehicle sales or service.

c. Exterior communication devices, not meeting special use requirements.

d. Special use requirements.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) Outdoor assembly.

(6) Remediation structure.

(7) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(a)2)

Sec 105-346 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Conventional single-family development:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(2) Cluster single-family development:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 20,000 square feet.

(3) Two-flat:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(4) Multiplex:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.

b. Minimum lot area (MLA): 2,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(5) Apartment:

a. Maximum gross density (MGD): For converted structures only: 22.00 dwelling units per acre (2,000 square feet per unit).

b. Minimum lot area (MLA): 2,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(6) Institutional Residential:

a. Maximum gross density (MGD): Up to 40.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(b) *Residential bulk requirements*.

(1) Minimum lot area:

a. Single-family and two-flat: 6,000 square feet;

b. Single-family and institutional residential: 4,500 square feet;

c. Multiplex and apartment: 2,500 square feet.

(2) Minimum lot width: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.50.

b. Front or street side lot line to house: Single-family and single-family: 25 feet; two flat, multiplex and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: Single-family and

single-family: 25 feet; two flat, multiplex, and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Multiplex, apartment, and institutional residential: Ten feet; and all other dwelling unit types: Five feet.

e. Total of both sides, lot lines to house or attached garage: single-family and single-family: Ten feet or 30 feet for a corner lot; two-flat: Ten feet or 25 feet for a corner lot; multiplex and apartment: 20 feet or 30 feet for a corner lot; and institutional residential: 20 feet or 40 feet for a corner lot.

f. Rear lot line to house or attached garage: Single-family, single-family, and two-flat: 20 feet; multiplex, apartment and institutional residential: 25 feet.

g. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear.

k. Minimum dwelling unit separation:

    1. Single-family, single-family, and two-flat: Ten feet;

    2. Multiplex, apartment and institutional residential: 20 feet.

l. Maximum height of dwelling unit: 35 feet (multiplex, apartment and institutional residential in excess of 35 feet permitted with a conditional use permit).

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces: Three spaces per dwelling unit, except that in multifamily development two spaces are required for each unit with two or more bedrooms, 1 1/2 spaces for each unit with one bedroom or less.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family. See nonresidential landscaping requirements for multifamily residential.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(a)3)

Sec 105-347 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.25.

(2) Minimum lot area (MLA): 4,500 square feet.

(3) Maximum building size (MBS): 5,000 square feet.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 4,500 square feet.

(2) Minimum lot width: 30 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 20 feet.

b. Building to residential side lot line: Eight feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: Eight feet.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Five feet from street.

h. Minimum building separation: 16 feet.

i. Maximum building height: 35 feet.

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements (nonresidential and multifamily)*.

(1) Forty-five landscaping points per 100 linear feet of building foundation.

(2) Twenty landscaping points per 1,000 square feet of gross floor area.

(3) Forty-five landscaping points per 100 linear feet of street frontage.

(4) Ninety-five landscaping point per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(a)4)

Subdivision 105-II-4-III SO Suburban Office District

Sec 105-368 Description And Purpose
Sec 105-369 List Of Allowable Land Uses
Sec 105-370 Regulations Applicable To Residential Uses
Sec 105-371 Regulations Applicable To Nonresidential Uses

Sec 105-368 Description And Purpose

(a) *Intent*. This district is intended to permit high-quality office and institutional uses at an intensity compatible with the suburban community character of portions of the city. A relatively low maximum floor area ratio (FAR) and significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no nonresidential development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides for the permanent protection of an area for those who desire a high-quality office environment which maintains the attractiveness of the site and retains enough open land in their development to ensure that the suburban character is maintained as long as the SO District designation is retained, regardless of how much development occurs within that area.

(Ord. of 2-7-2020, § 15.105(3)(b)1)

Sec 105-369 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Selective cutting.

(2) Passive outdoor public recreation.

(3) Office.

(4) Personal or professional services.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Indoor institutional.

(4) Public services and utilities.

(c) *Land uses permitted as conditional uses*.

(1) Institutional Residential.

(2) Clear cutting.

(3) Outdoor institutional.

(4) Community living arrangement (nine to 15 residents).

(5) Community living arrangement (16 or more residents).

(6) Indoor sales or service.

(7) In-vehicle sales or service.

(8) Indoor commercial entertainment.

(9) Commercial indoor lodging.

(10) Group day care center (nine or more children).

(11) Airport/heliport.

(12) Off-site parking lot.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Company cafeteria.

d. Lawn care.

e. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Company-provided, on-site recreation without lighting.

c. Drainage structure.

d. Filling.

e. Exterior communication devices.

f. Home occupation.

g. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Company-provided, on-site recreation with lighting.

b. In-vehicle sales or service.

c. Exterior communication devices, not meeting special use requirements.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) Outdoor assembly.

(6) Remediation structure.

(7) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(b)2)

Sec 105-370 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Institutional Residential:

a. Maximum gross density (MGD): Up to 40.00.

b. Minimum lot area (MLA): One acre.

c. Minimum site area (MSA): One acre.

(b) *Residential bulk requirements*.

(1) Minimum lot area: One acre.

(2) Minimum lot width: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.50.

b. Front or street side lot line to house: 30 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: 30 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Ten feet.

e. Total of both sides, lot lines to house/attached garage: 20 feet or 40 feet for corner.

f. Rear lot line to house or attached garage: 25 feet.

g. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear.

k. Minimum dwelling unit separation: 20 feet.

l. Maximum height of dwelling unit: 35 feet (can exceed 35 feet with conditional use).

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces: Three spaces per institutional residential.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family. See nonresidential landscaping requirements for multifamily residential.

(d) *Residential performance standard*s. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(b)3)

Sec 105-371 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.25.

(2) Minimum lot area (MLA): One acre (reduction in lot area from one acre to 4,500 square feet is permitted as a conditional use).

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: One acre (4,500 square feet with a conditional use).

(2) Minimum lot width: 100 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 25 feet.

b. Building to residential side lot line: 25 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: Ten feet or zero feet on zero lot line side.

e. Building to nonresidential rear lot line: Ten feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;
2. Ten feet from street.

h. Minimum building separation: 20 feet or zero feet on zero lot line side.

i. Maximum building height: 35 feet (can exceed 35 feet with conditional use permit).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements (nonresidential and multifamily)*.

(1) Forty landscaping points per 100 linear feet of building foundation.

(2) Fifteen landscaping points per 1,000 square feet of gross floor area.

(3) Forty landscaping points per 100 linear feet of street frontage.

(4) Eighty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(b)4)

Subdivision 105-II-4-IV NC Neighborhood Commercial District

Sec 105-401 Description And Purpose
Sec 105-402 List Of Allowable Land Uses
Sec 105-403 Regulations Applicable To Residential Uses
Sec 105-404 Regulations Applicable To Nonresidential Uses

Sec 105-401 Description And Purpose

(a) *Intent*. This district is intended to permit small scale commercial development which is compatible with the desired overall suburban community character of the area in general, and with adequate residential development in particular. This is accomplished with relatively low maximum floor area ratios (FARs). Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no nonresidential development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides for both convenience-oriented goods and services and for the permanent protection of adjacent residential areas by permitted only a limited range of commercial activities. The desired suburban community character of the development is attained through the floor area ratio (FAR) and landscape surface area ratio (LSR) requirements, and by restricting the maximum building size (MBS) of all buildings within each instance of this district to 12,000 square feet. Together, these requirements ensure that the desired suburban community character is maintained as long as the NC District designation is retained, regardless of how much development occurs within that area.

(Ord. of 2-7-2020, § 15.105(3)(c)1)

Sec 105-402 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Single-family: 6,000 square foot lot.

(2) Selective cutting.

(3) Passive outdoor public recreation.

(4) Office.

(5) Personal or professional services.

(6) Indoor sales or service.

(7) Indoor maintenance service.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Indoor institutional.

(4) Public services and utilities.

(c) *Land uses permitted as conditional uses*.

(1) Single-family: 4,500 square foot lot in a cluster development.

(2) Two-flat: 6,000 square foot lot.

(3) Multiplex: 2,500 square foot lot area per unit.

(4) Apartment: 2,500 square feet per unit.

(5) Institutional Residential.

(6) Pet shops.

(7) Clear cutting.

(8) Outdoor institutional.

(9) In-vehicle sales or service.

(10) Indoor commercial entertainment.

(11) Bed and breakfast establishments.

(12) Group day care center (nine or more children).

(13) Off-site parking lot.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Drainage structure.

c. Filling.

d. Exterior communication devices.

e. Home occupation.

f. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Commercial apartment.

b. In-vehicle sales or service.

c. Light industrial incidental to indoor sales.

d. Exterior communication devices not meeting special use requirements.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) General temporary outdoor sales.

(6) Outdoor sales of farm products.

(7) Outdoor assembly.

(8) Remediation structure.

(9) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(c)2)

Sec 105-403 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Conventional single-family development:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(2) Cluster single-family development:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 20,000 square feet.

(3) Two-flat:

a. Maximum gross density (MGD): 6.00 dwelling units per acre.

b. Minimum lot area (MLA): 6,000 square feet.

c. Minimum site area (MSA): 6,000 square feet.

(4) Multiplex:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.

b. Minimum lot area (MLA): 2,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(5) Apartment:

a. Maximum gross density (MGD): For converted structures only: 22.00 dwelling units per acre (2,000 square feet per unit).

b. Minimum lot area (MLA): 2,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(6) Institutional Residential:

a. Maximum gross density (MGD): Up to 40.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(b) *Residential bulk requirements*.

(1) Minimum lot area:

a. Single-family and two-flat: 6,000 square feet;

b. Single-family and institutional residential: 4,500 square feet;

c. Multiplex and apartment: 2,500 square feet.

(2) Minimum lot width: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.50.

b. Front or street side lot line to house: Single-family and single-family: 25 feet; two flat, multiplex, and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: Single-family and single-family: 25 feet; two flat, multiplex, and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Multiplex, apartment and institutional residential: Ten feet; and all other dwelling unit types: Five feet.

e. Total of both sides, lot lines to house/attached garage: Single-family and single-family: Ten feet or 30 feet for a corner lot; two-flat: Ten feet or 25 feet for a corner lot; multiplex and apartment: 20 feet or 30 feet for a corner not; and institutional residential: 20 feet or 40 feet for a corner lot.

f. Rear lot line to house or attached garage: Single-family, single-family, and two-flat: 20 feet; multiplex, apartment and institutional residential: 25 feet.

g. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear.

k. Minimum dwelling unit separation:

    1. Single-family, single-family, and two-flat: Ten feet;

    2. Multiplex, apartment and institutional residential: 20 feet.

l. Maximum height of dwelling unit: 35 feet (Multiplex, apartment and institutional residential in excess of 35 ft permitted with a conditional use permit).

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot (including garage, drives, and all designated parking surfaces: Three spaces per dwelling unit, except that in multifamily development two spaces are required for each unit with two or more bedrooms, 1 1/2 spaces for each unit with one bedroom or less.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family.

See nonresidential landscaping requirements for multifamily residential.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(c)3)

Sec 105-404 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.15.

(2) Minimum lot area (MLA): 3,000 square feet.

(3) Maximum building size (MBS): 5,000 square feet.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 3,000 square feet.

(2) Minimum lot width: Zero feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: Zero* feet.

b. Building to residential side lot line: Zero* feet.

c. Building to residential rear lot line: 20 feet.

d. Building to nonresidential side lot line: Zero* feet or zero feet on zero lot line side.

e. Building to nonresidential rear lot line: Ten feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback: Zero* feet.

h. Minimum building separation: Zero feet (except per plan commission).

i. Maximum building height: 20 feet (except per plan commission).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

*Maximum permitted setback of zero feet, except where permitted by the plan commission as an essential component of site design.

(c) *Nonresidential landscaping requirements (nonresidential and multifamily)*.

(1) Forty landscaping points per 100 linear feet of building foundation.

(2) Fifteen landscaping points per 1,000 square feet of gross floor area.

(3) Forty landscaping points per 100 linear feet of street frontage.

(4) Eighty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(c)4)

Subdivision 105-II-4-V SC Suburban Commercial District

Sec 105-422 Description And Purpose
Sec 105-423 List Of Allowable Land Uses
Sec 105-424 Regulations Applicable To Residential Uses
Sec 105-425 Regulations Applicable To Nonresidential Uses

Sec 105-422 Description And Purpose

(a) *Intent*. This district is intended to permit large- and small-scale commercial development which is compatible with the desired overall suburban community character of the area in general. This is accomplished with relatively low maximum floor area ratios (FARs). Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides the principal zoning district for commercial development which occurs after the adoption of the ordinance from which this chapter is derived. The standards of this district are designed to provide a clear distinction from the UC and CC Districts in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of the development is attained through the floor area ratio (FAR) and landscape surface area ratio (LSR) requirements. Together, these requirements ensure that the desired suburban community character is maintained as long as the SC District designation is retained, regardless of how much development occurs within that area.

(Ord. of 2-7-2020, § 15.105(3)(d)1)

Sec 105-423 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Selective cutting.

(2) Passive outdoor public recreation.

(3) Office.

(4) Personal or professional services.

(5) Indoor sales or service.

(6) Indoor maintenance service.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Indoor institutional.

(4) Public services and utilities.

(c) *Land uses permitted as conditional uses*.

(1) Institutional Residential.

(2) Clear cutting.

(3) Outdoor institutional.

(4) Outdoor display.

(5) In-vehicle sales or service.

(6) Indoor commercial entertainment.

(7) Commercial animal boarding.

(8) Pet shops.

(9) Indoor storage and wholesaling.

(10) Commercial indoor lodging.

(11) Bed and breakfast establishments.

(12) Group day care center (nine or more children).

(13) Off-site parking lot.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Company cafeteria.

d. Lawn care.

e. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Company-provided on-site recreation without lighting.

c. Drainage structure.

d. Filling.

e. Exterior communication devices.

f. Home occupation.

g. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Commercial apartment.

b. Company-provided, on-site recreation with lighting.

c. Incidental outdoor display.

d. In-vehicle sales or service.

e. Light industrial, incidental to indoor sales.

f. Exterior communication devices not meeting special use requirements.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) General temporary outdoor sales.

(6) Outdoor sales of farm products.

(7) Outdoor assembly.

(8) Remediation structure.

(9) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(d)2)

Sec 105-424 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Institutional Residential:

a. Maximum gross density (MGD): Up to 40.00.

b. Minimum lot area (MLA): One acre.

c. Minimum site area (MSA): One acre.

(b) *Residential bulk requirements*.

(1) Minimum lot area: One acre.

(2) Minimum lot width: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.50.

b. Front or street side lot line to house: 30 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: 30 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Ten feet.

e. Total of both sides, lot lines to house/attached garage: 20 feet or 40 feet for corner.

f. Rear lot line to house or attached garage: 25 feet.

g. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear.

k. Minimum dwelling unit separation: 20 feet.

l. Maximum height of dwelling unit: 35 feet (can exceed 35 feet with conditional use).

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces: Three spaces per dwelling unit, except that in multifamily development two spaces are required for each unit with two or more bedrooms, 1 1/2 spaces for each unit with one bedroom or less.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family. See nonresidential landscaping requirements for multifamily residential.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(d)3)

Sec 105-425 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.25.

(2) Minimum lot area (MLA): One acre (reduction in lot area from one acre to 4,500 square feet is permitted as a conditional use).

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: One acre (4,500 square feet with a conditional use).

(2) Minimum lot width: 60 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 25 feet.

b. Building to residential side lot line: 25 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: Ten feet or zero feet on zero lot line side.

e. Building to nonresidential rear lot line: Ten feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 20 feet or zero feet on zero lot line side.

i. Maximum building height: 50 feet (can exceed 50 feet with conditional use permit).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements (nonresidential and multifamily)*.

(1) Forty landscaping points per 100 linear feet of building foundation.

(2) Ten landscaping points per 1,000 square feet of gross floor area.

(3) Forty landscaping points per 100 linear feet of street frontage.

(4) Eighty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(d)4)

Subdivision 105-II-4-VI UC Urban Commercial District

Sec 105-449 Description And Purpose
Sec 105-450 List Of Allowable Land Uses
Sec 105-451 Regulations Applicable To Residential Uses
Sec 105-452 Regulations Applicable To Nonresidential Uses

Sec 105-449 Description And Purpose

(a) *Intent*. This district is intended to permit both large- and small-scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, maximum permitted floor area ratios (FARs) are significantly higher and minimum required green space ratios (GSRs) are substantially lower than those required in the SC District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides an alternative, primarily infill development, designation for commercial activity to the SC District. Performance standards for the UC District are designed to ensure the long-term economic health of older commercial development areas, existing as of the effective date of the ordinance from which this chapter is derived, by limiting the attraction of the SC District to those land uses which can afford the relatively higher development costs and rents associated with development in that district.

(Ord. of 2-7-2020, § 15.105(3)(e)1)

Sec 105-450 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Selective cutting.

(2) Passive outdoor public recreation.

(3) Office.

(4) Personal or professional services.

(5) Indoor sales or service.

(6) Indoor maintenance service.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Indoor institutional.

(4) Public services and utilities.

(5) Off-site parking lot.

(c) *Land uses permitted as conditional uses*.

(1) Single-family residences.

(2) Institutional Residential.

(3) Clear cutting.

(4) Outdoor institutional.

(5) Outdoor display.

(6) In-vehicle sales or service.

(7) Indoor commercial entertainment.

(8) Outdoor commercial entertainment.

(9) Commercial animal boarding.

(10) Pet shops.

(11) Indoor storage and wholesaling.

(12) Commercial indoor lodging.

(13) Bed and breakfast establishments.

(14) Group day care center (nine or more children).

(15) Roominghouse.

(16) Personal storage facility.

(17) Commercial apartment for non-owner/operator.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Company cafeteria.

d. Lawn care.

e. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. Commercial apartment for owner/operator.

b. On-site parking lot.

c. Company-provided, on-site recreation without lighting.

d. Drainage structure.

e. Filling.

f. Exterior communication devices.

g. Home occupation.

h. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Company-provided, on-site recreation with lighting.

b. Incidental outdoor display.

c. In-vehicle sales or service.

d. Light industrial, incidental to indoor sales.

e. Exterior communication devices, not meeting special use requirements.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) General temporary outdoor sales.

(6) Outdoor sales of farm products.

(7) Outdoor assembly.

(8) Remediation structure.

(9) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(e)2)

Sec 105-451 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Institutional Residential:

a. Maximum gross density (MGD): up to 40.00.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(2) Residential bulk requirements:

a. Minimum lot area: 4,500 square feet.

b. Minimum lot width: 60 feet or 70 feet for a corner lot.

c. Minimum setbacks:

1. Building coverage ratio: 0.50.
2. Front or street side lot line to house: 30 feet, add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
3. Front or street side lot line to attached garage: 30 feet, add 20 more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.
4. Side lot line to house or attached garage: Ten feet.
5. Total of both sides, lot lines to house/attached garage: 20 feet or 40 feet for corner.
6. Rear lot line to house or attached garage: 25 feet.
7. Side lot line to accessory structure: Three feet, five feet when abutting an alley.
8. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.
9. Peripheral setback: See section 105-892(e) along zoning district boundary.
10. Minimum paved surface setback: Three feet from side or rear.
11. Minimum dwelling unit separation: 20 feet.
12. Maximum height of dwelling unit: 35 feet (can exceed 35 feet with conditional use)
13. Maximum height of accessory structure: 15 feet.
14. Minimum number of off-street parking spaces required on

the lot (including garage, drives, and all designated parking surfaces: One space for each bedroom in a commercial apartment.

15. Minimum dwelling core dimensions: 24 feet by 40 feet.
16. Minimum roof pitch: 3:12.
17. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(3) Residential landscaping requirements: Not applicable for single- and two-family. See nonresidential landscaping requirements for multifamily residential.

(4) Residential performance standards: See article VIII of this chapter.

(5) Residential signage regulations: See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(e)3)

Sec 105-452 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.10.

(2) Minimum lot area (MLA): 3,000 square feet.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 3,000 square feet.

(2) Minimum lot width: 30 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: Zero feet.
b. Building to residential side lot line: 25 feet.
c. Building to residential rear lot line: 25 feet.
d. Building to nonresidential side lot line: Five feet or zero feet on zero lot line side.
e. Building to nonresidential rear lot line: Ten feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Five feet from street.

h. Minimum building separation: Ten feet or zero feet on zero lot line side.

i. Maximum building height: 50 feet (can exceed 50 feet with conditional use permit).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements (nonresidential and multifamily)*.

(1) Twenty landscaping points per 100 linear feet of building foundation.

(2) Five landscaping points per 1,000 square feet of gross floor area.

(3) Twenty landscaping points per 100 linear feet of street frontage.

(4) Forty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(e)4)

Subdivision 105-II-4-VII CC Central Commercial District

Sec 105-473 Description And Purpose
Sec 105-474 List Of Allowable Land Uses
Sec 105-475 Regulations Applicable To Residential Uses
Sec 105-476 Regulations Applicable To Nonresidential Uses

Sec 105-473 Description And Purpose

(a) *Intent*. This district is intended to permit both large and small-scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, maximum floor area ratios (FARs) permitted in this district are much higher than those allowed in the SC and UC Districts. A wide range of office, retail, and lodging land uses are

permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district is intended to provide an alternative, primarily infill development designation for commercial activity to the SC and UC Districts are designed to assist in maintaining the long-term viability of the city center.

(Ord. of 2-7-2020, § 15.105(3)(f)1)

Sec 105-474 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Selective cutting.

(2) Passive outdoor public recreation.

(3) Office.

(4) Personal or professional services.

(5) Indoor sales or service.

(6) Indoor maintenance service.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Indoor institutional.

(4) Public services and utilities.

(5) Off-site parking lot.

(c) *Land uses permitted as conditional uses*.

(1) Townhouse: 2,500 square foot lot.

(2) Multiplex: 2,500 square foot lot area per unit.

(3) Apartment: 1,000 square foot lot area per unit.

(4) Institutional Residential.

(5) Clear cutting.

(6) Outdoor institutional.

(7) In-vehicle sales or service.

(8) Indoor commercial entertainment.

(9) Commercial indoor lodging.

(10) Bed and breakfast establishments.

(11) Pet shops.

(12) Group day care center (nine or more children).

(13) Roominghouse.

(14) Single-family residences.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Company cafeteria.

d. Lawn care.

e. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Company-provided, on-site recreation without lighting.

c. Drainage structure.

d. Filling.

e. Exterior communication devices.

f. Home occupation.

g. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Commercial apartment.

b. Company-provided, on-site recreation with lighting.

c. In-vehicle sales or service.

d. Light industrial incidental to indoor sales.

e. Exterior communication devices, not meeting special use requirements.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) General temporary outdoor sales.

(6) Outdoor sales of farm products.

(7) Outdoor assembly.

(8) Remediation structure.

(9) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(f)2)

Sec 105-475 Regulations Applicable To Residential Uses

(a) *Residential density and intensity requirements*.

(1) Townhouse:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.

b. Minimum lot area (MLA): 2,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(2) Multiplex:

a. Maximum gross density (MGD): 12.00 dwelling units per acre.

b. Minimum lot area (MLA): 2,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(3) Apartment:

a. Maximum gross density (MGD): Up to 40.00 dwelling units per acre.

b. Minimum lot area (MLA): 2,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(4) Institutional Residential:

a. Maximum gross density (MGD): Up to 40.00 dwelling units per acre.

b. Minimum lot area (MLA): 4,500 square feet.

c. Minimum site area (MSA): 4,500 square feet.

(b) *Residential bulk requirements*.

(1) Minimum lot area:

a. Townhouse, multiplex, and apartment: 2,500 square feet;

b. Institutional recreational: 4,500 square feet.

(2) Minimum lot width:

a. Townhouse: 16 feet or 36 feet for a corner lot;

b. All other dwelling unit types: 60 feet or 70 feet for a corner lot.

(3) Minimum setbacks:

a. Building coverage ratio: 0.50.

b. Front or street side lot line to house: Townhouse, multiplex, and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

c. Front or street side lot line to attached garage: Townhouse, multiplex, and apartment: 20 feet; and institutional residential: 30 feet; add ten more feet for a lot adjacent to a street with an officially mapped right-of-way equal to or exceeding 100 feet.

d. Side lot line to house or attached garage: Townhouse: Ten feet or zero feet on zero lot line side; multiplex, apartment, and institutional residential: Ten feet.

e. Total of both sides, lot lines to house or attached garage: Townhouse: Ten feet or 20 feet for a corner lot; multiplex and apartment: 20 feet or 30 feet for a corner lot; and institutional residential: 20 feet or 40 feet for a corner lot.

f. Rear lot line to house or attached garage: 25 feet.

g. Side lot line to accessory structure: Three feet, five feet when abutting an alley.

h. Rear lot line to accessory structure: Three feet, five feet when abutting an alley.

i. Peripheral setback: See section 105-892(e) along zoning district boundary.

j. Minimum paved surface setback: Three feet from side or rear.

k. Minimum dwelling unit separation:

1. Townhouse: 20 feet or zero feet on zero lot line side;

2. All other dwelling unit types: 20 feet.

l. Maximum height of dwelling unit: 35 feet, apartment and institutional residential in excess of 35 feet permitted with a conditional use permit.

m. Maximum height of accessory structure: 15 feet.

n. Minimum number of off-street parking spaces required on the lot, including garages, drives, and all designated parking surfaces: Three spaces per dwelling unit, except that in multifamily development two spaces are required for each unit with two or more bedrooms, 1 1/2 spaces for each unit with one bedroom or less.

o. Minimum dwelling core dimensions: 24 feet by 40 feet.

p. Minimum roof pitch: 3:12.

q. Minimum eave width: 18 inches standard type for conventional development or dwelling unit type permitted by right; Italic type for cluster development or dwelling unit type requiring conditional use.

(c) *Residential landscaping requirements*. Not applicable for single- and two-family. See nonresidential landscaping requirements for multifamily residential.

(d) *Residential performance standards*. See article VIII of this chapter.

(e) *Residential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(f)3)

Sec 105-476 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.00.

(2) Minimum lot area (MLA): NA.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: NA.

(2) Minimum lot width: Zero feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: Zero feet.

b. Building to residential side lot line: Zero feet.

c. Building to residential rear lot line: 20 feet.

d. Building to nonresidential side lot line: Zero feet.

e. Building to nonresidential rear lot line: Ten feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback: Zero feet.

h. Minimum building separation: Zero feet.

i. Maximum building height: 20 feet (can exceed 20 feet with conditional use permit).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements (nonresidential and multifamily)*.

(1) Zero landscaping points per 100 linear feet of building foundation.

(2) Zero landscaping points per 1,000 square feet of gross floor area.

(3) Zero landscaping points per 100 linear feet of street frontage.

(4) Twenty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(f)4)

Subdivision 105-II-4-VIII SI Suburban Industrial District

Sec 105-506 Description And Purpose

Sec 105-507 List Of Allowable Land Uses

Sec 105-508 Regulations Applicable To Residential Uses
Sec 105-509 Regulations Applicable To Nonresidential Uses

Sec 105-506 Description And Purpose

(a) *Intent*. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the designated zoning district. Beyond a relatively low maximum floor area ratio (FAR) and a relatively high minimum green space ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, research and development facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the UI District. In addition, land uses shall comply with the minimum performance standards presented in article VI of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(g)1)

Sec 105-507 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Selective cutting.

(2) Passive outdoor public recreation.

(3) Office.

(4) Indoor maintenance service.

(5) Indoor storage or wholesaling.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Active outdoor public recreation.

(3) Indoor institutional.

(4) Public services and utilities.

(5) Light industrial.

(c) *Land uses permitted as conditional uses*.

(1) Clear cutting.

(2) Outdoor institutional.

(3) Indoor sales or service.

(4) Indoor commercial entertainment.

(5) Outdoor commercial entertainment.

(6) Group day care center (nine or more children).

(7) Personal storage facility.

(8) Airport/heliport.

(9) Distribution center.

(10) Off-site parking lot.

(11) Communication tower.

(12) Commercial animal boarding.

(13) Personal or professional service.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Company cafeteria.

d. Lawn care.

e. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Company-provided, on-site recreation without lighting.

c. Indoor sales incident to light industrial use.

d. Drainage structure.

e. Filling.

f. Exterior communication devices.

g. Home occupation.

h. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Commercial apartment.

b. Company-provided, on-site recreation with lighting.

c. Exterior communication devices, not meeting special use requirements.

d. Special use requirements.

e. In-vehicle sales and service.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) Outdoor sales of farm products.

(6) Outdoor assembly.

(7) Remediation structure.

(8) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(g)2)

Sec 105-508 Regulations Applicable To Residential Uses

Not applicable.

(Ord. of 2-7-2020, § 15.105(3)(g)3)

Sec 105-509 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.25.

(2) Minimum lot area (MLA): One acre (reduction in lot area from one acre to 4,500 square feet is permitted as a conditional use).

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: One acre (4,500 square feet with a conditional use).

(2) Minimum lot width: 60 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 25 feet.

b. Building to residential side lot line: 25 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: Ten feet or zero feet on zero lot line side.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Ten feet from street.

h. Minimum building separation: 20 feet or zero feet on zero lot line side.

i. Maximum building height: 50 feet (can exceed 50 feet with conditional use permit).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Forty landscaping points per 100 linear feet of building foundation.

(2) Ten landscaping points per 1,000 square feet of gross floor area.

(3) Forty landscaping points per 100 linear feet of street frontage.

(4) Eighty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(g)4)

Subdivision 105-II-4-IX UI Urban Industrial District

Sec 105-527 Description And Purpose
Sec 105-528 List Of Allowable Land Uses
Sec 105-529 Regulations Applicable To Residential Uses
Sec 105-530 Regulations Applicable To Nonresidential Uses

Sec 105-527 Description And Purpose

(a) *Intent*. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with existing transition and urban intensity development. Beyond a relatively high maximum floor area ratio (FAR) and a relatively high minimum green space ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the HI District. In addition, uses shall comply with the minimum performance standards presented in article VI of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(h)1)

Sec 105-528 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Selective cutting.

(2) Passive outdoor public recreation.

(3) Office.

(4) Indoor maintenance service.

(5) Indoor storage or wholesaling.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Public services and utilities.

(3) Off-site parking lot.

(4) Light industrial.

(c) *Land uses permitted as conditional uses*.

(1) Clear cutting.

(2) Group day care center (nine or more children).

(3) Outdoor storage or wholesaling.

(4) Personal storage facility.

(5) Airport/heliport.

(6) Distribution center.

(7) Communication tower.

(8) Indoor commercial entertainment.

(9) Commercial animal boarding.

(10) Junkyard or salvage yard.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Detached garage, carport or shed.

c. Lawn care.

d. On-site composting/wood piles of less than five cubic yards.

e. Family day care home (four to eight children).

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Company-provided, on-site recreation without lighting.

c. Indoor sales incident to light industrial use.

d. Drainage structure.

e. Filling.

f. Exterior communication devices.

g. Home occupation.

h. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Company-provided, on-site recreation with lighting.

b. Exterior communication devices, not meeting special use requirements.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) Outdoor sales of farm products.

(6) Outdoor assembly.

(7) Remediation structure.

(8) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(h)2)

Sec 105-529 Regulations Applicable To Residential Uses

Not applicable.

(Ord. of 2-7-2020, § 15.105(3)(h)3)

Sec 105-530 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.10.

(2) Minimum lot area (MLA): 3,000 square feet.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: 3,000 square feet.

(2) Minimum lot width: 30 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 25 feet.

b. Building to residential side lot line: 25 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: Five feet or zero feet on zero lot line side.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Five feet from street.

h. Minimum building separation: Ten feet or zero feet on zero lot line side.

i. Maximum building height: 50 feet (can exceed 50 feet with conditional use permit).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Twenty landscaping points per 100 linear feet of building foundation.

(2) Five landscaping points per 1,000 square feet of gross floor area.

(3) Twenty landscaping points per 100 linear feet of street frontage.

(4) Forty landscaping points per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(h)4)

Subdivision 105-II-4-X HI Heavy Industrial District

Sec 105-554 Description And Purpose
Sec 105-555 List Of Allowable Land Uses
Sec 105-556 Regulations Applicable To Residential Uses
Sec 105-557 Regulations Applicable To Nonresidential Uses

Sec 105-554 Description And Purpose

(a) *Intent*. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

(b) *Rationale*. This district provides a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in article VI of this chapter. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a conditional use permit.

(Ord. of 2-7-2020, § 15.105(3)(i)1)

Sec 105-555 List Of Allowable Land Uses

(a) *Land uses permitted by right*.

(1) Selective cutting.

(2) Passive outdoor public recreation.

(3) Office.

(4) Indoor maintenance service.

(5) Indoor storage or wholesaling.

(b) *Land uses permitted as special use*.

(1) Cultivation.

(2) Public services and utilities.

(3) Outdoor storage or wholesaling.

(4) Off-site parking lot.

(5) Light industrial.

(6) Heavy industrial.

(c) *Land uses permitted as conditional uses*.

(1) Agricultural services.

(2) Clear cutting.

(3) Outdoor maintenance service.

(4) Sexually oriented land use.

(5) Junkyard or salvage yard.

(6) Waste disposal facility.

(7) Composting operation.

(8) Airport/heliport.

(9) Freight terminal.

(10) Distribution center.

(11) Communication tower.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*.

a. Farm residence.

b. Private residential garage or shed.

c. Company cafeteria.

d. Lawn care.

e. On-site composting/wood piles of less than five cubic yards.

(2) *Land uses permitted as special use*.

a. On-site parking lot.

b. Company-provided, on-site recreation without lighting.

c. Indoor sales incident to light industrial use.

d. Drainage structure.

e. Filling.

f. Exterior communication devices.

g. Home occupation.

h. On-site composting/wood piles of five to ten cubic yards.

(3) *Land uses permitted as conditional use*.

a. Company-provided, on-site recreation with lighting.

b. Exterior communication devices, not meeting special use requirements.

c. Special use requirements.

d. Migrant labor camp.

(e) *Land uses permitted as temporary uses*.

(1) Contractor's project office.

(2) Contractor's on-site equipment storage.

(3) Relocatable building.

(4) On-site real estate sales office.

(5) Outdoor assembly.

(6) Remediation structure.

(7) Donation drop-off boxes.

(Ord. of 2-7-2020, § 15.105(3)(i)2)

Sec 105-556 Regulations Applicable To Residential Uses

Not applicable.

(Ord. of 2-7-2020, § 15.105(3)(i)3)

Sec 105-557 Regulations Applicable To Nonresidential Uses

(a) *Nonresidential density and intensity requirements*.

(1) Minimum landscape surface ratio (LSR): 0.00.

(2) Minimum lot area (MLA): NA.

(3) Maximum building size (MBS): NA.

(b) *Nonresidential bulk requirements*.

(1) Minimum lot area: NA.

(2) Minimum lot width: 30 feet.

(3) Minimum setbacks:

a. Building to front or street side lot line: 25 feet.

b. Building to residential side lot line: 25 feet.

c. Building to residential rear lot line: 25 feet.

d. Building to nonresidential side lot line: Five feet or zero feet on zero lot line side.

e. Building to nonresidential rear lot line: 25 feet.

f. Peripheral setback: See section 105-892(e) along zoning district boundary.

g. Minimum paved surface setback:

1. Five feet from side or rear;

2. Five feet from street.

h. Minimum building separation: Ten feet or zero feet on zero lot line side.

i. Maximum building height: 50 feet (can exceed 50 feet with conditional use permit).

j. Minimum number of off-street parking spaces required on the lot: See parking lot requirements per specific land use in article III, division 2 of this chapter.

(c) *Nonresidential landscaping requirements*.

(1) Twenty landscaping points per 100 linear feet of building foundation.

(2) Five landscaping points per 1,000 square feet of gross floor area.

(3) Twenty landscaping points per 100 linear feet of street frontage.

(4) Forty landscaping pints per 10,000 square feet paved area per 20 stalls.

(d) *Nonresidential performance standards*. See article VIII of this chapter.

(e) *Nonresidential signage regulations*. See article IX of this chapter.

(Ord. of 2-7-2020, § 15.105(3)(i)4)

DIVISION 105-II-5 MIXED RESIDENTIAL AND NONRESIDENTIAL DISTRICTS

Subdivision 105-II-5-I Mixed Residential And Nonresidential Districts In General

(Reserved)
Subdivision 105-II-5-II PPUD Pre-Planned Unit Development District

Subdivision 105-II-5-I Mixed Residential And Nonresidential Districts In General (Reserved)

Subdivision 105-II-5-II PPUD Pre-Planned Unit Development District

Sec 105-603 Description And Purpose
Sec 105-604 List Of Allowable Land Uses
Sec 105-605 Regulations Applicable To Residential Uses
Sec 105-606 Regulations Applicable To Nonresidential Uses

Sec 105-603 Description And Purpose

(a) *Intent*. This district is designed to indicate unique areas of the city which require the detailed planning approach of the planned unit development process, regardless of what type of development are contemplated. Land uses existing as of the effective date of the ordinance from which this chapter is derived are permitted to continue in this district. Any change of use or structures shall require the approval of such change under the planned unit development process, and the establishment of a planned unit development zoning designation on the subject property.

(b) *Rationale*. This district designates areas as a reserved holding zone for such planned unit development projects.

(Ord. of 2-7-2020, § 15.105(4)(a)1)

Sec 105-604 List Of Allowable Land Uses

(a) *Land uses permitted by right*. Land uses existing on the subject property as of the effective date of the ordinance from which this chapter is derived.

(b) *Land uses permitted as special use*. None.

(c) *Land uses permitted as conditional use*. None.

(d) *Land uses permitted as accessory uses*.

(1) *Land uses permitted by right*. Accessory land uses existing on the subject property as of the effective date of the ordinance from which this chapter is derived.

(2) *Land uses permitted as special use*. None.

(3) *Land uses permitted as conditional use*. None.

(e) *Land uses permitted as temporary uses*. None.

(Ord. of 2-7-2020, § 15.105(4)(a)2)

Sec 105-605 Regulations Applicable To Residential Uses

Not applicable.

(Ord. of 2-7-2020, § 15.105(4)(a)3)

Sec 105-606 Regulations Applicable To Nonresidential Uses

Not applicable.

(Ord. of 2-7-2020, § 15.105(4)(a)4)

DIVISION 105-II-6 NATURAL RESOURCE PROTECTION OVERLAY ZONING DISTRICTS

Sec 105-631 Description And Purpose
Sec 105-632 Map Of Natural Resource Protection Overlay Districts
Sec 105-633 Downtown Design Overlay Zoning District
Sec 105-634 Historic Neighborhood Design Overlay Zoning District
Sec 105-635 Entry Corridor Design Overlay Zoning District
Sec 105-636 Community Gateway Design Overlay Zoning District

Sec 105-631 Description And Purpose

(a) This chapter employs overlay zoning districts to identify and regulate areas in which natural resource protection requirements apply. Each type of natural resource regulated by this chapter is represented by an overlay zoning district bearing its name.

(b) Natural resource protection overlay districts include:

(1) Wetland Overlay District.

(2) Lakeshore Overlay District.

(3) Drainageway Overlay District.

(4) Woodland Overlay District.

(5) Steep Slope Overlay District.

(6) Recharge Area Overlay District.

(c) For specific natural resource protection overlay district regulations, see article VI of this chapter.

(Ord. of 2-7-2020, § 15.106)

Sec 105-632 Map Of Natural Resource Protection Overlay Districts

Natural resource protection overlay zoning districts established by this chapter are shown on sheet two of the official zoning map of the city, which together with all the explanatory material thereon, is hereby made part of this chapter. For specific natural resource protection overlay district designation criteria, see article VI of this chapter.

(Ord. of 2-7-2020, § 15.107)

Sec 105-633 Downtown Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the comprehensive master plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area. As emphasized in the plan, this district is designed to forward both aesthetic and economic objectives of the city by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to section 105-1004 for the procedures applicable to proposal review in this overlay district. Specific boundaries of the downtown design overlay district will be provided following adoption of the city comprehensive master plan.

(Ord. of 2-7-2020, § 15.108)

Sec 105-634 Historic Neighborhood Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the comprehensive master plan, by preserving and enhancing the historical quality of the older, historically intact, portions of the city. As emphasized in the plan, this district is designed to forward both aesthetic and historic preservation objectives of the city by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to section 105-1004 for the procedures applicable to proposal review in this overlay district. A list of the historic neighborhoods will be provided following adoption of the city comprehensive master plan.

(Ord. of 2-7-2020, § 15.109)

Sec 105-635 Entry Corridor Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the comprehensive master plan, by preserving and enhancing the historical quality of key

entry corridors. As emphasized in the plan, this district is designed to forward both aesthetic and historic preservation objectives of the city by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to section 105-1004 for the procedures applicable to proposal review in this overlay district. A list of the key entry corridors will be provided following adoption of the city comprehensive master plan.

(Ord. of 2-7-2020, § 15.110)

Sec 105-636 Community Gateway Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the comprehensive master plan, by requiring that development located at and around the most important entrances to the community has a character which recognizes the city's adopted objectives of establishing an attractive and high-quality image. These important community gateways are located around the key I-43 interchanges. As emphasized in the plan, this district is designed to forward both aesthetic and economic development objectives of the city by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic development principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to section 105-1004 for the procedures applicable to proposal review in this overlay district. A list of the key community gateways will be provided following adoption of the city comprehensive master plan.

(Ord. of 2-7-2020, § 15.111)

DIVISION 105-II-7 PLANNED UNIT DEVELOPMENT DISTRICT

Sec 105-661 Purpose And Intent

Sec 105-661 Purpose And Intent

This district is intended to provide more incentives for development and redevelopment in areas of the community which are experiencing a lack of reinvestment. As emphasized in the comprehensive master plan, this district is designed to forward both aesthetic and economic objectives of the city by controlling the site design and the appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward achieving these principles. Refer to section 105-1005 for the procedures applicable to proposal review in this overlay district.

(Ord. of 2-7-2020, § 15.112)

ARTICLE 105-III LAND USE REGULATIONS

DIVISION 105-III-1 LAND USE REGULATIONS GENERALLY
DIVISION 105-III-2 DETAILED LAND USE DESCRIPTIONS AND REGULATIONS
DIVISION 105-III-3 NONCONFORMING USE REGULATIONS

DIVISION 105-III-1 LAND USE REGULATIONS GENERALLY

Sec 105-681 Purpose
Sec 105-682 Interpretation Of Land Use Tables
Sec 105-683 Table Of Land Uses
Sec 105-684 Table Of Land Uses Permitted In Permanently Protected Green Space Areas
Sec 105-685 Regulations Applicable To All Land Uses

Sec 105-681 Purpose

The purpose of this article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional or temporary use permit to do so. Finally, certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use.

(Ord. of 2-7-2020, § 15.201)

Sec 105-682 Interpretation Of Land Use Tables

(a) The land uses listed in sections 105-683 and 105-684 are specifically designated and refer to the detailed listing of land uses contained in article III, division 2 of this chapter.

(1) *Land uses permitted by right*. Land uses listed as permitted by right (designated as a "P" in sections 105-683 and 105-684) are permitted per the general land use requirements of this chapter; per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the official zoning map; per the general requirements of this chapter including section 105-1001; and per any and all other applicable city, county, state, and federal regulations.

(2) *Land uses permitted as a special use*. This category of land uses is subject to certain additional controls that apply to land uses permitted by right, while avoiding the public hearing process required of land uses permitted as conditional uses.

a. Land uses listed as permitted as a special use (designated as an "S" in sections 105-683 and 105-684) are permitted subject to all

of the general zoning requirements applicable to land uses permitted by right (subsection (a)(1) of this section), plus certain additional requirements applicable to that particular land use specified in article III, division 2 of this chapter.

b. If a proposed land use, listed as a special use, cannot meet one of the special use requirements of article III, division 2 of this chapter for reasons directly related to the nature of the subject property, the petitioner of said land use may request plan commission and city council review for approval as a conditional use, per the requirements of section 105-998. No more than one special use requirement shall be waived in this manner for any given land use or property.

(3) *Land uses permitted as a conditional use*.

a. Land uses listed as permitted as a conditional use (designated as a "C" in sections 105-683 and 105-684) are permitted subject to all the requirements applicable to uses permitted by right as listed in subsection (a)(1) of this section, plus any additional requirements applicable to that particular land use as contained in article III, division 2 of this chapter, including any additional requirements imposed as part of the conditional use review process. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests.

b. Conditional use requirements also apply to proposed special uses when one of the special use requirements cannot be met. (See subsection (a)(2) of this section.) No more than one special use requirements shall be waived in this manner.

(4) *Land uses permitted as an accessory use*. Land uses permitted as an accessory use are permitted subject to all the requirements applicable to uses permitted by right as listed in subsection (a)(1) of this section, plus any additional requirements applicable to that particular land use as contained in article III, division 2 of this chapter.

(5) *Land uses permitted as a temporary use*. Land uses listed as permitted as a temporary use (designated as a "T" in sections 105-683 and 105-684) are permitted subject to all the requirements applicable to uses permitted by right as listed in subsection (a)(1) of this section, plus any additional requirements applicable to that particular land use as contained in section 105-723.

(b) Land uses for which a blank space is shown for a specific zoning district are not permitted in such zoning district, except as legal nonconforming uses.

(c) Although a land use may be indicated as permitted by right, permitted as a special use, or permitted as a conditional use in a particular district, it does not follow that such a land use is permitted or permissible on every parcel in such district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this chapter which are applicable to the specific land use and parcel in question, or unless an appropriate variance has been granted pursuant to section 105-1002.

(Ord. of 2-7-2020, § 15.202)

Sec 105-683 Table Of Land Uses

This chapter regulates the location of land uses to specific zoning districts through the use of the table of land uses contained in this section.

Table 105-683(1). Table of Land Uses

P = Permitted by Right in a Conventional Development.
C = Permitted as a Conditional Use.
I = Permitted as a Conditional Use in an Institutional Residential Development.
M = Permitted as a Conditional Use within a Mobile Home Park.

Zoning District Abbreviations														*Type of Land Use*
RA-35	*ER-1*	*SR-3*	*SR-5*	*NR-6*	*MR-8*	*UR-12*	*NO*	*SO*	*NC*	*SC*	*UC*	*CC*	*SI*	*UI*	
															Dwelling Unit Type
P	P	P	P	P	P	P	P		P						(1) Single-family detached 35-acre lot
	P	P	P	P	P	P	P		P						(2) Single-family detached 40,000 s.f. lot
	C	P	P	P	P	P	P		P						(3) Single-family detached 15,000 s.f. lot
		P	P	P	P	P	P		P						(4) Single-family detached

															10,000 s.f. lot
			P	P	P	P	P		P						(5) Single-family detached 6,000 s.f. lot
				C	C	C	C		C						(6) Single-family detached 4,500 sf lot
				C	C	C	C		C						(7) Two-flat 6,000 s.f. lot
					P	P									(8) Duplex 6,000 s.f. lot
					P	P									(9) Twin house 3,000 s.f. lot
						P						C			(10) Townhouse 2,500 sf lot
						C	C		C			C			(11) Multiplex 2,500 sf per unit
						C	C		C			C			(12) Apartment 2,500 sf per unit
						I	I	I	I	I	I	I			(13) Institutional Residential
					M										(14) Mobile home 4,500 square foot lot

(1) RA-35ac Rural Agricultural.
(2) ER-1 Estate Residential.
(3) SR-3 Suburban Residential-3.
(4) SR-5 Suburban Residential-5.
(5) NR-6 Neighborhood Residential.
(6) MR-8 Mixed Residential.
(7) UR-12 Urban Residential.

(8) NO Neighborhood Office.
(9) SO Suburban Office.
(10) NC Neighborhood Commercial.
(11) SC Suburban Commercial.
(12) UC Urban Commercial.
(13) CC Central Commercial.
(14) SI Suburban Industrial.
(15) UI Urban Industrial.
(16) HI Heavy Industrial.

Table 105-683(2) and (3). Table of Land Uses																
P=Permitted by Right S=Permitted as a Special Use C=Permitted as a Conditional Use																
Zoning District Abbreviations																*Type of Land Use*
RA-35 ac	*ER-1*	*SR-3*	*SR-5*	*NR-6*	*MR-8*	*UR-12*	*NO*	*SO*	*NC*	*SC*	*UC*	*CC*	*SI*	*UI*	*HI*	
																Nonresidential Land Uses
																Agricultural Uses
P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(a) Cultivation
C																(b) Husbandry
C																(c) Intensive agriculture
C															C	(d) Agricultural services
S																(e) On-site agricultural retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(f) Selective cutting
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(g) Clear cutting
																Institutional Uses

P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Passive outdoor public recreational
S	S	S	S	S	S	S	S	S	S	S	S	S	S			(b) Active outdoor public recreational
C	C	C	C	C	C	C	S	S	S	S	S	S	S			(c) Indoor institutional
C	C	C	C	C	C	C	C	C	C	C	C	C	C			(d) Outdoor institutional
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(e) Public services and utilities
						C	C	C		C	C	C				(f) Institutional Residential
S	S	S	S	S	S	S										(g) Community living arrangement (1--8 res.)
	C	C	C	C	S	S	C	C								(h) Community living arrangement (9--15)
						C	C	C								(i) Community living arrangement (16+)

Table 105-683(4). Table of Land Uses															
P=Permitted by Right S=Permitted as a Special Use C=Permitted as a Conditional Use															
Zoning District Abbreviations															*Type of Land Use*
RA-35	*ER-*	*SR-3*	*SR-*	*NR-*	*MR-*	*UR-*	*NO*	*SO*	*NC*	*SC*	*UC*	*CC*	*SI*	*UI*	*HI*	

ac	*1*		*5*	*6*	*8*	*12*									
															Commercial Uses
							P	P	P	P	P	P	P	P	P	(a) Office
							P	P	P	P	P	P	C			(b) Personal or professional service
							C	C	P	P	P	P	C			(c) Indoor sales or service
										C	C					(d) Outdoor display
									P	P	P	P	P	P	P	(e) Indoor maintenance service
															C	(f) Outdoor maintenance service
							C	C	C	C	C	C				(g) In-vehicle sales or service
							C	C	C	C	C	C	C	C		(h) Indoor commercial entertainment
C											C		C			(i) Outdoor commercial entertainment
C										C	C		C	C		(j) Commercial animal boarding
							C	C		C	C	C				(k) Commercial indoor lodging
C	C	C	C	C	C	C	C		C	C	C	C				(l) Bed and breakfast establishmen

															ts
					C	C	C	C	C	C	C	C	C	C	(m) Group day care center (nine or more children)
C															(n) Campground
						C	C				C	C			(o) Roominghouse
														C	(p) Sexually oriented land use

Table 105-683(5), (6), and (7). Table of Land Uses															
P=Permitted by Right S=Permitted as a Special Use C=Permitted as a Conditional Use															
Zoning District Abbreviations															*Type of Land Use*
RA-35 ac	*ER-1*	*SR-3*	*SR-5*	*NR-6*	*MR-8*	*UR-12*	*NO*	*SO*	*NC*	*SC*	*UC*	*CC*	*SI*	*UI*	*HI*	
																Storage/Disposal
											C		P	P	P	(a) Indoor storage or wholesaling
														C	S	(b) Outdoor storage or wholesaling
											C		C	C		(c) Personal storage facility
C														C	C	(d) Junkyard or salvage yard
C															C	(e) Waste disposal facility

C															C	(f) Composting operation
																Transportation Uses
				C	C	C	C	C	C	C	S	S	C	S	S	(a) Off-site parking lot
C								C					C	C	C	(b) Airport/heliport
																(c) Freight terminal
													C	C	C	(d) Distribution center
																Industrial Uses
													S	S	S	(a) Light industrial
															S	(b) Heavy industrial
C													C	C	C	(c) Communication tower
C																(d) Extraction use

Table 105-683(8). Table of Land Uses															
P=Permitted by Right S=Permitted as a Special Use C=Permitted as a Conditional Use															
Zoning District Abbreviations															*Type of Land Use*
RA-35 ac	*ER-1*	*SR-3*	*SR-5*	*NR-6*	*MR-8*	*UR-12*	*NO*	*SO*	*NC*	*SC*	*UC*	*CC*	*SI*	*UI*	*HI*	
																Accessory Uses
									C	C	S/	C				(a) Commercial

											C					apartment
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(b) On-site parking lot
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(c) Farm residence
P/C	P/C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(d) Private residential garage or shed
S	S	S	S	S	S	S										(e) Private residential recreational facility
S	C															(f) Private residential kennel
S																(g) Private residential stable
							P	P		P	P	P	P	P	P	(h) Company cafeteria
							S/C	S/C		S/C	S/C	S/C	S/C	S/C	S/C	(i) Company provided on-site recreation
										C	C					(j) Incidental outdoor display
							C	C	C	C	C	C	C			(k) In-vehicle sales and service
													S	S	S	(l) Indoor sales incident to light industrial. use
									C	C	C	C				(m) Light industrial. Incidental to

															indoor sales
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(n) Drainage structure. (See 105-684)
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(o) Filling (See 105-684)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(p) Lawn care. (See 105-684)
C	C														(q) Septic systems. (See 105-684)
C	C	C	C	C	C	C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	(r) Exterior communication devices
S	S	S	S	C	C	C	S	S	S	S	S	S	S	S	S	(s) Home occupation
P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	(t) On-site composting/ wood piles
P	P	P	P	P	P	P										(u) Family day care home
C	C	C	C	C	C	C										(v) Intermediate day care home
C															C	(w) Migrant labor camp

Table 105-683(9). Table of Land Uses															
T = Permitted as a Temporary Use															
Zoning District Abbreviations															*Type of Land Use*
RA-35	*ER-1*	*SR-3*	*SR-5*	*NR-6*	*MR-8*	*UR-12*	*NO*	*SO*	*NC*	*SC*	*UC*	*CC*	*SI*	*UI*	*HI*	

ac																
																Temporary Uses
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(a) Contractor's project office
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(b) Contractor's on-site equipment storage
							T	T	T	T	T	T	T	T	T	(c) Relocatable building
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(d) On-site real estate sales office
									T	T	T	T				(e) General temporary outdoor sales
T									T	T	T	T	T	T		(f) Outdoor sales of farm products
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(g) Outdoor assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(h) Remediation structure
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(i) Donation drop-off boxes

(Ord. of 2-7-2020, § 15.203)

Sec 105-684 Table Of Land Uses Permitted In Permanently Protected Green Space Areas

In all developments, certain areas may be required to be set aside as permanently protected green space for the purpose of natural resources protection, to meet a minimum green space ratio (GSR) requirement, or to meet a minimum landscape surface

ratio (LSR) requirement (see articles 105-IV, and article 105-VI). Where such permanently protected green space is required, and where the land use is also permitted per the land use regulations of the applicable conventional zoning district (see section 105-683), table 105-684. Land use permitted in permanently protected green space areas shall also be employed to establish land use regulations. All land uses listed in section 105-683, but not listed in this section, are prohibited in permanently protected green spaces.

Table 105-684. Land Uses Permitted in Permanently Protected Green Space Areas							
Land Use: Natural Resource Disruption and Required Mitigation Standards	Article I. Permanently Protected Greenspace Areas						
	WETLAND	RECHARGEAREA	DRAINAGEWAY	LAKESHORE	WOODLAND	STEEPSLOPE	OTHER PERMANENTLY PROTECTED GREENSPACE
(a) Cultivation	Refer to sections 15.504 and 105-852 for detailed land use regulations pertaining to these overlay zoning districts						C
(b) Passive Outdoor Recreational			S	S	S	S	S
(c) Active Outdoor Recreational							S
(d) Outdoor institutional							S
(e) Lawn care. (mow-feed-seed-weed)			C	C	C	C	S
(f) Golf Course			C	C	C	C	S
(g) Any Permitted Temporary Use							S,T
(h) Drainage structure			C	C	C	C	C
(i) Filling			C	C	C	C	C
(j) Septic System			C	C	C	C	C
(k) Road, Bridge			C	C	C	C	C
(l) Utility Lines & Related Facilities			C	C	C	C	C
S: Permitted as a Special Use. C: Permitted as a Conditional Use. T: Permitted as a							

Temporary Use.

(Ord. of 2-7-2020, § 15.204)

Sec 105-685 Regulations Applicable To All Land Uses

(a) All uses of land initiated within the jurisdiction of this chapter on, or following, the effective date of the ordinance from which this chapter is derived shall comply with all of the provisions of this chapter. Specifically:

(1) *Land use regulations and requirements*. All uses of land shall comply with all the regulations and requirements of article III of this chapter, pertaining to the types of uses to which land may be put, and to various requirements which must be met for certain types of land uses within particular zoning districts. Such regulations and requirements address both general and specific regulations which land uses shall adhere to; and which are directly related to the protection of the health, safety and general welfare of the city residents and its environs.

(2) *Density and intensity regulations and requirements*. All development of land shall comply with all the regulations and requirements of article IV of this chapter, pertaining to the maximum permitted density (for residential land uses) and intensity (for nonresidential land uses) of land uses. Such regulations and requirements address issues such as floor area ratios (FARs), green space ratios (GSRs), and landscape surface ratios (LSRs); which are directly related to, and are a critical component of, density and intensity and the protection of the health, safety, and general welfare of the city residents and its environs.

(3) *Bulk regulations and requirements*. All land use or development of land shall comply with all the regulations and requirements of article V of this chapter, pertaining to the maximum permitted bulk of structures and the location of structures on a lot. Such regulations and requirements address issues such as height, setbacks from property lines and rights-of-way, and minimum separation between structures; which are directly related to, and a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the city residents and its environs.

(4) *Natural resources and green space regulations and requirements*. All land use or development of land shall comply with all the regulations and requirements of article VI of this chapter, pertaining to the protection of sensitive natural resources and required green space areas. Such regulations and requirements address issues such as absolute protection, partial protection, and mitigation; which are directly related to, and a critical component of, the protection of natural resources and the protection of the health, safety, and general welfare of the city residents

and its environs.

(5) *Landscaping and bufferyards regulations and requirements*. All development of land shall comply with all the regulations and requirements of article VII of this chapter, pertaining to the provision of landscaping and bufferyards. Such regulations and requirements address issues such as minimum required landscaping of developed land, and minimum required provision of bufferyards between adjoining zoning districts or development options; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the city residents and its environs.

(6) *Performance standards and requirements*. All development of land shall comply with all the regulations and requirements of article VIII of this chapter, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the city residents and its environs.

(7) *Signage regulations and requirements*. All land use or development of land shall comply with all the regulations and requirements of article IX of this chapter, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the city residents and its environs.

(8) *Procedural regulations and requirements*. All land use or development of land shall comply with all the regulations and requirements of article X of this chapter, pertaining to the procedures necessary to secure review and approval of land use or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the city residents and its environs. At a minimum, all development shall be subject to the requirements of section 105-1001.

(b) *Number of buildings per lot*. In the RA-35ac, ER-1, SR-3, SR-5 and NR-6 Districts, only one principal building shall be permitted on any one lot. In the MR-8, UR-12, NO, SO, NC, SC, UC, CC, SI, UI, and HI Districts, more than one principal building shall be permitted on any one lot upon the granting of a conditional use permit for group development in compliance with section 105-

749.

(1) *Number of land uses per building*.

a. No more than one nonresidential land use shall be permitted in any building unless a conditional use permit for a group development is granted in compliance with section 105-749.

b. With the exceptions of a commercial apartment or a home occupation, no building containing a nonresidential land use shall contain a residential land use. (See section 105-722(a) and s).)

(2) *Division or combining of a lot*. No recorded lot shall be divided into two or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all the applicable regulations of the zoning district in which said lot is located, as set forth in this chapter. (See also the land division regulations.)

(3) *Large-scale buildings*. All large-scale retail, commercial and industrial buildings in excess of 20,000 square feet are subject to the following additional requirements:

a. *Policy on vacation of existing sites*. Where such a building is proposed as a replacement location for a business already located within the city, the city shall prohibit any privately imposed limits on the type of use or reuse of the previously occupied building through conditions of sale or lease.

b. *Continuing maintenance plan*. In the event a large-scale building is vacated, the owner/developer shall submit a plan to the city for the continued maintenance of the property which addresses how the owner/developer will avoid any nuisance violations or the owner/developer shall submit a plan to the city which addresses the removal or the proposed reuse of the building. This plan must be submitted within 12 months after the vacancy; provide however, the time limit may be extended by the plan commission upon showing of good cause.

c. *Absolute building area cap*. No individual retail or commercial building shall exceed a total of 155,000 square feet in gross floor area. This cap may be exceeded only by the granting of a conditional use permit.

d. *Outlots*. All buildings on outlots shall be of architectural quality comparable to the primary structure as determined by the architectural review board.

(Ord. of 2-7-2020, § 15.205)

DIVISION 105-III-2 DETAILED LAND USE DESCRIPTIONS AND REGULATIONS

Sec 105-714 Land Use Categories And Authority
Sec 105-715 Residential Land Uses (Development Options)
Sec 105-716 Agricultural Land Uses
Sec 105-717 Institutional Land Uses
Sec 105-718 Commercial Land Uses
Sec 105-719 Storage Or Disposal Land Uses
Sec 105-720 Transportation Land Uses
Sec 105-721 Industrial Land Uses
Sec 105-722 Accessory Land Uses
Sec 105-723 Temporary Land Uses
Sec 105-724 Natural Resource Disruption And Required Mitigation Standards

Sec 105-714 Land Use Categories And Authority

The land use categories employed by this chapter (particularly sections 105-683 and 105-684) are defined in this section. Land uses which are not listed in this chapter are not necessarily excluded from locating within any given zoning district. Article X of this chapter empowers the zoning administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this article.

(Ord. of 2-7-2020, § 15.206(intro.))

Sec 105-715 Residential Land Uses (Development Options)

(a) *Residential unit types*. Specific residential unit types (such as single-family detached house on a 10,000 square foot lot, duplex, twin house, townhouse, multiplex, apartment, etc.) are defined in section 105-7. Standards for each residential unit type are provided in the residential bulk requirements within each zoning district section in article II of this chapter.

(b) *Conventional residential development*.

(1) *Description*. This land use includes, but is not limited to, all residential developments which do not provide permanently protected green space areas. Property which is under common ownership of a property owners' association is permitted but is not a required component of this type of development. Up to ten percent of a conventional residential development's gross site area (GSA) can obtain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in maximum gross density (MGD). (See subsection (f) of this section.)

(2) *Permitted by right*. RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, and NC.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. Not applicable.

(5) *Parking regulations*. Three spaces for all single-family and two-family dwelling units; for multifamily dwelling units: two spaces per unit for two or more bedrooms; 1 1/2 spaces per unit for one or less bedrooms.

(c) *Cluster residential development*.

(1) *Description*. This land use is a residential subdivision that requires dwelling unit types which require smaller lots than conventional residential developments within the same zoning district. This lot size flexibility is provided because the provision of the required common green space results in a community character which is consistent with which conventional residential developments. (See subsection (f) of this section.)

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. ER-1, NR-6, MR-8, UR-12, NO, NC:

a. Development clusters shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.

b. If such adjacent areas are developed as a conventional residential development, bufferyards shall be provided within adjoining portions of the cluster residential development.

c. No direct vehicle access shall be permitted to local residential streets.

d. Applicant shall provide appropriate deed restrictions/performance bonds to ensure long-term maintenance of common areas and the whole development.

e. Applicant shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*.

a. Three spaces for all single-family and two-family dwelling units;

b. For multifamily dwelling units:

1. Two spaces per unit for two or more bedrooms;

2. One and one-half spaces per unit for one or less bedrooms.

(d) *Institutional Residential development*.

(1) *Description*. This land use is a form of residential development designed to accommodate institutional residential land uses, such as retirement homes, nursing homes, convents, and dormitories (see section 105-718(f)). No individual lots are required. The development shall contain a minimum of 800 square feet of gross site area (GSA) for each occupant of the development, and a minimum of 30 percent of the development's GSA shall be held as permanently protected green space.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. (UR-12, NO, SO, NC, SC, UC, CC).

a. The proposed site shall be located so as to avoid disruption of an established or developing office area. Within the NO Neighborhood Office and SO Suburban Office Districts, institutional residential developments shall be designed so as to maintain the character of the adjacent properties.

b. Shall be located with primary vehicle access on a collector or arterial street.

c. No direct vehicle access shall be permitted to a local residential street.

d. Applicant shall provide off-street passenger loading area at a minimum of one location within the development.

e. All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use.

f. Applicant shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. Regulations per section 105-717(e).

(e) *Mobile Home Park Residential Development (Rental/Condo Park)*.

(1) *Description*. This land use is a form of conventional residential development which is exclusively reserved for individually sold or rented air right pads containing mobile home units. Each of the mobile home units must meet the requirements for mobile homes listed in section 105-7. Under this development option, approximately ten percent of a development's gross site area (GSA) can contain natural resource areas

which must be protected (or other permanently protected green space areas), without a reduction in maximum gross density (MGD). (See subsection (f) of this section.)

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. MR-8.

a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.

b. Mobile home park residential developments shall comply with the same landscaping and bufferyard requirements as apartments and cluster residential developments, as specified in section 105-892.

c. No access shall be permitted to local residential streets.

d. Shall comply with section 105-998, standards applicable to all conditional uses.

(f) *Note regarding percentage of green space and maximum density*.

(1) Yield.

(2) This estimate is provided as a general rule of thumb for convenience of the users of this chapter and is not to be considered as ensured by the provisions of this chapter.

(Ord. of 2-7-2020, § 15.206(1))

Sec 105-716 Agricultural Land Uses

(a) *Cultivation*. Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations.

(1) *Permitted by right*. RA-35ac.

(2) *Special use regulations*. All districts except RA-35ac.

a. On buildable lots, cultivation areas shall not exceed 20 percent of the lot's area.

b. Cultivation areas shall not be located within the required front yard or street yard of any buildable or developed lot.

c. Shall comply with section 105-997, procedures applicable to all

special uses.

(3) *Conditional use regulations*. Not applicable.

(4) *Parking regulations*. One space per employee on the largest work shift. Note: Agricultural land uses are hereby made exempt from the surfacing requirements of section 105-929(f)(1).

(b) *Husbandry*. Husbandry land uses include all operations primarily oriented to the on-site raising or use of animals at an intensity of less than one animal unit (as defined in section 105-7) per acre. Apiaries are considered husbandry land uses.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. RA-35ac:

a. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.

b. All outdoor animal containments (pasture) shall be located a minimum of ten feet from any residentially zoned property.

c. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Parking regulations*. One space per employee on the largest work shift. Note: Agricultural land uses are hereby made exempt from the surfacing requirements of section 105-929(f)(1).

(c) *Intensive agriculture*. Intensive agricultural land uses include all operations primarily oriented to the on-site raising or use of animals at an intensity equal to or exceeding one animal unit (as defined in section 105-7) per acre or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. RA-35ac:

a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.

b. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See section 105-892.)

c. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.

d. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.

e. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(4) *Parking regulations*. One space per employee on the largest work shift. Note: Agricultural land uses are hereby made exempt from the surfacing requirements of section 105-929(f)(1).

(d) *Agricultural service*. Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and see stores; agricultural chemical dealers or storage facilities; animal fee storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see section 105-719(f).

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. RA-35ac and HI:

a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.

b. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 100 feet from all lot lines.

c. If within the RA-35ac District, shall be located in an area which is planned to remain commercially viable for agricultural land uses.

d. Shall comply with section 105-998, standards and procedures applicable to all conditional land.

(4) *Parking regulations*. One space per employee on the largest work shift. Note: Agricultural land uses are hereby made exempt from the surfacing requirements of section 105-929(f)(1).

(e) *On-site agricultural retail*. On-site agricultural retail land uses include land uses solely associated with the sale of agricultural products grown exclusively on the

site. The sale of products grown or otherwise produced off-site shall not be permitted within on-site agricultural retail operations and such activity constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. RA-35ac:

a. No structure or group of structures shall exceed 500 square feet in floor area.

b. No structure shall exceed 12 feet in height.

c. All structures shall meet all required setbacks for nonresidential land uses. (See table 105-813.)

d. Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.

e. Such land use shall be served by no more than one driveway. Said driveway shall require a valid driveway permit.

f. A minimum of one parking space shall be required for every 200 square feet of product display area.

g. The sale of products which are grown on property under different ownership, shall be prohibited.

h. Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.

i. Shall comply with section 105-997, procedures applicable to all special uses.

1. *Conditional use regulations*. Not applicable.

2. *Parking regulations*. One space per employee on the largest work shift. Note: Agricultural land uses are hereby made exempt from the surfacing requirements of section 105-929(f)(1).

(f) *Selective cutting*. Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 50 percent of the woodlands on the property (or up to 100 percent for developments approved prior to the effective date of the ordinance from which this chapter is derived).

Selective cutting activity shall be limited to areas located within development pads which are designated on recorded plats or certified survey maps (see section 105-852). The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting (see subsection (g) of this section).

(1) *Permitted by right*. All districts.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. Not applicable.

(g) *Clear cutting*. Clear cutting land uses include the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 50 percent of the woodlands on a property (or up to 100 percent for developments approved prior to the effective date of the ordinance from which this article is derived). Clear cutting is permitted only as a conditional use within the jurisdiction of this chapter. Areas which have been clear cut as a result of intentional action following the effective date of the ordinance from which this chapter is derived without the granting of a conditional use permit are in violation of this chapter and the property owner shall be fined for such violation (in accordance with the provisions of section 105-1014) and shall be required to implement the mitigation standards required for the destruction of woodlands solely at the owner's expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas which have been clear cut unintentionally as a result of a fire shall not subject the owner of the property to fines associated with the violation of this chapter but shall require the satisfaction of mitigation requirements at the owner's expense, including cost associated with site inspection to confirm the satisfaction of mitigation requirements.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. All districts:

a. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.

b. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of section 105-849. (Referenced section requires the replanting of trees in other portions of the subject property, thereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant.)

c. Clear cutting shall not be permitted within a required bufferyard or

landscaped area, or within an area designated as permanently protected green space (see article VII of this chapter).

d. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(Ord. of 2-7-2020, § 15.206(2))

Sec 105-717 Institutional Land Uses

(a) *Passive outdoor public recreational*. Passive outdoor public recreational land uses include all recreational land uses located on public property which involves passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use (see subsection (b) of this section), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

(1) *Permitted by right*. All districts.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. Not applicable.

(4) *Parking requirements*. One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(b) *Active outdoor public recreationa*l. Active outdoor public recreational land uses include all recreational land uses located on public property which involves active recreational activities. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, publicly-owned golf courses, and similar land uses.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, SO, NC, SC, UC, CC, SI:

a. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

b. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.

c. Facilities which serve a community-wide function shall be located

with primary vehicular access on a collector or arterial street.

d. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if the majority of the users will be children.

e. Shall comply with section 105-997, procedures applicable to all special uses.

(3) *Conditional use regulations*. Not applicable.

(4) *Parking regulations*. Active outdoor public recreation: One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(c) *Indoor institutional*. Indoor institutional land uses include all indoor public and not for profit recreational facilities such as gyms, swimming pools, libraries, museums, and community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. NO, SO, NC, SC, UC, CC, and SI:

a. Shall be located with primary vehicular access on a collector or arterial street.

b. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).

c. All structures shall be located a minimum of 50 feet from any residentially zoned property.

d. Shall comply with section 105-997, procedures applicable to all special uses.

(3) *Conditional use regulations*. RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, and UR-12:

a. Shall meet all regulations for special uses listed in subsection (c)(3)b of this section.

b. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(4) *Parking regulations*. Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

a. Church: One space per five seats at the maximum capacity.

b. Community or recreation center: One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

c. Funeral home: One space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.

d. Hospital: Two spaces per three patient beds, plus one space per each employee on the largest work shift.

e. Library or museum: One space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

f. Elementary and junior high: One space per teacher and per staff member, plus one space per two classrooms.

g. Senior high: One space per teacher and staff member, plus one space per five non-bused students.

h. College or trade school: One space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

(d) *Outdoor institutional*. Outdoor institutional land uses include public and private cemeteries, privately held permanently protected green space areas, country clubs, privately-owned golf courses, and similar land uses.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. Non applicable.

(3) *Conditional use regulations*. All districts except UI and HI:

a. Shall be located with primary vehicular access on a collector or arterial street.

b. Shall provide off-street passenger loading area if a significant proportion of the users will be children.

c. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.

d. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the

property line adjacent to said residentially zoned property.

e. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(4) *Parking regulations*. Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

a. Cemetery: One space per employee, plus one space per three patrons to be maximum capacity of all indoor assembly areas.

b. Golf course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).

c. Swimming pool: One space per 75 square feet of gross water area.

d. Tennis court: Three spaces per court.

(e) *Public service and utilities*. Public service and utilities land uses include all city, county, state and federal facilities (except those otherwise treated in this section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public or private utility substations, water towers, utility and public service-related distribution facilities, and similar land uses.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. All districts:

a. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

b. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

c. All structures shall be located a minimum of 20 feet from any residentially zoned property.

d. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

e. Shall comply with section 105-997, procedures applicable to all special uses.

(3) *Conditional use regulations*. Not applicable.

(4) *Parking regulations*. One space per employee on the largest work shift,

plus one space or company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office space.

(f) *Institutional Residential*. Institutional residential land uses include group homes, convents, monasteries, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wis. Stats. § 62.23.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. UR-12, NO, SO, SC, UC, and CC: See listing for Institutional Residential under residential uses, section 105-715(c).

(4) *Parking regulations*.

a. *Multifamily units*. Same as cluster residential units. (See section 105-715(b).)

b. *Monastery or convent*. One space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.

c. *Nursing home*. One space per six patient beds, plus one space per employee on the largest work shift, plus one space per visiting doctor.

(g) *Community living arrangement (one to eight residents)*. Community living arrangement land uses include all facilities provided for in Wis. Stats. § 46.03(22), including child welfare agencies, group homes for children, and community based residential facilities. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wis. Stats. § 62.23.

(1) *Permitted by right*. Non applicable.

(2) *Special use regulations*. RA-35AC, ER-1, SR-3, SR-5, NR-6, and UR-12:

a. No community living arrangement shall be established within 21,500 feet of any other such facility regardless of its capacity.

b. The total capacity of all community living arrangements (of all capacities) in the city shall not exceed one percent of the city's population (unless specifically authorized by the city council

following a public hearing).

c. Foster homes housing four or fewer children and licensed under Wis. Stats. § 48.62 shall not be subject to subsection (g)(2)a of this section; and shall not be subject to, or count toward, the total arrived at in subsection (g)(2)b of this section.

d. Shall comply with section 105-997, procedures applicable to all special uses.

State law reference--Similar provisions, Wis. Stats. § 62.23.

(3) *Conditional use regulations*. Not applicable.

(4) *Parking regulations*. Three spaces.

(h) *Community living arrangement (nine to 15 residents)*. See subsection (g) of this section.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. MR-8 and UR-12:

a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.

b. The total capacity of all community living arrangements (of all capacities) in the city shall not exceed one percent of the city's population (unless specifically authorized by the city council following a public hearing).

c. Shall comply with section 105-997, procedures applicable to all special uses.

State law reference--Similar provisions, Wis. Stats. § 62.23.

(3) *Conditional use regulations*. ER-1, SR-3, SR-5, NR-6, NO, and SO:

a. Shall meet all regulations for special uses in subsection (h)(3)b of this section.

b. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

State law reference--Similar provisions, Wis. Stats. § 62.23.

(4) *Parking regulations*. Four spaces.

(i) *Community living arrangement (16 or more residents)*. See subsection (g) of this section.

(1) *Permitted by right*. Not applicable.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. UR-12, NO, and SO:

a. No community living arrangement shall be established with 2,500 feet of any other such facility, regardless of capacity.

b. The total capacity of all community living arrangements (of all capacities) in the city shall not exceed one percent of the city's population (unless specifically authorized by the city council following a public hearing).

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

State law reference--Similar provisions, Wis. Stats. § 62.23.

(4) *Parking regulations*. One space per every three residents.

(Ord. of 2-7-2020, § 15.206(3))

Sec 105-718 Commercial Land Uses

(a) *Office*. Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

(1) *Permitted by right*. NO, SO, NC, SC, UC, CC, SI, UI, and HI.

(2) *Special use regulations*. Not applicable.

(3) *Conditional use regulations*. Not applicable.

(4) *Parking regulations*. One space per 300 square feet of gross floor area.

(b) *Personal or professional service*.

(1) *Description*. Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics with overnight indoor health care, barbershops, beauty shops, and related land uses.

(2) *Permitted by right*. NO, SO, NC, SC, UC, and CC.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. (SI).

(5) *Parking regulations.* One space per customer station, plus one space per employee on the largest work shift, or one space 300 square feet of gross floor area, whichever is greater.

(c) *Indoor sales or service*.

(1) *Description*. Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as "Outdoor Display Incidental to Indoor Sales" under "Accessory Uses" in the table of land uses, (article III, division 2, Section 105-718(j)) of this chapter. A land use which contains both indoor sales and outdoor sales exceeding 15 percent of the total sales area of the buildings on the property shall be considered as an outdoor sales land use, (see subsection (d) of this section). Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as "light industrial uses incidental to retail sales" (see article III, division 2, Section 105-718(m) of this chapter.

(2) *Permitted by right*. NC, SC, UC, and CC.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. NO, SO, and SI:

a. In the NO and SO Districts, permitted uses shall be limited to indoor sales and personal services which primarily support office tenants such as office supply stores, copy centers and travel agencies.

b. In the SI District, permitted uses include retail facilities with a floor are of not less than 100,000 square feet.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per 300 square feet of gross floor area.

(d) *Outdoor display*.

(1) *Description*. Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Examples of such land uses include vehicle

sales, vehicle rental, mobile and manufactured housing sales and monument sales. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See section 105-718(e) of this section). (Land uses which conduct or display only a limited amount of product outside of an enclosed building, are listed separately in sections section 105-722(j) as "Outdoor Display Incidental to Indoor Sales.")

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. SC and UC:

a. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.

b. The display of items shall not be permitted within required setback areas for the principal structure.

c. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of section 105-929. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

d. Display areas shall be separated from any vehicular parking or circulation area by a minimum of ten feet. This separation shall be clearly delineated by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

e. Signs, screenage, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

f. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within ten calendar days of the goods' removal.

g. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.

h. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the display area butting residentially zoned property, except per subsection (d)(4)e of this section.

i. Shall comply with section 105-998 regarding conditional uses.

(5) *Parking regulations*. One space per 300 square feet of gross floor area.

(e) *Indoor maintenance service*.

(1) *Description*. Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of engine repair noise or outdoor vehicle storage requirements, engine or vehicle repair and maintenance is considered an in-vehicle land use.

(2) *Permitted by right*. NC, SC, UC, CC, SI, UI, and HI.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. Not applicable.

(5) *Parking regulations*. One space per 300 square feet of gross floor area.

(f) *Outdoor maintenance service*.

(1) *Description*. Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. HI:

a. All outdoor activity areas shall be completely enclosed by a minimum six-foot-high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.

b. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

c. *Parking regulations*. One space per 300 square feet of gross floor area.

(g) *In-vehicle sales or service*.

(1) *Description*. In-vehicle sales and service land uses include all land uses which perform sales or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes, and vehicular and all forms of engine repair or maintenance. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use.

(2) *Permitted by right*. No applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. NO, SO, NC, SC, UC, and CC.

(5) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lanes.

a. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.

b. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.

c. The setback of any overhead canopy or similar structure shall be a minimum of ten feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy of similar structure shall not exceed 20 feet as measured to the highest part of the structure. Construction or alteration of fuel station overhead canopies is subject to architectural review and approval per section 105-1012(b) of the city zoning regulations.

d. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four-ton axle load.

e. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

f. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum

of six inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

g. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(6) *Parking regulations*. One space per 50 square feet of gross floor area. Each drive-up lane shall have a minimum stacking length of 100 feet before the pass-through window and 40 feet beyond the pass-through window.

(h) *Indoor commercial entertainment*.

(1) *Description*. Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. NO, SO, NC, SC, UC, CC, SI, and UI:

a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.

b. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).

(i) *Outdoor commercial entertainment*.

(1) *Description*. Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late

operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, UC, and SI:

a. Activity areas shall not be located closer than 300 feet to a residentially zoned property.

b. Facility shall provide a bufferyard with a minimum opacity of .80 along all borders of the property abutting residentially zoned property.

c. Activity areas (including drive-in movie screens) shall not be visible from a public street or from any residentially zoned property.

d. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space for every three patrons at the maximum capacity of the establishment.

(j) *Commercial animal boarding*.

(1) *Description*. Commercial animal boarding facility land uses include land uses which provide short-term or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration. Animal boarding facilities and activities which, except for parking, are completely and continuously contained indoors, are subject to a separate set of regulations.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, SC, UC, SI and UI:

a. A maximum of one animal unit per acre of fully enclosed outdoor area shall be permitted.

b. The minimum permitted size of horse or similar animal stall shall be 100 square feet.

(5) The following setbacks shall be required in addition to those of the zoning

district:

a. No activity area, including pastures or runs, shall be located closer than ten feet to any property line.

b. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property.

c. A vegetative strip at least 100 feet wide shall be maintained between any pile, or manure application area and any surface water or well in order to minimize runoff, prevent erosion, and promote nitrogen absorption.

d. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.

e. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

f. Dogs, cats and similar animals shall have a minimum of 60 square feet of outdoor playground space per dog/cat/similar animals shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal.

g. The outdoor play area will be enclosed with an eight-foot-high solid fence which shall match or coordinate with the color of the building. Prior to installing the fencing, a layout plan and material samples shall be approved by the plan commission.

h. Operation of the outdoor play area shall include removal of all animal waste prior to the close of business each day, no overnight boarding within the outdoor area, and abatement of any runoff or any odors from the outdoor play area.

(6) *Conditional use regulations*. All indoor facilities, SC, UC, SI and UI:

a. All activities, except vehicle parking, shall be completely and continuously contained indoors -- including animal exercising and display areas.

b. Section 105-717(b), (d), and (e) of this section shall be complied with.

c. Dogs, cats and similar animals shall have a minimum of 60 square feet of indoor playground space per dog/cat/similar animal.

d. The minimum size of an indoor facility shall be 100 square feet of area per dog, cat or similar animal.

(7) *Parking regulations*. One space per every 1,000 square feet of gross floor

area.

(k) *Commercial indoor lodging*.

(1) *Description*. Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. NO, SO, SC, UC, and CC:

a. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.

b. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

c. Within the NO and SO District, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.

d. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per bedroom, plus one space for each employee on the largest work shift.

(l) *Bed and breakfast establishment*.

(1) *Description*. Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8,

UR-12, NO, NC, SC, UC, and CC:

a. All such facilities shall be required to obtain a permit to serve food and beverages. They shall be inspected annually at a fee as established by a separate ordinance, to verify that the land use continues to meet all applicable regulations.

b. One sign, with a maximum of 20 square feet, shall be permitted on the property.

c. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

d. No premises shall be utilized for a bed and breakfast operation unless there are at least two exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants with an additional 30 square feet for each additional occupant to a maximum of four occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the city building code. One lavatory and bathing facility shall be required for every ten occupants, in addition to the owner/occupant personal facilities.

e. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.

f. Breakfast shall be the only meal served to overnight guests.

g. Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by city officials at any time.

h. The maximum stay for any occupants of a bed and breakfast operation shall be 14 days.

i. *Public nuisance violations*. Bed and breakfast operations shall not be permitted whenever the operation endangers, or offends, or interferes with the safety of rights of others so as to constitute a nuisance.

j. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per each bedroom, plus one space per employee.

(m) *Group day care center (nine or more attendees)*.

(1) *Description*. Group day care centers are land uses in which qualified persons provide childcare services for nine or more attendees. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. MR-8, UR-12, NO, SO, NC, SC, UC, CC, SI, and UI:

a. Facility shall provide a bufferyard with a minimum opacity of .50 along all borders of the property abutting residentially zoned property.

b. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

c. Property owner's permission is required as part of the conditional use permit application.

(5) *Parking regulations*. One space per five students, plus one space for each employee on the largest work shift.

(n) *Campground*.

(1) *Description*. Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac:

a. Facility shall provide a bufferyard with a minimum opacity of 0.70 along all borders of the property abutting residentially zoned property.

b. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One and one-half spaces per campsite.

(o) *Roominghouse*.

(1) *Description*. Rooming homes include any residential use renting rooms to three or more unrelated individuals which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. UR-12, NO, UC, and CC:

a. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

b. Shall be located in an area of transition from residential land uses to nonresidential land uses.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per room for rent, plus one space per each employee on the largest work shift.

(p) *Sexually oriented land uses*.

(1) *Description*. Sexually oriented land uses include any facility oriented to the display of sexually oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying or touching sexually specified areas. For the purpose of this chapter, the term "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually oriented material" include any media which displays sexually specified areas. Note: The incorporation of this subsection into this chapter is designed to reflect the city council's official finding that sexually oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the city council is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is

explicitly not the intent of this subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the city's comprehensive master plan and protect the character and integrity of its commercial and residential neighborhoods.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. HI:

a. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.

b. Exterior building appearance and signage shall be designed to ensure that use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater).

(q) Pet shops as conditional uses in the NC, SC, UC and CC Districts, provided that:

(1) Not more than eight dogs and eight cats may be kept on the premises at any one time.

(2) No dog or cat more than six months old may be kept on the premises at any one time.

(3) Dogs or cats may be kept on the premises solely for the purpose of sale by the owner/operator of the pet shop. No boarding, whether gratuitous or for a fee, is permitted.

(4) Dogs and cats must be kept within the pet shop proper at all times. No outdoor pens or runs shall be permitted.

(5) Pet shop buildings shall be properly soundproofed so that no sound emanating from any animal can be heard at any property line which abuts a residentially zoned property or any property upon which a dwelling unit is located.

(6) A proper ventilation and filtration system shall be installed so that no odor

from the pet shop is discernible within six vertical feet of the grade at any property line of the premises on which a pet shop is located.

(7) A proper ventilation and filtration system shall also be installed so that any offensive odor to humans inside the premises can be kept to a minimum. The building inspection department is authorized to enforce the regulation relating to offensive odors to humans because of a lack of a city health department.

(8) No sales of Vietnamese miniature potbellied pigs within the city limits will be allowed.

(Ord. of 2-7-2020, § 15.206(4))

Sec 105-719 Storage Or Disposal Land Uses

(a) *Indoor storage or wholesaling*.

(1) *Description*. Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per article III, division 2, 105-718(m) of this chapter.

(2) *Permitted by right*. SI, UI, and HI:

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. UC.

(5) *Parking regulations*. One space per employee on the largest work shift.

(b) *Outdoor storage or wholesaling*.

(1) *Description*. Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumberyards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See

section 105-718(e)(4)).

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. HI:

a. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of eight feet in height and shall be designed to completely screen all stored materials from view at an elevation of five feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.

b. The storage of items shall not be permitted in permanently protected green space areas.

c. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.

d. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of section 105-929. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.

e. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of ten feet. This separation shall be clearly delineated by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

f. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

g. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

h. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

i. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.

j. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. UI, SI, and UC:

a. Shall comply with all regulations for special uses in section 105-716.

b. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per each employee on the largest work shift.

(c) *Personal storage facility*.

(1) *Description*. Personal storage facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses."

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. UC, SI, and UI:

a. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

b. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space for each employee on the largest work shift.

(d) *Junkyard or salvage yard*.

(1) *Description*. Junkyard or salvage yard facilities are any land or structure used for a salvaging operation, including, but not limited to, the above-ground, outdoor storage or sale of wastepaper, rags, scrap metal, and any other discarded materials intended for sale or recycling; or the collection, dismantlement, storage, or salvage of two or more unlicensed or inoperative vehicles. Recycling facilities involving on-site outdoor storage

of salvage materials are included in this land use.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, HI, and UI:

a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property.

b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.

d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in section 105-944.

e. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

f. In the UI District, permitted uses include junkyards or salvage yards that operated prior to adoption of the ordinance from which this chapter is derived and consist of not less than 13 acres. This does not permit the expansion of land area for existing junkyard or salvage yard uses or creation of new junkyard or salvage yard in the UI District.

(5) *Parking regulations*. One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

(e) *Waste disposal facility*.

(1) *Description*. Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wis. Stats. § 60.70, but not including composting operations.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, and HI:

a. Shall comply with all county, state and federal regulations.

b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property.

c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by section 105-944) in any manner.

e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration, as determined by a third party selected by the city, shall be filed with the city by the petitioner, subject to approval by the zoning administrator, and shall be held by the city for the purpose of ensuring that the site is restored to its proposed condition. The requirement for said surety is waived for waste disposal facilities owned by public agencies.

f. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space for each employee on the largest work shift.

(f) *Composting operation*.

(1) *Description*. Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, and HI:

a. Shall comply with all county, state and federal regulations.

b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by nonagricultural land uses.

c. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.

d. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.

e. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by state statutes in any

manner.

f. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space for each employee on the largest work shift.

(Ord. of 2-7-2020, § 15.206(5))

Sec 105-720 Transportation Land Uses

(a) *Off-site parking lot*.

(1) *Description*. Off-site parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed and operative. See also section 105-929 for additional parking regulations.

(2) *Permitted use regulations*. Not applicable.

(3) *Special use regulations*. UC, CC, UI, and HI:

a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.

b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

c. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. NR-6, MR-8, UR-12, NO, SO, NC, SC, and SI. Contiguous or directly across public right-of-way from use.

(5) *Parking regulations*. No requirement.

(b) *Airport/heliport*.

(1) *Description*. Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this chapter shall occur only in conjunction with an approved airport of heliport.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, SO, SI, UI, and HI:

a. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.

b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per each employee on the largest work shift, plus one space per every five passengers based on average daily ridership.

(c) *Freight terminal*.

(1) *Description*. Freight terminals are defined as land and buildings representing either end of one or more truck carrier lines which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. HI:

a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property.

b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.

d. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per each employee on the largest work shift.

(d) *Distribution center*.

(1) *Description*. Distribution centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per section 105-722(m).

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. SI, UI, and HI:

a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property.

b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.

d. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per each employee on the largest work shift.

(Ord. of 2-7-2020, § 15.206(6))

Sec 105-721 Industrial Land Uses

(a) *Light industrial land use.*

(1) *Description*. Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations):

a. Are conducted entirely within an enclosed building;

b. Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;

c. Do not pose a significant safety hazard (such as danger of explosion); and

d. Comply with all of the performance standards listed for potential nuisances in article VI of this chapter.

Light industrial land uses may conduct retail sales activity as an accessory use, provided that the requirements of section 105-722(m) of this section, are complied with.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. SI, UI, and HI:

a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

b. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. Not applicable.

(5) *Parking regulations*. One space per each employee on the largest work shift.

(b) *Heavy industrial land use*.

(1) *Description*. Heavy industrial land uses are industrial facilities which do not comply with one or more of the following criteria:

a. Are conducted entirely within an enclosed building;

b. Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and

c. Do not pose a significant safety hazard (such as danger of explosion).

More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in article VIII of this chapter. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. HI:

a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned HI.

b. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

c. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. Not applicable.

(5) *Parking regulations*. One space for each employee on the largest work shift.

(c) *Communication tower*.

(1) *Description*. Communication towers include all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use requirements*. RA-35ac, SI, UI, HI, and UC:

a. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.

b. The installation and continued maintenance of a bufferyard with a minimum opacity of .80 along borders of the lot abutting residentially zoned property.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per employee on the largest work shift.

(6) The applicant/carrier shall submit a detailed plan showing the service areas and locations for each antenna or tower for said applicant's/carrier's ultimate system. The height, style and the capability of each tower to carry

additional co-locates shall be specified in the plan.

(d) *Extraction use*.

(1) *Description*. Extraction uses include any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac:

a. Shall receive approval from the county prior to action by the city, and shall comply with all county, state and federal regulations.

b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.

c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

d. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the city), shall be filed with the city by the Petitioner (subject to approval by the zoning administrator), and shall be held by the city for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)

e. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(5) *Parking regulations*. One space per each employee on the largest work shift.

(Ord. of 2-7-2020, § 15.206(7))

Sec 105-722 Accessory Land Uses

Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. Only those accessory uses listed in table 105-683, or as otherwise permitted by the zoning administrator, shall be permitted within the jurisdiction of this

chapter. With the exception of a commercial apartment (see subsection (a) of this section), or a farm residence (see subsection (c) of this section), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence. With the exception of farm buildings, accessory buildings located within a residential district shall be constructed or finished on a complimentary architectural style and with complimentary materials to the principal residential buildings in the neighborhood. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard.

(a) *Commercial apartment*.

(1) *Description*. Commercial apartments are dwelling units which are located in a building used for a commercial land use (as designated in subsection (a)(4) of this section), most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. NO, SO, NC, SC, UCM, and CC:

a. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.

b. A minimum of one off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land uses on the site may be counted for this requirement with the approval of the zoning administrator.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(b) *On-site parking lot*.

(1) *Description*. On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed and operative. Refer also to section 105-929.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. All districts:

a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.

b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

c. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations.* Not applicable.

(c) *Farm residence*.

(1) *Description*. A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in subsection (c)(2) of this section.

(2) *Permitted by right.* All districts.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. Not applicable.

(d) *Detached private residential garage, carport, or utility shed*.

(1) *Description*. A private residential garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle or the storage of residential maintenance equipment. A gazebo is a detached roofed accessory building, open on all sides, which is used for entertaining. A greenhouse is a glass enclosed building used for cultivating plants. The structures shall be located on the same lot as primary residential structure.

(2) *Permitted by right.* All districts.

a. The maximum number of accessory structures per lot is three--not to exceed one garage, one shed, one gazebo or one greenhouse.

b. The maximum square footage of a garage or carport is 1,000 square feet. However, a garage structure shall not exceed the footprint square footage of the primary residential structure.

c. The maximum square footage of a shed, gazebo, greenhouse or other similar accessory structure is 200 square feet.

d. The maximum height of a detached accessory structure shall not exceed 15 feet.

e. The design and color of the accessory structure shall compliment the residence.

f. Temporary canopies, carports or other similar structures are prohibited.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. If in excess of 1,000/200 square feet, RA-35 and ER-1 Districts or as part of a multifamily development proposal in the UR-12.

(e) *Private residential recreational facility*.

(1) *Description*. This land use includes all active outdoor recreational facilities located on a private residential lot which are not otherwise listed in table 105-683. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 footcandles (see section 105-932). All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See article V of this chapter). Common examples of these accessory uses include basketball courts, tennis courts, swimming pools, and recreation-type equipment.

(2) *Permitted by right*. All uses except swimming pools.

(3) *Special use regulations*. For swimming pools, RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, and UR-12.

a. Swimming pools shall be enclosed per the requirements of the Model Barrier Code for Swimming Pools and Spas from the National Spa and Pool Institute (NSPI), available from the zoning administrator.

b. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. Not applicable.

(f) *Private residential kennel*.

(g) *Private residential stable*.

(1) *Description*. A private residential stable is a structure facilitating the keeping of horses (or similar animals, such as llamas, emus, cattle, etc.) on the same site as a residential dwelling.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. RA-35ac:

a. A minimum lot area of five acres is required for a private residential stable.

b. A maximum of one horse per five acres of fully enclosed, by fencing or structures, area is permitted.

c. Outdoor containments for animals shall be located a minimum of

25 feet from any residentially zoned property.

d. The requirements of section 105-718(d)(11) shall also apply to private residential stables.

e. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. Not applicable.

(h) *Company cafeteria*.

(1) *Description*. A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal plan use engaged in an operation other than food service.

(2) *Permitted by right*. NO, SO, SC, UC, CC, SI, UI, and HI.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. Not applicable.

(i) *Company-provided, on-site recreation*.

(1) *Description*. A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests. Facilities using activity night lighting shall be a conditional use.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. NO, SO, SC, UC, CC, SI, UI, and HI:

a. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.

b. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. NO, SO, SC, UC, CC, SI, UI, and HI:

a. Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

b. All structures and actively used outdoor areas shall be located a

minimum of 50 feet from any residentially zoned property.

c. Shall comply with section 105-998, procedures applicable to conditional uses.

(j) *Outdoor display incidental to indoor sales and service (more than 12 days per year)*.

(1) *Description*. See section 105-718(d)(4).

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. SC, and UC:

a. Shall comply with all conditions of subsection (d)(4) of this section.

b. Display area shall not exceed 25 percent of gross floor area of principal building on the site.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(k) *In-vehicle sales and service incidental to on-site principal land use*.

(1) *Description*. See section 105-718(d)(8) of this section.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. NO, SO, NC, SC, UC, CC, and SI:

a. Shall comply with all conditions of section 105-718(d)(8).

b. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(l) *Indoor sales incidental to storage or light industrial land use*.

(1) *Description*. These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. SI, UI, and HI:

a. Adequate parking, per the requirements of section 105-929, shall

be provided for customers. Said parking shall be in addition to that required for customary light industrial activities.

b. The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.

c. Shall provide restroom facilities directly accessible from retail sales area.

d. Retail sales area shall be physically separated by a wall from other activity areas.

e. Shall comply with section 105-997, procedures applicable to all special uses.

(m) *Light industrial activities incidental to indoor sales or service land use*.

(1) *Description*. These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulation*s. SC, NC, UC, and CC:

a. The total area devoted to sales activity shall not exceed 15 percent of the total area of the buildings on the property, or 5,000 square feet, whichever is less.

b. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by section 105-934 for all adjacent properties.

c. Shall comply with section 105-998, procedures applicable to all conditional uses.

(n) *Drainage structure*.

(1) *Description*. These include all improvements, including, but not limited to, swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to affect the direction, rate or volume of stormwater runoff, snow melt, or channelized flows across, within or away from a site.

(2) *Permitted by right.* Not applicable.

(3) *Special use regulations*. All districts:

a. Shall comply with section 105-724 for the placement of drainage structures in permanently protected green space areas.

b. Shall comply with section 105-724 regarding protection measures for drainageways.

c. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.

d. Shall comply with section 105-997, procedures applicable to all special uses, and shall be reviewed, permitted, and regulated by the department of public works.

(4) *Conditional use regulations*. Not applicable.

(o) *Filling*.

(1) *Description*. Filling includes any activity, involving the modification of the earth's surface in its undisturbed state, in an area over 4,000 square feet or greater than 500 cubic yards of fill.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. All districts:

a. Shall comply with section 105-684 regarding filling activities in permanently protected green space areas.

b. Shall comply with article VI of this chapter regarding protection measures for natural resources.

c. Shall not create drainage onto other properties.

d. Shall not impede on-site drainage.

e. Shall comply with provisions of the subdivision and platting ordinance.

f. Shall comply with section 105-997, procedures applicable to all special uses, and shall be reviewed, permitted, and regulated by the department of public works.

(4) *Conditional use regulations*. Not applicable.

(p) *Lawn care*.

(1) *Description*. Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover

(including gardens) which complies with the city code of ordinances. Lawn care is not permitted in certain permanently protected green space areas, see section 105-852.

(2) *Permitted by right*. All districts.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. Not applicable.

(q) *Individual septic disposal system*.

(1) *Description*. This land use includes any state-enabled, city-approved septic disposal system.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac and ER-1:

a. Minimum lot size of 0.5 acres.

b. Shall comply with article VI of this chapter regarding protection measures for natural resources.

c. Development shall attach to public sewage disposal system within one year of its availability (as determined by the city engineer) to the subject property. At the time of development, each principal building shall contain and continually maintain a conventional sewage system tap-in line, so as to facilitate hook-up to the public system upon its availability.

d. Shall comply with section 105-998, standards and procedures applicable to conditional uses.

(r) *Exterior communication devices*. (e.g., satellite dishes, ham radio towers, T.V. antennas.)

(1) *Description*. Reserved.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. All nonresidential districts:

a. Exterior communication devices shall not be located between the principal structure and a public street.

b. Devices must be sited an equal or greater number of feet from any property lines as their maximum height.

(4) *Conditional use regulations*. All districts:

a. Devices that do not meet special use requirements.

b. The applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual inputs of the device.

c. The applicant/carrier shall submit a detailed plan showing the service areas and locations for each antenna or tower for said applicant's carrier's ultimate system. The height, style and the capability of each tower to carry additional co-locates shall be specified in the plan.

(s) *Home occupation*.

(1) *Description*. Home occupations are economic activities performed within any residence which comply with the following requirements. Permitted home occupations shall not in any event be deemed to include barbershops (unless specifically permitted by the district regulations), beauty parlors, dancing schools, funeral homes, restaurants, renting of trailers, clinics or hospitals, repair shops, service establishments, animal kennels, animal hospitals, or stables. Examples include personal and professional services, and handicrafts, which comply with all of the following requirements:

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. All districts, except NR-6, MR-8, and UR-12:

a. The home occupation shall be conducted completely within the dwelling unit or accessory building or structure and not on any porch, deck, patio or other unenclosed or partially-enclosed portion of the dwelling unit.

b. The home occupation shall be conducted by a resident of the dwelling unit, and no more than one other person who shall reside on the premises shall be employed, on either a part-time or full-time basis, in the business.

c. No more than 25 percent of the total living area of the dwelling (exclusive of garage and porch areas) shall be used for the home occupation.

d. The dwelling unit used for the home occupation shall not serve as a storage facility for a business conducted elsewhere.

e. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible.

f. Only one sign, not to exceed two square feet, nonilluminated and flush wall mounted only, may be used to advertise a home occupation.

g. The use of the dwelling unit for a home occupation shall in no way be incompatible with the character of nearby residential areas.

h. In no instance shall a home occupation create a nuisance for neighboring properties.

i. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold on the premises.

j. Shall comply with section 105-997, standards and procedures applicable to all special uses.

(4) *Conditional use regulations*. NR-6, MR-8, UR-12, and SR-5:

a. All standards in subsection (s)(2) of this section, shall apply.

b. Personal services uses shall be permitted as conditional home occupations uses within these districts.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(t) *On-site composting and wood piles*.

(1) *Description*. Includes all collection, storage, and processing of vegetation wastes or wood piles.

(2) *Permitted by right*. All districts: All facilities less than five cubic yards of compost or five full cords of wood.

(3) *Special use regulations*. All districts:

a. Shall be limited to no more than ten cubic yards of total collection, storage and processing area, or ten full cords of total collection and storage area. All such areas shall be located a minimum of five feet from all property lines.

b. Shall not involve food scraps, other vermin-attracting materials, or rotted wood and shall be maintained in an attractive manner.

c. Shall comply with section 105-997, procedures applicable to all special uses.

(4) *Conditional use regulations*. Not applicable.

(u) *Family day care home (four to eight attendees)*.

(1) *Description*. Family day care homes are occupied residences in which a qualified person or persons provide childcare for four to eight attendees. The care of less than four attendees is not subject to the regulations of this chapter.

(2) *Permitted by right*. RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, and UR-12.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. Not applicable.

State law reference--Similar provisions, Wis. Stats. § 66.304(b)(2).

(v) *Intermediate day care home (nine to 15 attendees).*

(1) *Description*. Intermediate day care homes are occupied residences in which a qualified person or persons provide childcare for nine to 15 attendees.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. RA-35ac, ER-1, SR-3, SR-5, NR-6, MR-8, and UR-12.

State law reference--Similar provisions, Wis. Stats. § 66.304(b)(2).

(5) *Migrant Labor Camp*. Migrant labor camps include any facility subject to the regulation of Wis. Stats. § 103.90.

(6) *Permitted by right*. Not applicable.

(7) *Special use regulations*. Not applicable.

(8) *Conditional use regulations*. RA-35ac and HI:

a. Shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines adjacent to all properties in residential, office or commercial zoning districts.

b. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership, which is located within the city.

c. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

(w) *Vehicular or equipment storage building*.

(1) *Description*. This land use includes all structures used to store one business vehicle not larger than a pickup truck, equipment and other materials used to maintain the buildings, parking, landscaping and other on-site facilities located on the same site as the principal land use where the principal use is permitted by right, conditional use or special use within the subject zoning district.

(2) *Permitted by right*. Not applicable.

(3) *Special use regulations*. Not applicable.

(4) *Conditional use regulations*. NO, SO, NC, UC, and CC:

a. Shall comply with section 105-998, standards and procedures applicable to all conditional uses.

b. Neither the building nor site may be used to store or repair any vehicle or equipment for a land use which is not the principal land use on the site.

(5) *Maximum building size*. Two hundred square feet for equipment storage only; 1,000 square feet combination equipment and vehicle storage.

(x) *Outdoor wood burning furnaces*.

(1) *Description*. Includes an accessory structure or appliance designed:

a. For a location ordinarily outside the principal structure; and

b. To transfer to provide heat via liquid or other means, by burning wood or other solid fuels, for heating any principal or accessory structure on the premises. Does not include fire pits, barbeques, fryers or chimneys.

(2) Prohibited in all districts.

(Ord. of 2-7-2020, § 15.206(8))

Sec 105-723 Temporary Land Uses

(a) *Contractor's project office*. All districts.

(1) *Description*. Includes any structure containing an on-site construction management office for an active construction project.

(2) *Temporary use regulations*.

a. Structure shall not exceed 2,000 square feet in gross floor area.

b. Facility shall be removed within ten days of issuance of occupancy permit.

c. Shall not be used for sales activity. (See subsection (c) of this section.)

d. Projects requiring said land use to be in place for more than 730 days shall require a conditional use permit.

e. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(b) *Contractor's on-site equipment storage facility*. All districts.

(1) *Description*. Includes any structure or outdoor storage area designed for the on-site storage of construction equipment or materials for an active construction project.

(2) *Temporary use regulations*.

a. Facility shall be removed within ten days of issuance of occupancy permit.

b. Projects requiring said land use to be in place for more than 365 days shall require a conditional use permit.

c. Shall be limited to a maximum area not exceeding ten percent of the property's gross site area.

d. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(c) *Relocatable building NO, SO, NC, SC, UC, CC, SI, UI, and HI*.

(1) *Description*. Includes any manufactured building which serves as a temporary building considered conditional uses and subject to the general standards and procedures presented in section 105-998.

(2) *Temporary use regulations*.

a. Shall conform to all setback requirements.

b. Shall conform to all building code regulations.

c. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(d) *On-site real estate sales office*. All districts.

(1) *Description*. Includes any building which serves as an on-site sales office

for a development project.

(2) *Temporary use regulations*.

a. Structure shall not exceed 5,000 square feet in gross floor area.

b. Facility shall be removed or converted to a permitted land use within ten days of the completion of sales activity.

c. Signage shall comply with the requirements for temporary signs in section 105-972.

d. The office shall be removed upon sale of the last lot.

e. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(e) *General temporary outdoor sales. NC, SC, UC, and CC*.

(1) *Description*. Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted, special, or conditional use, or a special event otherwise regulated by this Code. Examples of this land use include, but are not limited to, seasonal garden shops, tent sales, and food stands. Garage sales are exempt from the provisions of this chapter but shall comply with the requirements of this Code.

(2) *Temporary use regulations*.

a. Display shall be limited to a maximum of 12 days in any calendar year.

b. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

c. Signage shall comply with the requirements for temporary signs in section 105-972.

d. Adequate parking shall be provided.

e. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

f. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(f) *Seasonal outdoor sales of farm products.* RA-35ac, NC, SC, UC, CC, SI, and UI.

(1) *Description*. Includes any outdoor display of farm products not otherwise regulated by the city code of ordinances.

(2) *Temporary use regulations*.

a. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

b. Signage shall comply with the requirements for temporary signs in section 105-972.

c. Adequate parking shall be provided.

d. If subject is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

e. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(g) *Outdoor assembly*. All districts.

(1) *Description*. Includes any organized outdoor assembly of more than 100 persons. Outdoor assembly. uses proposed to be located on public property shall be subject to section 40-12.

(2) *Temporary use regulations*.

a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

b. Signage shall comply with the requirements for temporary signs in section 105-972.

c. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.

d. If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.

e. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(h) *Remediation structure*. All districts.

(1) *Description*. Accessory structures required to house equipment for remediating contaminated sites as determined by the department of natural resources or other applicable agencies.

(2) *Temporary use regulations*. Activities shall not be located in a required street yard, nor closer than ten feet from any other lot line, including the CC District.

(i) *Donation drop-off boxes*. All districts.

(1) *Description*. Any enclosed receptacle or container made of metal, steel or other noncombustible material having an opening through which clothing or other articles to be donated can be deposited and stored temporarily for pick-up.

(2) *Temporary use regulations*. Donation drop-off boxes are prohibited on all public and private property in the city except under the following conditions:

a. The applicant shall provide written permission from the owner of the property consenting to the placement and maintenance of the donation box. The permission shall include a statement indicating that the property owner is aware of the property owner's responsibility to maintain the current operator contact information and if necessary, to maintain and remove the donation box if the operator fails to follow the provisions of this chapter.

b. No more than two donation boxes shall be allowed at each property.

c. A donation drop-off box shall not cover a ground surface area in excess of five feet by five feet, nor be more than six feet in height.

d. Donation boxes shall be placed on a hard surface such as asphalt or concrete and fastened or mounted securely.

e. The drop-off box shall be placed no closer than 20 feet to any public street right-of-way and shall not be located in such a manner as to impede vision clearance.

f. All donations must be fully enclosed in a donation drop-off box. Donation drop-off boxes must be regularly emptied and shall not be permitted to overflow with donations or accumulate junk, debris, or other materials. Donations that are not fully enclosed in a drop-off box are considered a public nuisance and subject to removal by the city at the property owner's expense.

g. Signage will be allowed on three sides of a donation box, but the combined area of all signage on the box shall not be greater than three square feet. At least one sign shall include the name and contact information for the owner of each donation box.

h. All donation boxes shall be maintained in good condition and appearance with no structural damage, holes, visible rust, graffiti, etc. All donation boxes shall be free of debris.

i. Donation drop-off boxes are prohibited on all residential properties, including, but not limited to, single-family, two-family, and multifamily properties.

j. Shall comply with section 105-999, standards and procedures applicable to all temporary uses.

(Ord. of 2-7-2020, § 15.206(9))

Sec 105-724 Natural Resource Disruption And Required Mitigation Standards

For all land uses, disruption to natural resource areas shall comply with the requirements of the subdivision and platting ordinance pertaining to drainage, grading and erosion control. All land uses located within permanently protected green space areas shall comply with the following regulations:

(a) *Cultivation*.

(1) *Permitted as a conditional use*. Other permanently protected green space areas.

(2) Permitted only if designated on the submitted site plan, or the recorded plat or certified survey as an "area which may be used for cultivation."

(b) *Passive outdoor public recreational area*.

(1) *Permitted as a special use*. All permanently protected green space areas:

a. Limited to a 20-foot-wide area in permanently protected natural resource areas. Permitted in other permanently protected green space areas without restriction.

b. No-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20-foot-wide area.

(2) *Permitted as a conditional use*. Not applicable.

(c) *Active outdoor public recreational area*.

(1) *Permitted as a special use*. Other permanently protected green space areas.

(2) Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

(3) *Permitted as a conditional use*. Floodfringe.

(d) *Outdoor institutional*.

(1) *Permitted as a special use*. Other permanently protected green space areas.

(2) Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

(3) *Permitted as a conditional use*. Not applicable.

(e) *Lawn care*.

(1) *Permitted as a special use*. Other permanently protected green space areas.

(2) Non-native ground cover shall not be permitted to spread into permanently protected natural resource areas. Clearance of understory growth shall be permitted.

(3) *Permitted as a conditional use*. All permanently protected natural resource areas except wetlands:

a. Only disturbance associated with the care of native vegetation is permitted, with the exception of a 20-foot-wide access path which may be cleared for passive recreation purposes.

b. Each property abutting a natural resource area shall be limited to one such access path.

c. Non-native vegetation (such as domestic lawn grasses) shall not be introduced into natural resource areas beyond said 20-foot-wide access path.

(f) *Golf course*.

(1) *Permitted as a special use*. All permanently protected green space areas except wetlands.

(2) Only disturbance associated with the care of native vegetation is permitted. Natural resource areas which are located within or adjacent to golf play areas shall be incorporated into the course design as out-of-bounds play hazards and shall be maintained in their natural state.

(g) *Any permitted temporary use*.

(1) *Permitted as a special use*. Other permanently protected green space areas.

(2) Activity shall in no manner encroach upon permanently protected natural resources areas. Party securing the temporary use permit shall be responsible for restoring all such natural resource areas to an undamaged state or shall be considered in violation of the provisions of this chapter. (See section 105-999.)

(3) *Permitted as a conditional use*. Not applicable.

(h) *Drainage structure*.

(1) *Permitted as a special use*. Not applicable.

(2) *Permitted as a conditional use*. All permanently protected green space areas:

a. Structure shall be deemed necessary by the city engineer.

b. Natural vegetation shall be restored in disturbed areas.

(i) *Filling*.

(1) *Permitted as a special use*. Not applicable.

(2) *Permitted as a conditional use*. All permanently protected green space areas:

a. Filling in the floodway shall be done only as required by a necessary road, bridge, utility, or other infrastructure facility which has been deemed necessary by the department of public works.

b. Natural vegetation shall be restored in disturbed areas.

c. In no instance shall filling raise the base flood elevation.

(j) *Individual septic disposal system*.

(1) *Permitted as a special use*. Not applicable.

(2) *Permitted as a conditional use*. All permanently protected green space areas:

(3) Shall not locate closer than 30 feet to any other permanently protected natural resource areas.

(k) *Road or bridge*.

(1) *Permitted as a special use*. Not applicable.

(2) *Permitted as a conditional use*. All permanently protected green space areas:

a. May locate in or across a natural resource area only in conjunction with a boat landing, or when deemed essential by the department of public works.

b. May locate in other permanently protected green space area if designed to provide an essential service to an activity area

located within the green space area which cannot be efficiently reached from another point.

c. In general, road networks shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

(l) *Utility lines and related facilities*.

(1) *Permitted as a special use*. All permanently protected green space areas:

a. May locate in or across a natural resource area only when deemed essential by the department of public works.

b. May locate in other permanently protected green space area if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.

c. In general, utility lines shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

(Ord. of 2-7-2020, § 15.206(10))

DIVISION 105-III-3 NONCONFORMING USE REGULATIONS

Sec 105-747 Generally
Sec 105-748 Group Developments

Sec 105-747 Generally

(a) *Definitions*. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nonconforming use means an active and actual use of land or structures, or both; legally established prior to the effective date of the ordinance from which this chapter is derived or subsequent amendment thereto which has continued the same use to the present, and which would be permitted under the following regulations:

(b) *Limitations*.

(1) *Ordinary repair and maintenance*.

a. Work may be done on ordinary maintenance and repairs, or on repairs or replacement of nonbearing walls, fixtures, wiring or

plumbing; provided, however, that this subsection shall not be deemed to authorize any violation of subsection (b)(3) through (8) of this section.

b. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure, other than a damaged or destroyed building or other structure subject to the provisions of subsection (b)(5) of this section, in accordance with the order of the building inspector declaring such building or other structure to be unsafe and orders its restoration to a safe condition.

(2) *Extension*. A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activities shall include, without limitation, the following:

a. Extension of nonconforming use to any building or other structure or land area other than one occupied by such use on the effective date of the ordinance from which this chapter is derived, or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming.

b. Extension of a nonconforming use within a building or other structure to any portion of the floor area that was not occupied by such use on the effective date of the ordinance from which this chapter is derived, or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming; provided, however, that a nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

c. Operation of a nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of the ordinance from which this chapter is derived, or on the effective date of a subsequent amendment thereto that results in such use becoming nonconforming, any performance standards established for the district in which the use is located.

(3) *Enlargement*. No building or other structure that is devoted wholly or in part to a nonconforming use shall be enlarged or added to in any manner unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

(4) *Damage or destruction*. In the event that any building or other structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to such an extent that the cost of restoration to

the condition in which it was before such damage or destruction exceeds 50 percent of the current replacement cost of the entire building or other structure, exclusive of foundations, such building or other structure shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located. Moreover, even if such damage is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

(5) *Moving*. No building or other structure that is devoted in whole or in part to a nonconforming use shall be moved, in whole or in part, for any distance whatever, to any other lot unless the entire building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved. Moreover, no nonconforming use of land shall be moved, in whole or in part, for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

(6) *Change*. A nonconforming use of a building or other structure, all or substantially all of which was originally designed or intended for a use which is permitted in the district in which it is located shall not be changed to any use other than a use permitted in the district in which the land is located or to another nonconforming use of similar characteristics when authorized by the zoning board of appeals as regulated article X of this chapter. When a nonconforming use has been changed to a permitted one, it shall not thereafter be changed back to a nonconforming use.

(7) *Discontinuance*.

a. *Discontinuance of nonconforming use of land*. In the event that operation of a nonconforming use of land is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located. Intent to resume active operation shall not affect the foregoing.

b. *Discontinuance of nonconforming use of building or structure and accessory use*. In the event that operation of a nonconforming use of all or part of a building or other structure is discontinued for a period of 12 months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such building or other structure shall conform to the regulations of the district in which it is located. Intent to resume active operation shall not affect the foregoing. Also, no nonconforming accessory

use shall continue after the principal use to which it is accessory has been abolished.

(8) *Wetland nonconforming uses*. Notwithstanding Wis. Stats. § 62.23(8)(h), the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this chapter adopted pursuant to Wis. Stats. § 62.231, or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted pursuant to Wis. Stats. § 62.231(5). Wis. Stats. § 62.23(7)(h); however, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of the ordinance from which this chapter is derived or amendment.

(9) *Accessory uses and structures for legal nonconforming principal uses*. Accessory uses and structures for legal nonconforming principal uses may be enlarged or constructed per the requirements for such uses. Such accessory uses and structures shall be removed upon the discontinuation of the nonconforming principal use.

(Ord. of 2-7-2020, § 15.207)

Sec 105-748 Group Developments

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Group development means any development containing two or more structures containing principal land uses (as listed in table 105-683) on the same lot, or any single structure on a single lot which contains five or more dwelling units or two or more nonresidential uses on the same story. Common examples of group developments include six-unit apartment buildings, apartment complexes, condominium complexes, shopping centers, and office centers. One-building office structures, one-building commercial strip centers, four-unit apartment buildings, and other land uses in which each lot contains only one structure and where each residential building contains four or fewer dwelling units, are not group developments, even though such developments may contain parcels under common ownership.

(b) *Regulation of group developments*. Group developments are permitted as conditional uses in all zoning districts. Any land use which is permitted within the applicable zoning districts is permitted to locate within a group development. The land use regulations of this section, as well as article III, division 2 of this chapter and all other applicable provisions of this chapter shall apply to the group

development. The requirements of section 105-998 shall apply to the review of proposals for group developments.

(c) *Specific development standards for group developments*.

(1) All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.

(2) Each individual land use shall have a rear or side entrance that is accessible to a loading or service drive. Said service drive shall have a minimum width of 26 feet. Said service drive shall not be part of the vehicle circulation network used by customers.

(3) The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.

(4) No group development shall take access to a local residential street.

(5) All development located within a group development shall be located so as to comply with the intent of this chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building envelopes which serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).

(d) *Discrimination against condominium forms of ownership*. It is not the intent of this section, nor any other provision of this chapter, to discriminate against condominium forms of ownership in any manner which conflicts with Wis. Stats. § 703.27. As such, the provisions of this section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically identical forms of development.

(Ord. of 2-7-2020, § 15.208)

ARTICLE 105-IV DENSITY AND INTENSITY

Sec 105-780 Purpose
Sec 105-781 How To Use This Article
Sec 105-782 Required Natural Resources Site Evaluation
Sec 105-783 Residential Density Standards
Sec 105-784 Nonresidential Intensity Standards
Sec 105-785 Detailed Instructions For Density And Intensity Regulations
Sec 105-786 Nonconforming Development Regulations

Sec 105-780 Purpose

(a) *Determining factors*. The purpose of this article is to indicate the maximum permitted density, for residential projects, and maximum permitted intensity, for nonresidential projects, of development on any given site within the jurisdiction of this chapter. The development potential of any site is determined by a variety of factors, including, but not limited to, the following:

(1) The area of the site;

(2) The proportion of the site not containing sensitive natural resources;

(3) The zoning district in which the site is located;

(4) The development option building or height the site is developed under;

(5) The use of structured parking; and

(6) The use considered for development.

(b) *Rationale*. This article regulates the development potential of all property within the jurisdiction of this chapter. This article is designed to ensure the implementation of many goals and objectives of the city comprehensive master plan. Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such approaches provide for a minimum flexibility of site design options, which in turn results in land use inefficiencies, forced site planning, or the needless destruction of sensitive natural resources. The approach employed by this article, relying on maximum gross densities (MGDs) for residential development, and minimum required landscape surface ratios (LSRs) for nonresidential development, both in conjunction with a variety of development options available in every zoning district, results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

(Ord. of 2-7-2020, § 15.301)

Sec 105-781 How To Use This Article

This article contains the standards which determine the maximum amount of development permitted on any given site. Prior to using the provisions of this article to determine the development potential of a given property, the guidelines provided by section 105-785(a) through (c) should be reviewed. This article recognizes inherent differences between residential and nonresidential land uses, and thus regulates their development in slightly different manners. The description of the process addressing

residential development in section 105-785(a) and (c) refers to the requirements of section 105-783. The description of the process addressing nonresidential development in section 105-785(a) and (c) refers to the requirements of section 105-784.

(Ord. of 2-7-2020, § 15.302)

Sec 105-782 Required Natural Resources Site Evaluation

(a) *Purpose*. An important goal of the city comprehensive master plan is the protection of natural resources which are sensitive to disruption caused by development or other land use activities. These resources include, floodways, floodplain areas, floodfringes, wetlands, drainageways, lakeshores, steep slopes, and woodlands. (These resources are defined in article VI of this chapter). These resources serve important functions which are lost when these areas are subject to development or other land use activities, in the absence of correct mitigation approaches. In many instances, these functions cannot be provided by other natural or manmade features. Specific broad categories of such functions include the protection and enhancement of air, surface water, groundwater, and soil quality, habitat provision and diversification; aesthetic diversification; and buffering effects.

(b) *Mitigation*. In certain instances, natural features can accommodate development or other land use activities without a significant loss of their functional benefits if proper mitigation practices are employed. (Article VI of this chapter) Natural Resource Protection Regulations, provides detailed standards regarding permitted mitigation techniques and requirements.

(c) *Application*. The Natural Resources Site Evaluation shall be required for any parcel containing a required resource protection area as depicted on sheet two or on a site-specific survey, certified survey map, or plat.

(d) *Natural resources site evaluation worksheet*.

Natural Resources Site Evaluation Worksheet.

(1) Determine the gross site area (GSA) of the site:

a. Total Site Area as determined by actual on-site survey: ____ acres.

b. Subtract area located within proposed rights-of-way of roads and within proposed boundaries of public facilities which are designated with the city's comprehensive master plan or required for dedication per subdivision regulations: minus ____ acres.

c. Subtract land which although part of the same parcel is not contiguous to, or is not accessible from, the proposed road network serving the project: minus ____ acres.

d. Subtract land which is proposed for a different development option or a different zoning district: minus _____ acres.

e. Subtract area of navigable waters (lakes and streams): minus _____ acres.

f. Equals gross site area (GSA): plus _____ acres.

(2) Determine the required resource protection area (RPA) of the site:

a. Portion of gross site area containing Floodways. _____ acres.

b. Add portion of gross site area containing Floodplain Areas: plus _____ acres.

c. Add portion of gross site area containing Floodfringes: plus _____ acres.

d. Add portion of gross site area containing Wetlands: plus _____ acres.

e. Add portion of gross site area containing Drainageways: plus _____ acres.

f. Add portion of gross site area containing Lakeshore: plus _____ acres.

g. Add portion of gross site area containing Woodlands: plus _____ acres.

h. Add portion of gross site area containing Steep Slopes: plus _____ acres.

i. Subtract portions of natural resource areas (subsections (d)(2)a through h of this section) made developable by using approved environmental mitigation techniques: minus _____ acres.

j. Equals required resource protection area (RPA): equals _____ acres.

(3) Determine the net developable area (NDA) of the site:

a. Enter gross site area (GSA) (from subsection (d)(1)f of this section): _____ acres.

b. Subtract required resource protection area (RPA): minus _____ acres.

c. Equals net developable area (NDA): equals _____ acres.

(Ord. of 2-7-2020, § 15.303)

Sec 105-783 Residential Density Standards

Key to Table 105-783

The term "zoning district" means the designation which regulates the type of uses permitted on the site. Sections 105-37 through 105-606 describe each zoning district. Table 105-683 provides a detailed listing of all uses permitted in each zoning district. Section 105-685 and division 105-III-2 provide detailed regulations applying to specific land uses. Zoning districts are depicted on the official zoning map. (See section 105-35).

The term "maximum gross density" means the maximum number of dwelling units permitted on one acre of gross site area in the specific zoning district and development option. Gross site area is calculated in section 105-782(c)(1).

The term "minimum lot area" means the minimum size lot permitted within the specified zoning district and development option. This also limits the type of dwelling unit permitted. (Refer to section 105-683 to match minimum lot sizes with unit types.) Specific dwelling unit regulations are given in section 105-7.

Table 105-783 City of Sheboygan Residential Density Standards

Zoning District	*Development Option/Dwelling Unit Type*	*Max Gross Density (MGD)*	*Min Lot Area (MLA)*	*Min Site Area (MSA)*	*Bldg Cov Ratio (BCR)*
MR-8 Mixed Residential-8	Conventional Single-family (P)	8.00	6.00 s.f.	6.00 s.f.	0.50
	Cluster single-family (C)	8.00	4,500 s.f.	20,000 s.f.	0.50
	Two flat (C)	8.00	6,000 s.f.	6,000 s.f.	0.50
	Duplex (P)	8.00	6,000 s.f.	6,000 s.f.	0.50
	Twin house (P)	8.00	3,000 s.f.	6,000 s.f.	0.50
	Mobile home park (C)	8.00	4,500 s.f.	5 acres	0.50

The term "development option" describes the maximum level of clustering and the minimum proportion of permanently protected green space area permitted on the site. (Refer to article III, division 2 of this chapter for a full description of each development option and specific regulations which apply to its use. Refer to table 105-683 to determine how each development option is regulated.

The term "minimum site area" means the gross site area (GSA) in which the specified development option is allowed.

The term "building coverage ratio" means the ratio calculated by dividing the total foundation area of all principal and accessory buildings on a site by the gross site area.

Table 105-783 City of Sheboygan Residential Density Standards					
Zoning District	*Development Option/Dwelling Unit Type*	*Max Gross Density (MGD)*	*Min Lot Area (MLA)*	*Min Site Area (MSA)*	*Bldg Cov Ratio (BCA)*
RA-35ac Rural Agricultural	Conventional single-family (P)	0.03	35 acres	35 acres	0.30
ER-1 Estate Residential-1	Conventional single-family (P)	1.00	40,000 s.f.	40,000 s.f.	0.30
	Cluster single-family (C)	1.00	15,000 s.f.	40,000 s.f.	0.30
SR-3 Suburban Res-3	Conventional single-family (P)	3.00	10,000 s.f.	10,000 s.f.	0.30
SR-5 Suburban Res-5	Conventional single-family (P)	5.00	6,000 s.f.	6,000 s.f.	0.40
NR-6 Neighborhood Residential-6	Conventional single-family (P)	6.00	6,000 s.f.	6,000 s.f.	0.40
	Cluster single-family (C)	6.00	4,500 s.f.	20,000 s.f.	0.40
	Two flat (C)	6.00	6,000 s.f.	6,000 s.f.	0.40
MR-8 Mixed Residential-8	Conventional single-family (P)	8.00	6,000 s.f.	6,000 s.f.	0.50
	Cluster single-family (C)	8.00	4,500 s.f.	20,000 s.f.	0.50
	Two flat (C)	8.00	6,000 s.f.	6,000 s.f.	0.50
	Duplex (P)	8.00	6,000 s.f.	6,000 s.f.	0.50
	Twin house (P)	8.00	3,000 s.f.	6,000 s.f.	0.50
	Mobile home park (C)	8.00	4,500 s.f.	5 acres	0.50
UR-12 Urban Residential-12	Conventional single-family (P)	12.00	6,000 s.f.	6,000 s.f.	0.50
	Cluster single-family (C)	12.00	4,500 s.f.	20,000 s.f.	0.50
	Two flat (C)	12.00	6,000 s.f.	6,000 s.f.	0.50
	Duplex (P)	12.00	6,000 s.f.	6,000 s.f.	0.50
	Twin house (P)	12.00	3,000 s.f.	6,000 s.f.	0.50
	Townhouse (P)	12.00	2,500 s.f.	4,500 s.f.	0.50

	Multiplex (C)	12.00	2,500 s.f.	4,500 s.f.	0.50
	Apartment (C)	12.00[1,2]	2,500 s.f.	4,500 s.f.	0.50
	Institutional (C)	Up to 40.00	4,500 s.f.	4,500 s.f.	0.50
NO Neighborhood Office	Conventional single-family (P)	6.00	6,000 s.f.	6,000 s.f.	0.40
	Cluster single-family (C)	6.00	4,500 s.f.	20,000 s.f.	0.40
	Two flat (C)	6.00	6,000 s.f.	6,000 s.f.	0.40
	Multiplex (C)	12.00	2,500 s.f.	4,500 s.f.	0.50
	Apartment (C)	conversions only[2]	2,500 s.f.	4,500 s.f.	0.50
	Institutional (C)	Up to 40.00	4,500 s.f.	4,500 s.f.	0.50
SO Suburban Office	Institutional (C)	Up to 40.00	1 acre	1 acre	0.50
NC Neighborhood Commercial	Conventional single-family (P)	6.00	6,000 s.f.	6,000 s.f.	0.40
	Cluster single-family (C)	6.00	4,500 s.f.	20,000 s.f.	0.40
	Two flat (C)	6.00	6,000 s.f.	6,000 s.f.	0.40
	Apartment (C)	conversions only[2]	2,500 s.f.	4,500 s.f.	0.50
	Multiplex (C)	12.00	2,500 s.f.	4,500 s.f.	0.50
	Institutional (C)	Up to 40.00	4,500 s.f.	4,500 s.f.	0.50
SC Suburban Commercial	Institutional (C)	Up to 40.00	1 acre	1 acre	0.50
UC Urban Commercial	Institutional (C)	Up to 40.00	4,500 s.f.	4,500 s.f.	0.50
CC Central Commercial	Townhouse (C)	12.00	2,500 s.f.	4,500 s.f.	0.50
	Multiplex (C)	12.00	2,500 s.f.	4,500 s.f.	0.50
	Apartment (C)	Up to 40.00	2,500 s.f.	4,500 s.f.	0.50
	Institutional (C)	Up to 40.00	4,500 s.f.	4,500 s.f.	0.50

(P) = Permitted by Right; (C) = Permitted as a Conditional Use

[1,2]Maximum gross density for apartments is as follows: for 1new structures MGD is 12.00 for two or more bedroom units; MGD is 13.00 for one bedroom units; MGD is

14.00 for efficiencies; for 2converted structures MGD is 22.00 (2,000 sf of lot area per unit), and within the Central Residential Area (bounded by Erie Avenue, 13th Street, 5th Street, and the Sheboygan River) the MGD is 40.00 du/acre.

(Ord. of 2-7-2020, § 15.304)

Sec 105-784 Nonresidential Intensity Standards

Key to Table 105-784

Table 105-784 City of Sheboygan Nonresidential Intensity Standards			
The term "zoning district" means the designation which regulates the type of uses permitted on the site. Section 105-685 describes each zoning district. Table 105-683 provides a detailed listing of all uses permitted in each zoning district. Section 105-685 and article III, division 2 of this chapter provide detailed regulations applying to specific land uses. Zoning districts are depicted on the official zoning map. (See section 105-35.)			
The term "maximum building size" means the maximum total gross floor area which a building is permitted to contain. The term "gross floor area" is defined in section 105-7.			
Zoning District	*Minimum Landscape Surface Ratio (LSR)*	*Minimum Lot Area (MLA)*	*Maximum Building Size (MBS)*
SO Suburban Office	25 percent	1 acre*	na
NC Neighborhood Commercial	15 percent	3,000 sq. ft.	5,000 sq. ft.
SC Suburban Commercial	25 percent	1 acre*	na
UC Urban Commercial	10 percent	3,000 sq. ft.	na
CC Central Commercial	0 percent	na	na
The term "minimum landscape surface area ratio" means the minimum permitted percentage of the gross site area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the gross site area (GSA). GSA is calculated in section 105-782(c)(1). The term "landscaped area" is defined in section 105-7.			
The term "minimum lot area" means the minimum size lot permitted in the specified zoning district for a building with the listed number of floors.			
Table 105-784: City of Sheboygan Nonresidential Intensity Standards			
	Minimum	*Minimum Lot*	*Maximum Building*

Zoning District	*Landscape Surface Ratio (LSR)*	*Area (MLA)*	*Size (MBS)*
RA-35ac Rural Agricultural-35ac **	70 percent	35 acres	na
ER-1 Estate Residential-1 **	70 percent	40,000 sq. ft.	na
SR-3 Suburban Residential-3 **	55 percent	10,000 sq. ft.	na
SR-5 Suburban Residential-5 **	55 percent	6,000 sq. ft.	na
NR-6 Neighborhood Residential-6**	55 percent	4,500 sq. ft.	na
MR-8 Mixed Residential-8 **	40 percent	4,500 sq. ft.	na
UR-12 Urban Residential-12 **	25 percent	4,500 sq. ft.	na
NO Neighborhood Office	25 percent	4,500 sq. ft.	5,000 sq. ft.
SO Suburban Office	25 percent	1 acre*	na
NC Neighborhood Commercial	15 percent	3,000 sq. ft.	5,000 sq. ft.
SC Suburban Commercial	25 percent	1 acre*	na
UC Urban Commercial	10 percent	3,000 sq. ft.	na
CC Central Commercial	0 percent	na	na
SI Suburban Industrial	25 percent	1 acre*	na
UI Urban Industrial	10 percent	3,000 sq. ft.	na
HI Heavy Industrial	0 percent	na	na
*Reduction in lot area from one acre to 4,500 square feet is permitted as a conditional use per section 105-998 with site plan for end use of the property demonstrating full compliance with all of the requirements of the city municipal Code.			
**Intensity standards for permitted nonresidential uses in residential districts, such as churches and schools.			

(Ord. of 2-7-2020, § 15.305)

Sec 105-785 Detailed Instructions For Density And Intensity Regulations

(a) *For both residential, and nonresidential development*.

(1) Check planning recommendations for the subject property.

a. Check comprehensive plan recommendations. The city's comprehensive plan should be checked for implications related to the subject property, particularly the land use and transportation plan map. From time to time, the comprehensive plan may be amended. The city's department of planning and development should be consulted regarding changes to the comprehensive plan which may affect the subject property or its environs.

b. Check official map recommendations. The city's official map should be checked for proposed capital facilities and dedication requirements including schools, parks, stormwater management facilities and street improvements which may affect the subject property. The official map is on display at the city's department of planning and development. From time to time, the official map may be amended. The city's department of planning and development should be contacted regarding changes to the official map which may affect the subject property or its environs.

(2) Check the zoning of the subject property. The potential amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The subject property should be identified on the city's official zoning map and the current zoning designation should be compared with the description of that district provided in sections 105-37 through 105-606. The official zoning map is on display at the city's department of planning and development. From time to time, the official zoning map may be amended. The zoning administrator should be contacted regarding potential changes in the official zoning map which may affect the subject property or its environs.

(3) Complete a natural resources site evaluation for the site. The effect of protected natural resources on the development potential of the subject property should be evaluated. The evaluation shall not be required for any site where no new roads are created or where protected natural resources are not present. All resources listed in section 105-782 should be identified on the subject property, located on a map (or air photo) of the subject property, and the total area of the property (in acres) covered by those resources, known as required resource protection area (RPA) should be determined, as should the gross site area (GSA) and the net developable area (NDA) of the subject property.

(b) *For residential development*. Steps in subsection (a) of this section also apply.

(1) Determine what type of dwelling units are permitted. Page one of the table of land uses (section 105-683) should be checked to determine which type of dwelling units are permitted within the zoning district for the subject property.

(2) Identify the desired permitted development option. Page one of the table of uses (section 105-683) should also be checked to determine which types of development options are permitted within the zoning district for the subject property. Development option is described in detail in section 105-715. The selection of a particular development option may be related to the preponderance of sensitive natural resource areas on the site or may reflect current or projected residential market conditions and the dwelling unit types they call for. After the desired permitted development option is identified, section 105-783. Residential density standards should be referred to for the selected development options in the zoning districts.

(3) Check minimum site area requirement against the gross site area. The required minimum site area (MSA), given in section 105-783 for the development option selected in subsection (b)(2) of this section, and in the zoning district identified in subsection (a)(2) of this section, should be compared with the gross site area (GSA) required on the subject property as determined by the completion of the natural resources site evaluation in the step provided in subsection (a)(3) of this section. If the GSA is less than the MSA required by the selected development option, then a different development option must be selected, or additional property should be acquired.

(4) Determine maximum gross density permitted on the site. The maximum gross density (MGD), given in section 105-783 for the development option selected in subsection (b)(2) of this section and the zoning district identified in subsection (a)(2) of this section, should be noted; and used in the step provided in subsection (b)(5) of this section.

(5) Determine the maximum number of units permitted on the site. The maximum gross density (MGD), identified in subsection (b)(4) of this section, multiplied by the gross site area (GSA) calculated in the step provided in subsection (a)(3) of this section, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the selected zoning district. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this chapter. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.

(6) Check the minimum permitted lot area against table 105-683. The minimum lot area (MLA) requirement given in section 105-783, is the

smallest size lot permitted within the selected development option within the selected zoning district. The MLA must equal or be less than the lot size requirement for the type of dwelling unit proposed for the project in the step provided in subsection (a)(1) of this section. If the MLA given in section 105-683 is larger than the lot size requirements given in the step provided in subsection (b)(1) of this section, then a dwelling unity type with a larger lot size must be selected (in which case, it may be advantageous to repeat the steps provided in this subsection (b) using a different dwelling unit type and a different development option).

(c) *Nonresidential development*. Steps in subsection (a) of this section also apply. Section 105-784 contains a key to assist with the procedure described below.

(1) Determine what types of land uses are permitted. The table of uses (section 105-683) should be checked to determine what types of land uses are permitted within the zoning district present on, or proposed for, the subject property. A complete description of each land use is presented in article III, division 2 of this chapter.

(2) Check minimum lot area requirement against gross site area present on the subject property. The required minimum lot area (MLA), given in section 105-784 (nonresidential intensity standards) for the development option selection in subsection (b)(2) of this section, and in the zoning district identified in subsection (a)(2) of this section, should be compared with the gross site area (GSA) required on the subject property as determined by completion of the natural resources site evaluation in the step provided in subsection (a)(3) of this section. If the GSA is less than the MLA required by the selected development option, then additional property should be acquired. In other words, the GSA (from subsection (a)(3) of this section) must be greater than or equal to the MLA.

(3) Check minimum landscape surface ratio requirement against the required resource protection area present on the subject property. The required landscape surface ratio (LSR), given in section 105-784 (nonresidential intensity standards) for the zoning district identified in subsection (a)(2) of this section, should be multiplied by the gross site area (GSA) used in the step provided in subsection (c)(2) of this section. The resulting product is the area of the site which must be permanently protected as green space. This area should be compared with the required resource protection area (RPA) required on the subject property as determined from the natural resource site evaluation in the step provided in subsection (a)(3) of this section. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required in the zoning district, then a project requiring more floors may have to be used in order to approach maximum development potential on the site. In other words, if the RPA (from subsection (a)(3) of this section) is greater

than the LSR (from this subsection), a taller project may permit the development of more floor area on the subject property.

(4) Check the maximum building size requirement (NC District). The maximum building size (MBS) requirement given in section 105-784, nonresidential intensity standards, is the largest size building permitted within the selected development option within the NC Neighborhood Commercial and NO Neighborhood Office Districts. The MGS must equal or be greater than the building size proposed for the project in the step provided in subsection (c)(3) of this section. If the MGS given in section 105-784 is smaller than the proposed building size calculated in in the step provided in subsection (c)(3) of this section, then a smaller building must be built, or the use of additional buildings should be considered.

(d) *Rationale*. The minimum lot area (MLA) requirements for each development option within each zoning district are used to ensure that a consistency of neighborhood character within each development option is maintained. Finally, the maximum building size (MBS) requirements ensure that development within the NC Neighborhood Commercial or NO Neighborhood Office Districts retains a neighborhood function and maintains a scale which is compatible with nearby residential development.

(Ord. of 2-7-2020, § 15.306)

Sec 105-786 Nonconforming Development Regulations

(a) *Variance*. A variance for any and all requirements of this article is hereby automatically granted to all developments in their configuration legally existing or as finally approved as of the effective date of the ordinance from which this chapter is derived. However, after the effective date of the ordinance from which this chapter is derived, such developments shall not be permitted to enlarge, expand or extend without bringing all available portions of the subject property including both the enlargement, expansion or extension, and the preexisting development, into compliance with the provisions of this article, unless the plan commission determines that there is inadequate room available on the subject property to install required landscaping or bring existing pavement up to the standards of this chapter. The property owner may be granted a reasonable extension on the installation period of such required landscaping (as permitted in section 105-894(a)(1)) for landscaping which is related to the preexisting development or of such required paving (as permitted in section 105-929(f)(1)) for paving which is related to the preexisting development.

(b) *Rationale*. The blanket variance provision of subsection (a) of this section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this chapter. The adoption of the provisions of this section

ensures that developments approved prior to the adoption of the ordinance from which this chapter is derived do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

(Ord. of 2-7-2020, § 15.307)

ARTICLE 105-V BULK REGULATIONS

Sec 105-811 Purpose
Sec 105-812 Residential Bulk Standards
Sec 105-813 Nonresidential Bulk Standards
Sec 105-814 Yard Setback Adjustments
Sec 105-815 Intrusions Into Required Yards
Sec 105-816 Exceptions To Maximum Height Regulations
Sec 105-817 Substandard Lot Regulations
Sec 105-818 Nonconforming Structure And Building Regulations

Sec 105-811 Purpose

The purpose of this article is to indicate the requirements for building location and bulk in both residential and nonresidential developments which vary from the baseline standards of each zoning district. The provisions of this article interact closely with the provisions of articles II, III and IV of this chapter.

(Ord. of 2-7-2020, § 15.401)

Sec 105-812 Residential Bulk Standards

All residential lots created under the provisions of this chapter shall comply with the standards of this section. These standards are related to the type of dwelling unit used and to specific zoning district. Tables 105-683 and 105-783 relate each dwelling unit type to each zoning district.

Table 105-812. Residential Bulk Standards

Dwelling Unit type	*Zoning District[1,2]*	*A[14]: Minimum lot area (sq. ft.)*	*B[14]: Minimum lot width (ft.)*	*E/F[14]: Front/Street (ft.)[3]*	*Side to Home[4]*		*I[14]: Rear to Home[4] (ft.)*	*J/K[14]: Rear to/Side to Accessory Bldg[5] (ft.)*	*M[14]: Pavement (ft.)[6]*	*N[14]: Minimum Dwelling Separation (ft.)*	*Maximum building height (ft.)*	
					G[14]: Least Side	*H[14]: Sum of*					*O[14]: Hom*	*P[14]: Accessory*

					e (ft.)	*Sides (ft.)*					*e (ft.)*	*Bldg[5] (ft.)*
Single-family	RA-35ac, ER-1, SR-34, SR-5, NR-6, MR-8, UR-12, NO, NC	35 acres	150	50	25	50/75[8]	50	50	5	50	35	45
Single-family	ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, NC	40,000	150	50	25	50/75[8]	50	15	5	50	35	15
Single-family	ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, NC	15,000	90/100[8]	25	15	30/40[8]	35	5	5	30	35	15
Single-family	SR-3, SR-5, NR-6, MR-8, UR-12, NO, NC	10,000	70/80[8]	35	20	25/25[8]	20	5	3	20	35	15
Single-family	SR-5, NR-6, MR-8, UR-12, NO, NC	6,000	60/70[8]	25	5	15/30[8]	20	3/5[10]	3	10	35	15
Single-family	NR-6, MR-8, UR-12, NO, NC	4,500	60/70[8]	25	5	15/30[8]	20	3/5[10]	3	10	35	15
Two-flat	NR-6, MR-8, UR-12, NO, NC	6,000	60/70[8]	20	5	15/25[8]	20	3/5[10]	3	10	35	15
Duplex	MR-8, UR-12	6,000	60/70[8]	20	0/5[8,9]	15/25[8]	20	3/5[10]	3	0 or 10[11]	35	15
Twin house	MR-8, UR-12	(3,000)[7]	(30/35)[7,8]	20	0/5[8,9]	15/25[8]	20	3/5[10]	3	0 or 10[11]	35	15
Townho	UR-12, CC	2,500	16/36	20	0/10	10/	25	3/5[10]	3	0 or	3	15

use			8		8,9	20[8]				20[11]	5	
Multiplex	UR-12, CC	2,500	60/70[8]	20	10	20/30[8]	25	3/5[10]	3	20	35	15
Apartment	UR-12, NO, NC, CC	2,500	60/708	20	10	20/30[8]	25	3/5[10]	3	20	35[12]	15
Institutional Residential	UR-12, NO, SO, NC, SC, UC, CC	4,500[13]	60/70[8]	30	10	20/40[8]	25	3/5[10]	3	20	35[12]	15
Mobile Home	MR-8	4,500	60/70[8]	25	5	10/30[8]	20	3/5[10]	3	10	35	15

[1] RA-35ac Rural Agricultural, ER-1 Estate Residential, SR-3 Suburban Residential-3, SR-5 Suburban Residential-5, NR-6 Neighborhood Residential, MR-8 Mixed Residential, UR-12 Urban Residential, NO Neighborhood Office, SO Suburban Office, NC Neighborhood Commercial, and SC Suburban Commercial.

[2] Standard type indicates that the development option is permitted by right within the zoning district; italic type indicates that the development option is permitted as a conditional use within the zoning district; bold type indicates typical zoning district for this unit type and lot size.

[3] Measured from existing or officially mapped right-of-way line, whichever is farthest from the centerline of the street. For street with said ROW equal to 100 feet, an additional ten feet of setback is required.

[4] See the requirements for bufferyards and for zoning districts in section 105-892.

[5] Accessory buildings exceeding 75 square feet shall comply with the setbacks for home.

[6] Existing pavement may be replaced in same side yard location subject to drainage away from property line.

[7] Parentheses indicate requirement per dwelling unit.

[8] Second number is for corner lot.

[9] Setback to zero feet along common wall.

[10] Three feet, or five feet when abutting an alley.

[11] Separation of zero feet along common wall.

[12] Apartment and institutional residential buildings in excess of 35 feet are allowed only with a conditional use permit.

[13] Minimum lot area within the S and SC districts is one acre.

[14] Refer to section 105-7 for illustrations of dwelling unit types and associated setbacks labeled with capital letters.

(Ord. of 2-7-2020, § 15.402)

Sec 105-813 Nonresidential Bulk Standards

(a) All nonresidential lots created under the provisions of this chapter shall comply with the standards of this section. These standards are related to the specific zoning district used. Tables 105-683 and 105-784 relate each use with each zoning district.

(b) Table 105-813 presents the standards for nonresidential bulk regulations.

(c) The maximum permitted height restriction of 80 feet is based upon the fire-fighting equipment available to the fire department as of the effective date of the ordinance from which this chapter is derived. Should firefighting equipment be made available to effectively fight fires in structures over 80 feet tall, this maximum limit could be raised.

(d) Prior to such time, if a structure is proposed to exceed this maximum (under the provisions of section 105-816), it should be equipped with internal firefighting mechanisms which are approved by the fire department as part of the required conditional use review process.

Table 105-813: City of Sheboygan Nonresidential Bulk Standards

Zoning District	*Min Lot Width (ft.)*	*Front/ Street (ft.)*	*Side From*		*Rear From*		*Pavement (ft.)*	*Min Bldg. Separation (ft.)*	*Max Bldg. Height (ft.)*
			Res (ft.)	*Non-Res (ft.)*	*Res (ft.)*	*Non-Res (ft.)*			
RA-35AC	150	50	50	25	50	25	5/10[2]	50	35
ER-1	150	50	50	25	50	25	5/10[2]	50	35
SR-3	90	30	50	25	30	25	5/10[2]	50	35
SR-5	70	30	50	25	25	25	5/10[2]	50	35
NR-									

6	60	25	50	25	25	25	5/10[2]	50	35
MR-8	60	20	50	25	25	25	5/10[2]	50	35
UR-12	60	20	50	25	25	25	5/10[2]	50	35
NO	30	20	8	8	25	25	5/5[2]	16	35
SO	100	25	15	0/10[1]	25	10	5/10[2]	0 or 20[1]	35[3]
NC	30	0	25	0/5[1]	25	10	5/5[2]	0 or 10[1]	35
SC	60	25	25	0/10[1]	25	10	5/10[2]	0 or 20[1]	50[3]
UC	30	0	25	0/5[1]	25	10	5/5[2]	0 or 10[1]	50[3]
CC	0	Maximum permitted setback zero feet, except where permitted by the plan commission as an essential component of site design.			20	10	02	Max = 0 except per Plan Comm.[3]	Min = 20 except per Plan Comm.[3]
SI	60	25	25	0/10[1]	25	25	5/10[2]	0 or 20[1]	50[3]
UI	30	25	25	0/5[1]	25	25	5/5[2]	0 or 10[1]	50[3]
HI	30	25	25	0/5[1]	25	25	5/5[2]	0 or 10[1]	50[3]
[1]Zero feet where property line divides attached buildings.									
[2]Five feet side yard; ten or five feet front yard. See section 105-888 for required street frontage landscape areas.									
[3]Can exceed 35-foot maximum with a conditional use permit and increased building setback of 1 foot for every foot in height over 35 feet, to a maximum of 60 feet.									

(Ord. of 2-7-2020, § 15.403)

Sec 105-814 Yard Setback Adjustments

Yard setback adjustment from officially mapped streets.

(a) For any street depicted on the official map, building setbacks shall be measured from the officially mapped right-of-way line, or one-half the width of the officially mapped right-of-way from the current centerline, whichever is greater.

(b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 60 percent of the same types of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all same type principal structures on said block face or street face.

(Ord. of 2-7-2020, § 15.404)

Sec 105-815 Intrusions Into Required Yards

(a) The minimum setback requirements of sections 105-812 and 105-813 establish the minimum required yards for all uses, except those exempted by the provisions of this section.

(b) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this section.

(c) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.

(d) In instances where the required bufferyard width (per section 105-892) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.

(e) *Permitted intrusions into required yards*. The following intrusions by buildings and structures are permitted into the specified required yards:

(1) Permitted intrusions into required front or street yards:

a. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings, provided they do not extend more than 2 1/2 feet into the required yard.

b. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of section 105-932 and provided they do not locate closer than five feet from the front or street property line.

c. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above

the floor level of the adjacent building entrance; provided they do not locate closer than 15 feet from any street right-of-way.

d. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way.

(2) Permitted intrusions into required rear or side yards:

a. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, air conditioners, and gutters for residential buildings; provided they do not extend more than 2 1/2 feet into the required yard.

b. Fences may locate on the property line. Permitted fence types shall comply with the provisions of section 105-945.

c. Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.

(3) Permitted intrusions into required rear yards:

a. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than three feet above grade; provided they do not locate closer than eight feet to the rear lot line.

b. Balconies or similar appurtenances to residential buildings which extend more than three feet above grade; provided they do not extend more than six feet into the required rear yard.

c. All front yard and street yard areas. With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

(Ord. of 2-7-2020, § 15.405)

Sec 105-816 Exceptions To Maximum Height Regulations

(a) *Permitted exceptions to maximum height regulations*.

(1) The maximum height regulations listed for residential uses and residential accessory structures in section 105-812, and for nonresidential uses and nonresidential accessory structures in section 105-813, are the maximum permitted heights for all buildings and structures, except those exempted by this section.

(2) The following are permitted to exceed the maximum height regulations,

within any district where permitted. church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses.

(3) Any building or structure not otherwise accounted for by subsection (b) of this section, may exceed said maximum height regulations with the granting of a conditional use permit or variance which specifically states the maximum permitted height of the proposed building or structure.

(b) *Required procedure for exceeding maximum height regulations*.

(1) In order to secure permission to exceed the maximum height regulations of sections 105-812 or 105-813, or 105-816; the petitioner shall be granted a conditional use permit per the standards and procedures of section 105-998 if the use is conditional.

(2) In order to secure permission to exceed the maximum height regulations of section 105-812 or 105-813, or 105-816; the petitioner shall be granted a variance per the standards and procedures of section 105-1002 if the use is permitted or special.

(Ord. of 2-7-2020, § 15.406)

Sec 105-817 Substandard Lot Regulations

(a) *Lot area and dimension requirements*. Upon and after the effective date of the ordinance from which this chapter is derived, no lot shall be created which does not meet the minimum lot area (MLA) requirements of sections 105-783 or 105-784or which does not meet the lot dimension requirements of sections 105-812 or 105-813.

(b) *Nonconforming vacant lots in residential districts*.

(1) An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which complies with the requirements of subsection (b)(2) of this section, may be used as a single-family building site, provided that the lot was of record in the county register of deed's office prior to the effective date of the ordinance from which this chapter is derived; and further provided that the lot is in separate ownership from abutting lands.

(2) When construction of a single-family dwelling is permitted by subsection (b)(1) of this section, such dwelling shall comply with all regulations applicable to single-family dwellings in the district in which the lot in question is located; provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise

applicable:

a. The sum of the widths of the two side yards shall be not less than 25 percent of the width of the lot nor shall the width of any side yard be less than ten percent of the width of the lot.

b. No side yard shall in any event be less than five feet in width.

c. The width of any side yard that adjoins a public street shall not in any event be less than ten feet.

(c) *Nonconforming vacant lots in nonresidential districts*.

(1) In any district, other than a residential district, notwithstanding the limitations imposed by other provisions of this chapter, a building designed for any permitted use, other than a multifamily residential use, may be erected on a prerecorded nonconforming lot.

(2) When construction is permitted by subsection (c)(1) of this section, such building shall comply with all regulations applicable in the district in which the lot in question is located; provided, however, the width of any side yard need not be greater than that derived by applying the following equation:

$$\frac{\text{Actual Lot Width}}{\text{Minimum Lot Width Required by District Regulations}}$$

X = Minimum Side Yard Required by District Regulations
X = Required Side Yard Width

(Ord. of 2-7-2020, § 15.407)

Sec 105-818 Nonconforming Structure And Building Regulations

(a) *Nonconforming residential buildings used for permitted uses*.

(1) *Limitations*. A lawfully existing residential building which contains no nonconforming use, but which does not comply with the applicable lot size requirements or building bulk limitations, may be continued so long as it remains otherwise lawful. Such buildings are referred to in this section as "nonconforming residential buildings" and are subject to the following regulations:

a. A nonconforming principal residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair, or structural alteration shall either create any additional non-conformity or

increase the degree of the existing nonconformity of all or any part of such building; and provided further that damaged or destroyed buildings shall be subject to the restrictions in subsection (a)(2) of this section.

b. A nonconforming accessory residential building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration creates an additional nonconformity or causes any portion of said accessory residential building to be located nearer to a lot line where a nonconformity exists; and provided, further, that damaged or destroyed buildings shall be subject to the restrictions of subsection (a)(2) of this section.

(2) *Damage or destruction*. In the event that a nonconforming residential building is damaged or destroyed by any means to such an extent that the cost of restoring it to the condition in which it was before such damage or destruction exceeds 50 percent of the current replacement cost of the entire building, exclusive of foundations, such building shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located.

(3) *Moving*. No nonconforming residential building shall be moved in whole or in part for any distance whatsoever to any other located on the same or any other lot unless the entire building shall thereafter conform to the regulations of the district in which it is located after being moved.

(b) *Nonconforming nonresidential buildings used for a permitted use*.

(1) *Ordinary repair and maintenance*.

a. Work may be done on ordinary maintenance and repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing; provided, however, that this subsection shall not be deemed to authorize any violation of subsections (b)(2) through (4) of this section.

b. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of a nonconforming nonresidential building (other than a damaged or destroyed building or other structure subject to the provisions of subsection (b)(4) of this section) in accordance with the order of the building inspector declaring such building to be unsafe and orders its restoration to a safe condition.

(2) *Enlargement*. No nonconforming nonresidential building shall be

enlarged or added to in any manner unless such building and the use thereof shall thereafter conform to the regulations of the district in which it is located.

(3) *Damage or destruction*. In the event that any nonconforming nonresidential building is damaged or destroyed, by any means, to such an extent that the cost of restoring it to the condition in which it was before such damage or destruction exceeds 50 percent of the current replacement cost of the entire building or structure, exclusive of foundations, such building shall not be restored unless it shall thereafter conform to the regulations for the district in which it is located. Moreover, even if such damage is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and diligently pursued to completion.

(4) *Moving*. No nonconforming nonresidential building shall be moved, in whole or in part for any distance whatsoever, to any other location on the same lot or any other lot unless the entire building and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved.

(Ord. of 2-7-2020, § 15.408)

ARTICLE 105-VI NATURAL RESOURCE PROTECTION

Sec 105-845 Purpose
Sec 105-846 Article Organization
Sec 105-847 Wetland Overlay Zoning District
Sec 105-848 Lakeshore Overlay Zoning District
Sec 105-849 Drainageway Overlay Zoning District
Sec 105-850 Woodland Overlay Zoning District
Sec 105-851 Steep Slope Overlay Zoning District
Sec 105-852 Detailed Site Analysis

Sec 105-845 Purpose

The purpose of this article is to set forth the requirements for the mandatory protection of natural resources and permanently protected green space areas within the jurisdiction of this chapter. The provisions of this article interact closely with the provisions of sections 105-684, 105-715, 105-782, 105-783 and 105-784 which provide residential and nonresidential development standards. Section 105-785 provides a complete overview of the interrelationship between the above-listed sections. In part, the provisions of this article are designed to ensure the implementation of the city comprehensive master plan and Wis. Stats. §§ 62.231 and 87.30.

(Ord. of 2-7-2020, § 15.501)

Sec 105-846 Article Organization

(a) This article contains the standards which govern the protection, disturbance, and mitigation of disruption of all-natural resource and other permanently protected green space areas. The provisions of this article are intended to supplement those of the city, county, state, and the federal government of the United States which pertain to natural resource protection. Prior to using the provisions of this article to determine the permitted disruption of such areas, the requirements provided in subsections (a)(1) through (4) of this section should be reviewed. This article recognizes the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of the following sections is oriented to each natural resource type, and is designed to accomplish several objectives:

(1) First, a definition of the natural resource is provided.

(2) Second, the specific purposes of the protective regulations governing each natural resource type are provided.

(3) Third, the required method of identifying and determining the boundaries of the natural resource area is given.

(4) Fourth, mandatory protection requirements are identified.

(b) Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented in section 105-724.

(Ord. of 2-7-2020, § 15.502)

Sec 105-847 Wetland Overlay Zoning District

(a) *Purpose*. The wetland overlay zoning district, which includes floodplain areas, is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the city. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the city.

(b) *Permitted uses in the wetland overlay zoning district*.

(1) Hiking, fishing, trapping, swimming, and boating, unless prohibited by

other ordinances and laws.

(2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(3) Silviculture, including the planting, thinning, and harvesting of timber.

(4) Agricultural cultivation and pasturing, including construction and maintenance of fences, provided they do not involve extension of or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.

(5) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use.

(6) The construction and maintenance of piers, docks, and walkways, including those built on pilings.

(7) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

(c) *Conditional uses in the wetland overlay zoning district*. The construction of streets which are necessary for the continuity of the city street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses in the wetland overlay zoning district, provided that:

(1) The street cannot as a practical matter be located outside the conservancy district;

(2) The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland as listed in section 105-847(a);

(3) The street is designed and constructed with the minimum cross section practical to serve the intended use;

(4) The street construction activities are carried out in the immediate area of the roadbed only; and

(5) Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.

(6) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, provided that;

a. The building cannot, as a practical matter, be located outside the conservancy district;

b. The building is not designed for human habitation and does not exceed 500 square feet in area; and

c. Only limited filling or excavating necessary to provide structural support is conducted.

(7) The establishment and development of public and private parks and recreation areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:

a. Any private recreation or wildlife habitat area must be exclusively for that purpose;

b. No filling is to be done; and

c. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only to improve wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

(8) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, provided:

a. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the conservancy district; and

b. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the utility and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural function of the conservancy area.

(9) The construction and maintenance of railroad lines, provided that:

a. The railroad lines cannot, as a practical matter, be located outside the conservancy district; and

b. Any filling, draining, dredging, ditching, or excavating that is done must be necessary for the construction or maintenance of the railroad and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(d)

Prohibited uses in the wetland overlay zoning district.

(1) Any use not listed as a permitted use or a conditional use is prohibited unless the wetland overlay zoning district lands concerned are first rezoned into another district.

(2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed boathouse below the ordinary high-water mark of any navigable water are prohibited.

(3) *Annexations containing wetland shorelands*. Pursuant to Wis. Stats. § 59.692 any annexations of lands after May 7, 1982, which lie within wetland shorelands, as defined herein, shall be governed by the provisions of chapter 109 regarding shoreland zoning until such time that the city adopts an ordinance which is at least as restrictive as chapter 109. Said regulations shall be administered and enforced by the city zoning administrator.

(4) Amendments to shoreland wetland overlay zoning districts.

(5) Mapping disputes.

(Ord. of 2-7-2020, § 15.504)

Sec 105-848 Lakeshore Overlay Zoning District

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Lakeshores are the land margins of navigable waters which are identified as lakes and other water bodies as shown on USGS 7.5-minute topographic maps for the city and its environs. Lakeshores are all areas within 75 feet of the ordinary high-water mark of Lake Michigan and inland lakes, but not watercourses. Decorative water features shall not be considered navigable waters for the purposes of this section. The meaning of the term "lakeshores," as used herein, shall remain distinct from the meaning of the term as employed by the state law and the DNR.

(b) *Purpose of lakeshore protection requirements*. Lakeshores serve to protect land/water margins from erosion due to site disruption. Because of regular contact with wave action, currents, and runoff, such areas are highly susceptible to continuous, and in some cases, rapid erosion. Lakeshore protection also provides a natural vegetation buffer which serves to reduce water velocities and wave energy, and filters significant amounts of water-borne pollutants and sediments. Lakeshores also promote infiltration and groundwater recharging and

provide a unique habitat at the land/water margin.

(c) *Determination of lakeshore boundaries*. General lakeshore boundaries are depicted on sheet two of the official zoning map. Upon the proposal of development activity on any property which contains a lakeshore depicted on the official zoning map, the petitioner shall prepare a detailed site analysis per the requirements of section 105-852. This analysis shall depict the location of all lakeshore areas on the subject property as related to the provisions of subsection (a) of this section.

(d) *Mandatory lakeshore protection requirements*. Lakeshores shall remain in an undisturbed state, except for the land uses permitted in section 105-684 per the requirements of section 105-724.

(Ord. of 2-7-2020, § 15.505)

Sec 105-849 Drainageway Overlay Zoning District

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Drainageways are non-navigable of this section-ground water courses, detention basins or their environs which are identified by the presence of one or more of the following:

(1) All areas within 75 feet of the ordinary high-water mark of a perennial stream as shown on USGS 7.5-minute topographic maps for the city and its environs;

(2) All areas within 50 feet of the ordinary high-water mark of an intermittent stream or open channel drainageway as shown on USGS 7.5-minute topographic maps for the city and its environs.

(b) *Purpose of drainageway protection requirements*. Drainageways serve in the transporting of surface runoff to downstream areas. As such, drainageways serve to carry surface waters, supplement floodplain, wetland, and lakeshore water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.

(c) *Determination of drainageway boundaries*. General drainageway boundaries are depicted on sheet two of the official zoning map. Upon the proposal of

development activity on any property which contains a drainageway depicted on the official zoning map, the petitioner shall prepare a detailed site analysis per the requirements of section 105-852. This analysis shall depict the location of all drainageway areas on the subject property as related to the provisions of subsection (a) of this section.

(d) *Mandatory drainageway protection requirements*. Drainageways shall remain in an undisturbed state except for the land uses permitted in section 105-684 per the requirements in section 105-724. Vegetation clearing to maintain drainageway functions is permitted with the written approval of the director of public works. all areas designated as drainageways shall be located within a public easement or dedication for maintenance purposes to preserve proper drainage flow.

(Ord. of 2-7-2020, § 15.506)

Sec 105-850 Woodland Overlay Zoning District

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Woodlands are areas of mature climax trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on air photos for the city and its environs.

(b) *Purpose of woodland protection requirements*. Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduce soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.

(c) *Determination of woodland boundaries*. General woodland boundaries are depicted on sheet two of the official zoning map. Upon the proposal of development activity on any property which contains a woodland depicted on the official zoning map, the petitioner shall prepare a detailed site analysis per the requirements of section 105-852. This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of subsection (a) of this section.

(d) *Mandatory woodland protection requirements*. Woodlands shall remain in an

undisturbed state except for the land uses permitted in section 105-684 per the requirements of section 105-716(f) and areas subject to the following mitigation requirements. Selective cutting operations, up to 50 percent of a site or lot, are permitted as a special use in all woodland areas (per the requirements of section 105-849. Clear cutting, over 50 percent of woodland areas of a site or a lot, is permitted as a conditional use in all woodland areas (per the requirements of section 105-716(g)).

(Ord. of 2-7-2020, § 15.507)

Sec 105-851 Steep Slope Overlay Zoning District

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Steep slopes are areas which contain a gradient of 12 percent or greater, (equivalent to a ten-foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5-minute topographic maps for the city and its environs, as updated by official city topographic maps at a larger scale.

(b) *Purpose of steep slope protection requirements*. Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Beyond adversely affecting the environmental functions of these resource areas, such sedimentation also increases flood hazards by reducing the floodwater storage capacity of hydrological system components, thus elevating the flood level of the drainage system in affected areas. Beyond these threats to the public safety, disruption of steep slopes also increases the likelihood of slippage and slumping; unstable soil movements which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.

(c) *Determination of steep slope boundaries*. General steep slope boundaries are depicted on sheet two of the official zoning map. Upon the proposal of development activity on any property which contains a steep slope depicted on the official zoning map, the petitioner shall prepare a detailed site analysis per the requirements of section 105-852. This analysis shall depict the location of all steep slope areas on the subject property as related to the provisions of section 105-724.

(d) *Mandatory steep slope protection requirements*. Steep slopes shall remain in an undisturbed state except for the land uses permitted in section 105-684 per the requirements of section 105-724.

(Ord. of 2-7-2020, § 15.508)

Sec 105-852 Detailed Site Analysis

(a) *Purpose*. The detailed site analysis required by this division is designed to provide the clear identification of permanently protected green space areas on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans (see section 105-1001) for any and all properties containing permanently protected natural resource areas.

(b) *Description*. The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this article, and as located by an on-site survey. The detailed site analysis shall meet the following requirements:

(1) *Scale*. A minimum scale of one inch equals 200 feet shall be used.

(2) *Topography*. Topographic information is not required for any property which does not contain steep slopes, as designated on sheet two of the official zoning map). For such properties, topographic information with a minimum contour interval of two feet is required.

(c) *Specific natural resources areas*. All natural resource areas which require protection under the provisions of this chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.

(d) *Development pads*.

(1) All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded plat of subdivision or certified survey map.

(2) Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three inches, whose canopies are located adjacent to disturbed areas, which die within a period of five years following site disruption shall be replaced by the property owner with a three-inch caliper tree of the same type (canopy or

understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.

(e) *Mitigation areas*. All mitigation areas related to the provisions of this chapter shall be depicted on the detailed site analysis map with notations provided which describe the mitigation techniques employed.

(f) *Required procedure for submission and review*.

(1) *Required timing of submission*. The detailed site analysis map shall be submitted to the zoning administrator for initial review prior to or concurrently with the submission of the preliminary plat of subdivision or the certified survey map; or if the proposed development does not involve a land division, then submittal is required as an attachment to a required site plan (see section 105-1001). A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance or general approval of the concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property which has been previously approved by city staff, may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

(2) *Review by city staff*. City staff shall review the submitted detailed site analysis map for general compliance with the following data sources:

a. Sheet two of the official zoning map;

b. Applicable city and regional environmental corridor maps;

c. Air photos of the subject property;

d. USGS Quads and other sources of topographic information;

e. Applicable FEMA and related floodplain maps;

f. Applicable federal and state wetland inventory maps;

g. The city comprehensive master plan; and

h. Site visits.

(3) The zoning administrator shall provide the petitioner with a written

evaluation of the submitted detailed site analysis map which shall indicate the acceptance by city staff; or the need for further analysis work, discussion with the petitioner or staff-recognized experts, or a joint site visit.

(4) *Modification of detailed site analysis map*. If necessary, as determined by city staff, revised detailed site analysis maps shall be prepared and submitted for review by city staff, until a version is deemed acceptable. staff review of the detailed site analysis map may be appealed to the board of zoning appeals as a matter of ordinance interpretation.

(5) *Acceptance of detailed site analysis map*. Upon notification of acceptance by city staff, (or in case of appeal, by determination of the board of zoning appeals), the petitioner may proceed with the submittal of necessary development documents.

(6) *Integration of detailed site analysis information with required development or land division documents*. Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a building permit) and on any proposed plat of subdivision or certified survey map. See also, section 105-1001 regarding required site plans.

(7) *Sheet two of the official zoning map*. Until produced by city staff, sheet two of the official zoning map shall be construed to be the result of data gathered from the sources listed in subsection (f)(2)b through g of this section.

(Ord. of 2-7-2020, § 15.509)

ARTICLE 105-VII LANDSCAPING AND BUFFERYARDS

Sec 105-883 Purpose
Sec 105-884 Article Content
Sec 105-885 Landscaping Points, Sample Landscaping Schemes And Measurement For Landscaping Requirements
Sec 105-886 Landscaping Requirements For Building Foundations
Sec 105-887 Landscaping Requirements For Developed Lots
Sec 105-888 Landscaping Requirements For Street Frontages
Sec 105-889 Landscaping Requirements For Paved Areas
Sec 105-890 Landscaping Requirements For Other Permanently Protected Green Spaces
Sec 105-891 Landscaping Requirements For Required Reforestation

Sec 105-892 Landscaping Requirements For Bufferyards
Sec 105-893 Classification Of Plant Species
Sec 105-894 Requirements For The Installation, Maintenance And Use Of Landscaped And Bufferyard Areas
Sec 105-895 Calculating Landscaping And Bufferyard Requirements
Sec 105-896 Depiction On Required Site Plan

Sec 105-883 Purpose

The purpose of this article is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

(Ord. of 2-7-2020, § 15.601)

Sec 105-884 Article Content

(a) This article contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This article recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the comprehensive master plan.

(b) Each section of this article is oriented to a specific category of required landscaping. These include sections 105-886, 105-887, 105-888, 105-889, 105-890, 105-891, and 105-892.

(c) In each instance, a landscaping point concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 105-885 presents sample landscape point combination alternatives used by this chapter. Section 105-893 provides a listing of plant species fitting into the climax tree, tall deciduous tree, medium deciduous tree, low deciduous tree, tall evergreen tree, medium evergreen tree, low evergreen tree, tall deciduous shrub, medium deciduous shrub, low deciduous shrub, medium evergreen shrub, low evergreen shrub, and non-contributory plants categories used by this chapter. Section 105-894 provides requirements for the installation and maintenance of required landscaping, and section 105-893 describes the procedure for calculating landscaping requirements for this article.

(Ord. of 2-7-2020, § 15.602)

Sec 105-885 Landscaping Points, Sample Landscaping Schemes And Measurement For Landscaping Requirements

(a) *All landscaping requirements are stated in terms of the number of landscaping points required*. The required number of landscaping points is dependent upon

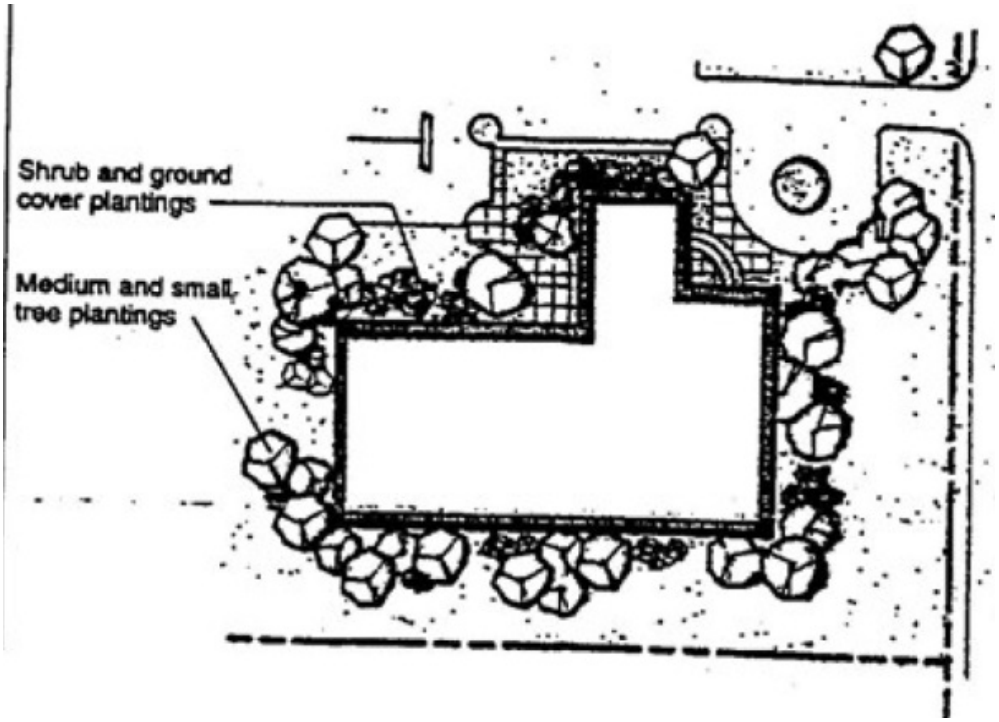
the type of land use, the zoning district, and the size of the development. A different number of points are awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are outlined in table 105-885.

Table 105-885. Landscaping Points and Minimum Installation Sizes		
Plant Category	*Landscaping Points Per Plant*	*Minimum Permitted Installation Size*
Climax tree	75	2" caliper
Tall deciduous tree	30	1 1/2" caliper
Medium deciduous tree	15	6' tall
Low deciduous tree	10	4' tall
Tall evergreen tree	40	5' tall
Medium evergreen tree	20	4' tall
Low evergreen tree	12	3' tall
Tall deciduous shrub	5	36" tall
Medium deciduous shrub	3	24" tall
Low deciduous shrub	1	18" tall
Medium evergreen shrub	5	18" tall/wide
Low evergreen shrub	3	12" tall/wide
Non-contributory plants	0	NA
Source: A Guide to Selecting Landscape Plants for Wisconsin, E. E. Hasselkus, UW-Extension Publication: A2865.		

(b) *Depiction of sample landscaping schemes*. Illustrations in subsections (b)(1) through (6) of this section depict sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to alternative A are best for building foundations, landscaping schemes similar to alternative B are best for developed lots, landscaping schemes similar to

alternative C are best for street frontages, landscaping schemes similar to alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to alternative E are best for reforestation, and landscaping schemes similar to alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in section 105-893.

(1) Alternative A:



Best Suited for Building Foundations.

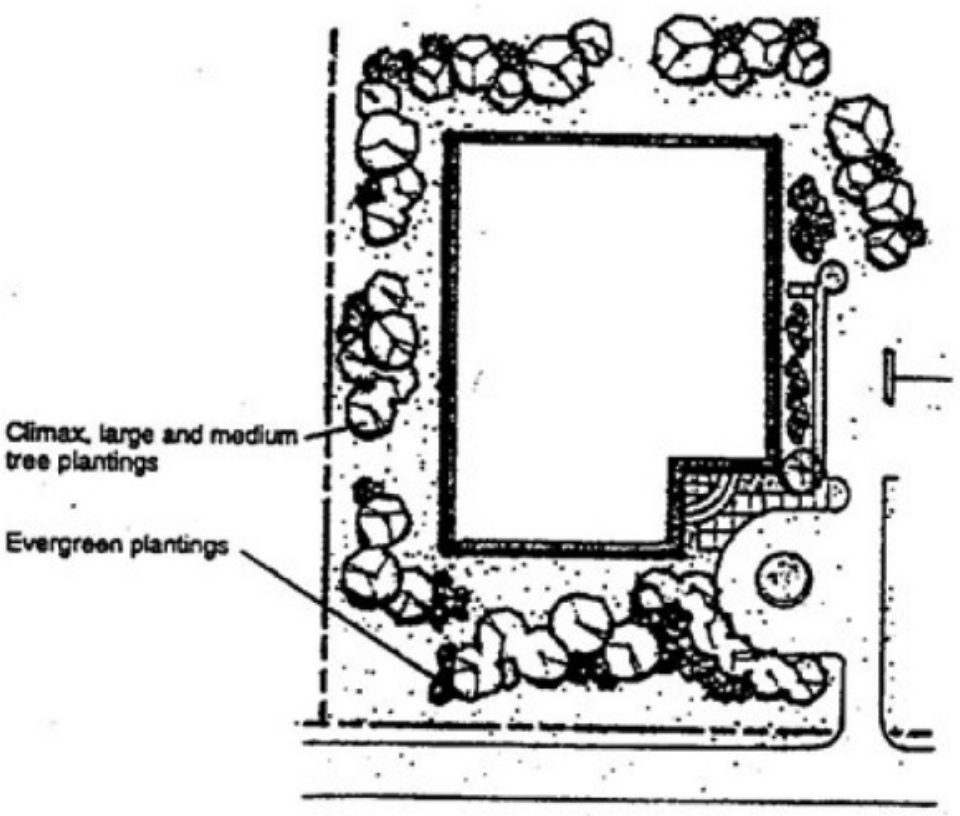
750 landscaping points:

a. 20 medium trees.

b. 15 small trees.

c. 60 shrubs.

(2) Alternative B:



Best Suited for Developed Lots.

1,250 landscaping points:

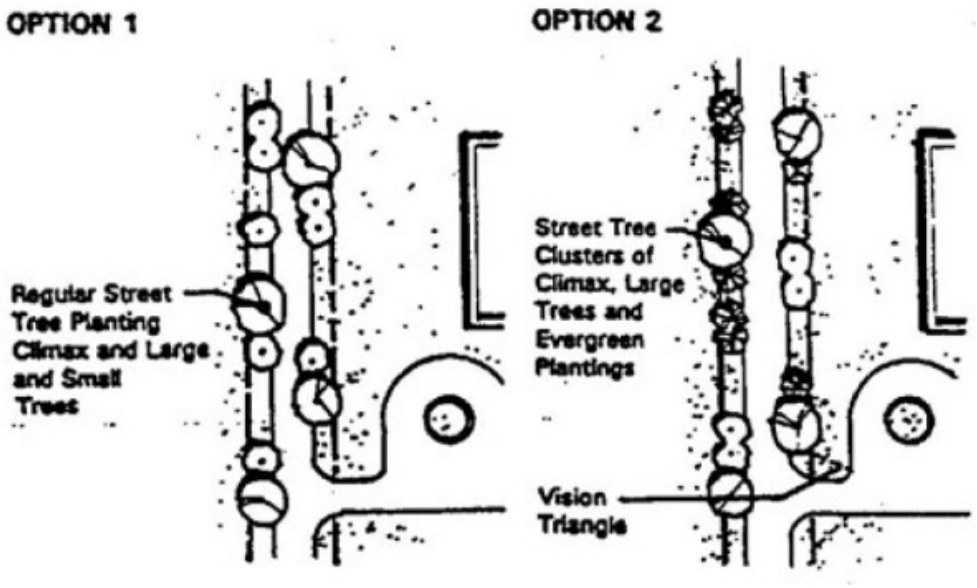
a. Six climax trees.

b. Eight tall trees.

c. 20 medium trees.

d. 41 evergreen plantings.

(3) Alternative C:



Best Suited for Street Frontages.

a. Option 1.

280 landscaping points:

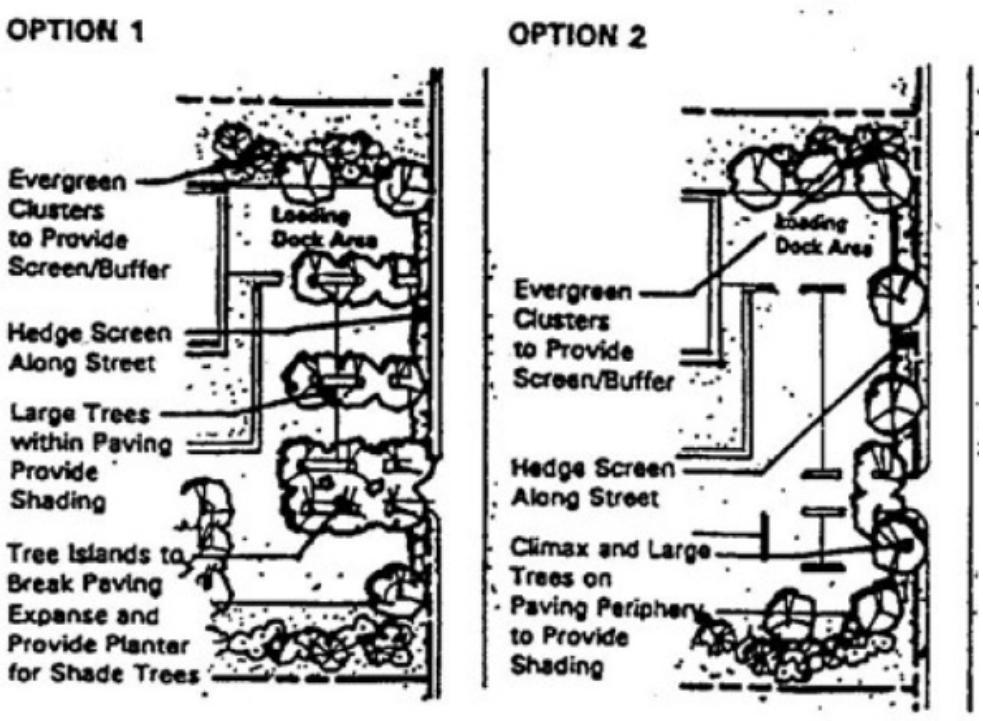
1. Two climax trees.
2. Two tall trees.
3. Eight small trees.

b. Option 2.

280 landscaping points:

1. Two climax trees.
2. Two tall trees.
3. Four small trees.
4. Eight evergreen shrubs.

(4) Alternative D:



Best Suited for Paved Areas.

a. Option 1.

880 landscaping points:

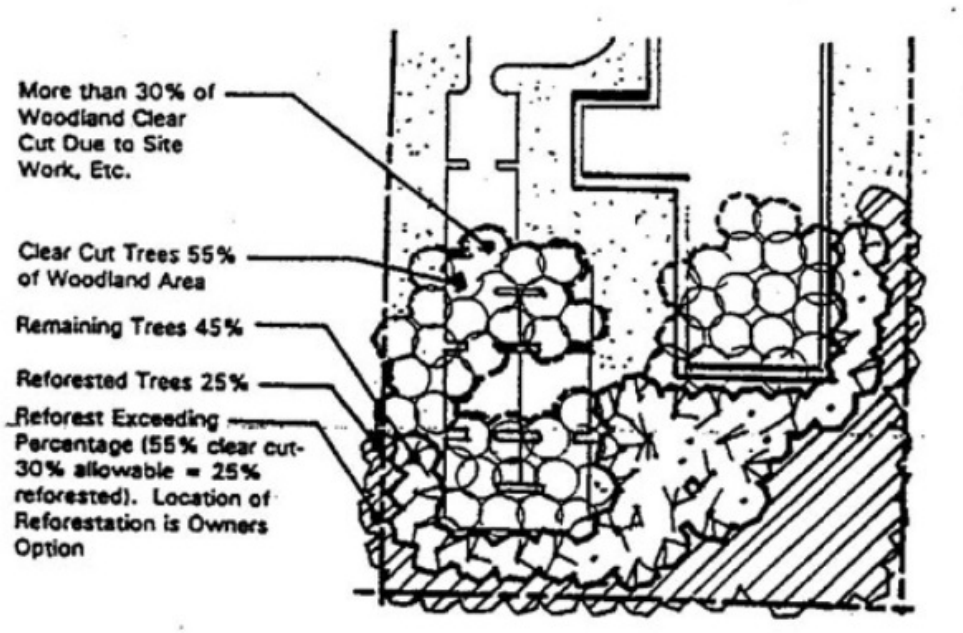
1. Two climax trees.
2. 13 tall trees.
3. 68 evergreen shrubs.

b. Option 2.

880 landscaping points:

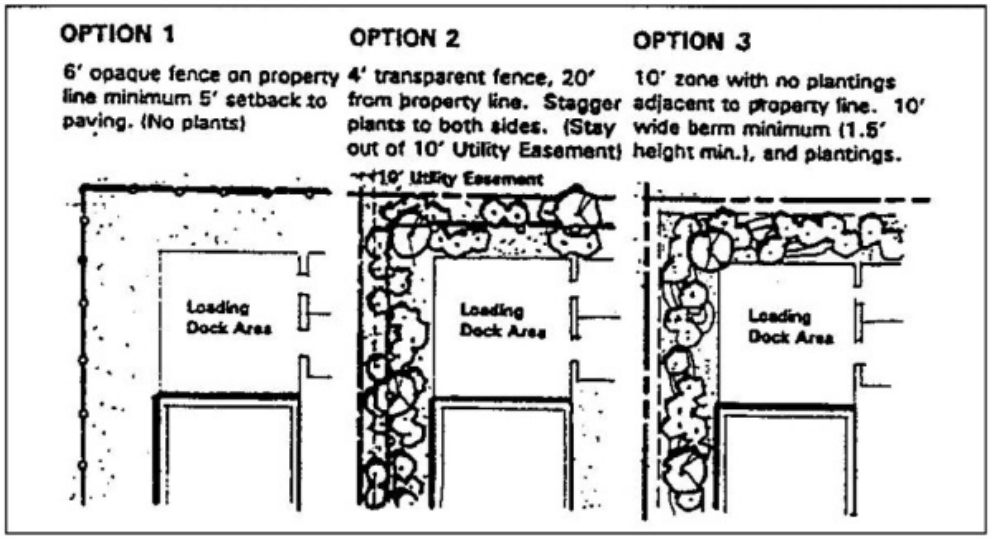
1. Five climax trees.
2. Six tall trees.
3. 68 evergreen shrubs.

(5) Alternative E:



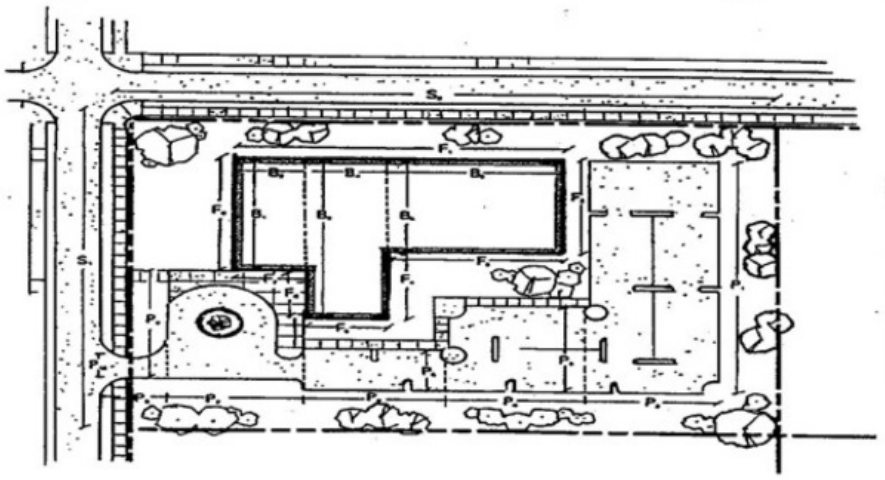
Best Suited for Reforestation.

(6) Alternative F:



Best Suited for Bufferyards.

a. Measurement for landscaping requirements: A minimum amount of landscaping points, based upon the zoning district, is required for the linear feet building foundations, the gross floor area of buildings on developed lots, the linear feet of street frontage, and the total combined area of paved areas. The following diagram illustrates the measurement techniques used to determine these requirements:



b. Landscaping calculation equations:

    1. Paved area: (P1 x P2) + (P3 x P4) + (P5 x P6) + (P7 x P8) + (P9 x P10)
    2. Street frontage: S1 + S2.
    3. Building perimeter: F1 + F2 + F3 + F4 + F5 + F6 + F7 + F8.

4. Building floor area: (B1 x B2) + (B3 x B4) + (B5 x B6)

(Ord. of 2-7-2020, § 15.603)

Sec 105-886 Landscaping Requirements For Building Foundations

(a) This section requires that certain buildings constructed after the effective date of the ordinance from which this chapter is derived be accented by a minimum amount of landscaping placed near the building foundation.

(b) Landscaping required by this section shall be placed so that at maturity, the plant's drip line is located within ten feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under sections 105-887–105-891, of this article. See section 105-885(b)(1) for a suggested landscaping scheme.

(c) For each 100 feet of building foundation perimeter, the following number of landscaping points (per section 105-885) shall be provided on a prorated basis and installed and permanently maintained per the requirements of section 105-894.

(d) Climax trees and tall trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes.)

(e) Where the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in point requirements which are not met through the initial planting, then said requirement shall be met within five years of building permit issuance, or as extended in writing by the plan commission.

Table 105-886. Building Foundation Landscaping Requirements

Minimum Required Landscaping Points Per 100 Linear Feet of Building Foundation			
Zoning District	*Land Use (see article III, division 2 of this chapter)*		
	Other Land	*Single & Two-Family*	*Agricultu*

	Uses	*Residential*	*ral*
RA-35ac Rural/Agricultural-35ac	20	0	0
ER-1 Estate Residential-1	45	0	0
SR-3 Suburban Residential-3	40	0	0
SR-5 Suburban Residential-5	40	0	0
NR-6 Neighborhood Residential-6	40	0	0
MR-8 Mixed Residential-8	45	0	0
UR-12 Urban Residential-12	50	0	0
NO Neighborhood Office	45	0	0
SO Suburban Office	40	0	0
NC Neighborhood Commercial	40	0	0
SC Suburban Commercial	40	0	0
UC Urban Commercial	20	0	0
CC Central Commercial	0	0	0
SI Suburban Industrial	40	0	0
UI Urban Industrial	20	0	0
HI Heavy Industrial	20	0	0

(Ord. of 2-7-2020, § 15.604)

Sec 105-887 Landscaping Requirements For Developed Lots

(a) This section requires that certain lots developed after the effective date of the ordinance from which this chapter is derived contain a minimum amount of landscaping.

(b) Landscaping required by this section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under sections 105-887 through 105-892. See section 105-885(b)(2) for a suggested landscaping scheme.

(c) The following number of landscaping points (as described in section 105-885) shall be provided on a prorated basis for every 1,000 square feet of gross floor area and installed and maintained per the requirements of section 105-894.

(d) The intent of this section is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes.)

Table 105-887. Developed Lot Landscaping Requirements

Minimum Required Landscaping Points per 1,000 Square Feet of Gross Floor Area			
Zoning District	*Land Use (see article III, division 2 of this chapter)*		
	Other Land Uses	*Single & Two-Family Residential*	*Agricultural*
RA-35ac Rural/Agricultural-35ac	10	0	0
ER-1 Estate Residential-1	25	0	0
SR-3 Suburban Residential-3	20	0	0
SR-5 Suburban Residential-5	20	0	0
NR-6 Neighborhood Residential-6	20	0	0
MR-8 Mixed Residential-8	20	0	0
UR-12 Urban Residential-12	20	0	0
NO Neighborhood Office	20	0	0
SO Suburban Office	15	0	0
NC Neighborhood Commercial	15	0	0
SC Suburban Commercial	10	0	0
UC Urban Commercial	5	0	0
CC Central Commercial	0	0	0
SI Suburban Industrial	10	0	0

UI Urban Industrial	5	0	0
HI Heavy Industrial	5	0	0

(Ord. of 2-7-2020, § 15.605)

Sec 105-888 Landscaping Requirements For Street Frontages

(a) This section requires that street frontages on certain lots developed after the effective date of the ordinance from which this chapter is derived contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street.

(b) All landscaping used to meet this requirement shall be located within ten feet of the public right-of-way, See section 105-885(b)(3) for a suggested landscaping scheme. Landscaping shall not impede vehicle or pedestrian visibility.

(c) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points (as described in section 105-885) shall be provided on a prorated basis and installed and maintained per the requirements of section 105-894.

(d) Shrubs shall not be used to meet this requirement. A minimum of 50 percent of all points shall be devoted to climax or tall trees and a minimum of 30 percent of all points shall be devoted to small trees.

Table 105-888. Street Frontage Landscaping Requirements

Minimum Required Landscaping Points per 100 Linear Feet of Street Frontage			
Zoning District	*Land Use (see article III, division 2 of this chapter)*		
	Other Land Uses	*Single & Two-Family Residential*	*Agricultural*
RA-35ac Rural/Agricultural-35ac	20	0	0
ER-1 Estate Residential-1	45	0	0
SR-3 Suburban Residential-3	40	0	0
SR-5 Suburban Residential-5	40	0	0
NR-6 Neighborhood	40	0	0

Residential-6			
MR-8 Mixed Residential-8	45	0	0
UR-12 Urban Residential-12	50	0	0
NO Neighborhood Office	45	0	0
SO Suburban Office	40	0	0
NC Neighborhood Commercial	40	0	0
SC Suburban Commercial	40	0	0
UC Urban Commercial	20	0	0
CC Central Commercial	0	0	0
SI Suburban Industrial	40	0	0
UI Urban Industrial	20	0	0
HI Heavy Industrial	20	0	0

(Ord. of 2-7-2020, § 15.606)

Sec 105-889 Landscaping Requirements For Paved Areas

(a) This section requires that paved areas on certain lots developed after the effective date of the ordinance from which this chapter is derived contain a minimum amount of landscaping within, or within ten feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.

(b) A minimum of 360 square feet of landscaped area, which shall be located within ten feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area; sample configurations area depicted in section 105-885. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.

(c) All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum four-inch-tall curb which is constructed of concrete, asphalt, timber or like material approved by the director of public works.

(d) For every 20 off-street parking stalls or 10,000 square feet of pavement,

whichever yields the greater landscaping requirement, located in a development, the following number of landscaping points, as described in section 105-885, shall be provided on a prorated basis and installed and maintained per the requirements of section 105-894. A minimum of 30 percent of all points shall be devoted to climax or tall trees and a minimum of 40 percent of all points shall be devoted to shrubs.

Table 105-889. Paved Area Landscaping Requirements

Minimum Required Landscaping Points per 10,000 Square Feet of Paved Area or 20 Parking Stalls			
Zoning District	*Land Use (see article III, division 2 of this chapter)*		
	Other Land Uses	*Single & Two-Family Residential*	*Agricultural*
RA-35ac Rural/Agricultural-35ac	40	0	0
ER-1 Estate Residential-1	90	0	0
SR-3 Suburban Residential-3	80	0	0
SR-5 Suburban Residential-5	80	0	0
NR-6 Neighborhood Residential-6	80	0	0
MR-8 Mixed Residential-8	90	0	0
UR-12 Urban Residential-12	100	0	0
NO Neighborhood Office	95	0	0
SO Suburban Office	80	0	0
NC Neighborhood Commercial	80	0	0
SC Suburban Commercial	80	0	0
UC Urban Commercial	40	0	0
CC Central Commercial	20	0	0
SI Suburban Industrial	80	0	0
UI Urban Industrial	40	0	0
HI Heavy Industrial	40	0	0

(Ord. of 2-7-2020, § 15.607)

Sec 105-890 Landscaping Requirements For Other Permanently Protected Green Spaces

(a) This section requires that each acre of other permanently protected green space (see section 105-684) approved after the effective date of the ordinance from which this chapter is derived be planted with a minimum amount of landscaping.

(b) For every one acre of other permanently protected green space in a development, 200 landscaping points (as described in section 105-885) shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

(Ord. of 2-7-2020, § 15.608)

Sec 105-891 Landscaping Requirements For Required Reforestation

This section requires that each area required to be reforested, be reforested and maintained in a manner appropriate to site conditions.

(a) *Reforestation plan*. A detailed reforestation plan shall be submitted by the property owner and approved by the zoning administrator prior to clear cutting. This plan shall be reviewed by a reforestation consultant chosen by the city, with funding for consulting services provided by the petitioner to the city.

(b) *Rationale*. The provisions of this section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide.

(Ord. of 2-7-2020, § 15.609)

Sec 105-892 Landscaping Requirements For Bufferyards

(a) *Purpose*. This section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of the ordinance from which this chapter is derived. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, which are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

(b) *Rationale*. One of zoning's most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the city, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of the ordinance from which this chapter is derived. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

(c) *Required locations for bufferyards*. Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards may be located in required setback areas. In such instances, the one-half of the bufferyard requirements of this section shall be used instead of the street frontage landscaping required in section 105-888, if such requirements of this section are greater. In such instances, the width of the right-of-way may be counted as contributing to the width requirements for a bufferyard; however, the minimum width required along the street frontage by section 105-888 shall be provided in all cases. Bufferyard plantings or structures shall not be located on any portion of any existing, dedicated, or officially mapped right-of-way.

(d) *Determination of required bufferyard*. The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using table 105-892(4)(a). Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by table 105-892(4)(a) is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this subsection indicate the minimum requirements for bufferyards located along zoning district boundaries.

(e) *Identification of required level of opacity*. Table 105-892(4)(a) shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left-hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.

(f) *Identification of detailed bufferyard requirements*.

(1) If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in table 105-892(4)(a).

(2) For each level of opacity listed in table 105-892(4)(a), a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in table 105-892(4)(b). The requirements listed in table 105-892(4)(b) pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every

100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. Section 105-885 describes the various available landscaping point alternatives. Section 105-893 provides a listing of tree and shrub species which correspond to the landscaping point descriptions.

(3) *Tables for required bufferyards*.

a. *Notes for table 105-892(4)(a)*. For properties zoned in the Rural Agricultural District (RA-35ac), refer to the comprehensive master plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

b. *Caution*. The required opacity levels listed in table 105-891(3)(a) are generally different on either side of any given zoning district boundary. Care should be taken to properly use the table in this section (per subsection (b)(1) of this section) to determine the subject property's requirement.

Table 105-892(4)(a). Required Bufferyard Opacity Values

Adjacent Property's Zoning District																
	Subject Property's Zoning District															
	RA-35ac	*ER-1*	*SR-3*	*SR-5*	*NR-6*	*MR-8*	*UR-12*	*NO*	*SO*	*SC*	*NC*	*UC*	*CC*	*SI*	*UI*	*HI*
RA-35ac	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
ER-1			.11	.11	.1[1]	.2[1]	.3[1]	.3	.4	.4	.4	.5	.6	.4	.5	1.0
SR-3						.2[1]	.3[1]	.3	.4	.4	.4	.5	.6	.4	.5	1.0
SR-5						.2[1]	.3[1]	.3	.4	.4	.4	.5	.6	.4	.5	1.0
NR-6						.2[1]	.3[1]	.3	.4	.4	.4	.5	.6	.4	.5	1.0

MR-8							.2[1]	.2	.3	.3	.3	.4	.5	.3	.4	1.0
UR-12								.1	.2	.2	.2	.3	.4	.2	.3	1.0
NO									.1	.2	.2	.3	.4	.2	.3	.6
SO										.1	.1	.2	.3	.1	.2	.6
SC											.1	.2	.3	.1	.2	.6
NC												.1	.2	.1	.1	.6
UC													.1		.1	.6
CC															.1	.6
SI															.2	.6
UI																.5
HI																

[1]For any nonresidential use (such as a church or a school) within this zoning district, provide an additional 0.1 level of opacity to the minimum required opacity level listed below for any and all borders shared with a residential land use.

[2]For properties zoned in the RA-35ac Rural Agriculture District, refer to the Comprehensive Master Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

Table 105-892(4)(b). Detailed Bufferyard Requirements

Opacity	*#Landscaping Points/100 feet*	*Width*	*Required Structure*
0.05	00	10' +	Minimum 44" picket fence*
	00	10' +	Minimum 4' wood rail fence*
	40	10'	-
	36	15'	-
	33	20'	-
	31	25'	-

	29	30' +	-
	00	10' +	Minimum 44" picket fence*
0.10	38	10' +	Minimum 4' wood rail fence*
	91	10'	-
	80	15'	-
	73	20'	-
	68	25'	-
	65	30'	-
	62	35' +	-
	00	35' +	Minimum 4' berm
0.20	00	10' +	Minimum 6' solid fence*
	84	10' +	Minimum 44" picket fence*
	133	15' +	Minimum 4' wood rail fence*
	198	15'	-
	173	20'	-
	158	25'	-
	149	30'	-
	140	35'	-
	10	35' +	Minimum 4' berm
	135	40' +	-
	00	40' +	Minimum 5' berm

*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50 percent of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which

does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements. Note: Opacity standards provided courtesy of Lane Kendig, Inc.

Table 105-892(4)(b). Detailed Bufferyard Requirements

Opacity	*#Landscaping Points/100 feet*	*Width*	*Required Structure*
	00	10' +	Minimum 6' solid fence*
	198	15'+	Minimum 44" picket fence*
	320	20'	-
	240	20' +	Minimum 4' wood rail fence*
	276	25'	-
0.30	252	30'	-
	235	35'	-
	104	35' +	Minimum 4' berm
	223	40'	-
	44	40' +	Minimum 5' berm
	215	45'	-
	209	50'+	-
	00	50' +	Minimum 6' berm
	53	10' +	Minimum 6' solid fence*
	330	20' +	Minimum 44" picket fence*
	440	25'	-
	362	25' +	Minimum 4' wood rail fence*

0.40	385	30'	-
	349	35'	-
	208	35' +	Minimum 4' berm
	327	40'	-
	148	40' +	Minimum 5' berm
	310	45'	-
	299	50' +	-
	56	50' +	Minimum 6' berm

*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50 percent of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements. Note: Opacity standards provided courtesy of Lane Kendig, Inc.

Table 105-892(4)(B). Detailed Bufferyard Requirements

Opacity	*#Landscaping Points/100 feet*	*Width*	*Section 1.07 Required Structure*
0.50	135	15' +	Minimum 6' solid fence*
	564	30'	-
	405	30' +	Minimum 44" picket fence*
	492	30' +	Minimum 4' wood rail fence*
	499	35'	-
	319	35' +	Minimum 4' berm
	454	40'	-
			Minimum 5'

	261	40' +	berm
	422	45'	-
	405	50'	-
	160	50' +	Minimum 6' berm
	388	55'	-
	374	60' +	-
0.60	221	20' +	Minimum 6' solid fence*
	433	35' +	Minimum 4' berm
	541	35' +	Minimum 44" picket fence*
	630	35' +	Minimum 4' wood rail fence*
	626	40'	-
	379	40' +	Minimum 5' berm
	570	45'	-
	525	50'	-
	270	50' +	Minimum 6' berm
	500	55'	-
	480	60' +	-

*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50 percent of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements. Note: Opacity standards provided courtesy of Lane Kendig, Inc.

Table 105-892(4)(B). Detailed Bufferyard Requirements

Opacity	*#Landscaping Points/100 feet*	*Width*	*Section 1.09 Required Structure*
	415	30' +	Minimum 6' solid fence*
1.00	655	40' +	Minimum 4' berm
	627	45' +	Minimum 5' berm
	873	45' +	Minimum 44" picket fence*
	910	50'	-
	505	50' +	Minimum 6' berm
	809	50' +	Minimum 4' wood rail fence*
	804	55'	-
	744	60'	-
	710	65'	-
	677	70' +	-
2.00	636	40' +	Minimum 6' solid fence*
	732	50' +	Minimum 6' berm
	751	50' +	Minimum 5' berm
	867	55' +	Minimum 4' berm
	1091	60' +	Minimum 44" picket fence*
	1136	60' +	Minimum 4' wood rail fence*
	994	70'	-
	934	75'	-

	892	80' +	-

*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50 percent of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements. Note: Opacity standards provided courtesy of Lane Kendig, Inc.

(Ord. of 2-7-2020, § 15.610)

Sec 105-893 Classification Of Plant Species

(a) For the purpose of this chapter, plant materials are classified into the following 13 groupings:

(1) Climax tree;

(2) Tall deciduous tree;

(3) Medium deciduous tree;

(4) Low deciduous tree;

(5) Tall evergreen tree;

(6) Medium evergreen tree;

(7) Low evergreen tree;

(8) Tall deciduous shrub;

(9) Medium deciduous shrub;

(10) Low deciduous shrub;

(11) Medium evergreen shrub;

(12) Low evergreen shrub; and

(13) Non-contributory plants.

(b) Species suitable for landscaping use and compatible with Sheboygan County climate and soil factors are listed in table 105-893. The zoning administrator (see section 105-1009) shall review proposals for, and the applicability of, species not

contained in this list and is authorized to approve appropriate similar species.

(c) See section 105-885 for a detailed listing of plant species and characteristics.

Table 105-893. Classification of Plants

Climax Trees (75 Landscaping Points)		Low Deciduous Shrubs (1 Landscaping Point)	
Botanical Name Acer saccharum Ginko Biloba Quercus sp.	Common Name Sugar Maple Ginko Ok: Red, White, Pin	Botanical Name Berberis thunbergii Spiraea sp.	Common Name Japanese Barberry Spirea: Froebel, Snowmound
Tall Deciduous Trees (30 Landscaping Points)		Tall Evergreen Trees (40 Landscaping Points)	
Botanical Name Acer sp. Fraxinus sp. Gleditsia triancanthos Populus grandidentata Tilia sp.	Common Name Maple: Red, Silver, Norway Ash: White, Green Honeylocust Bigtooth Aspen Linden: Gasswood, Littleleaf, Redmond	Botanical Name Abies concolor Picea glauca sp. Pinus sp. Tsuga Canadensis	Common Name White Fir Spruce: White, Black Hills Pine: Red, White, Scots Canada Hemlock
Medium Deciduous Trees (15 Landscaping Points)		Medium Evergreen Trees (20 Landscaping Points)	
Botanical Name Betula sp. Prunus sp. Salix sp.	Common Name Birch: River, Paper Cherry: Choke, Pin Willow	Botanical Name Thuja occidentdalis	Common Name American Arborvitae
Low Deciduous Trees (10 Landscaping Points)		Low Evergreen Trees (12 Landscaping Points)	
Botanical Name Amelanchier sp. Crataegus sp. Malus sp.	Common Name Serviceberry Hawthorn: Cockspur, Downy, Washington Crabapple sp.	Botanical Name Juniperus sp. Thuja sp.	Common Name Juniper: Mountbatten, Redcedar Arborvitae: Pyramidal, Techny
Tall Deciduous Shrubs (5 Landscaping Points)		Low Evergreen Shrubs (3 Landscaping Points)	

Botanical Name Cornus sp. Syringa sp. Viburnum sp.	Common Name Dogwood: Grey, Pagoda Lilac: Chinese, Hyacinth Viburnum: Arrowwood, Wayfaringtree, Nannyberry	Botanical Name Juniperus sp.	Common Name Juniper: Sargent, Creeping, Andorra
Medium Deciduous Shrubs (3 Landscaping Points)			
Botanical Name Corylus americana Cotoneaster sp. Forsynthia s. Rosa sp.	Common Name American Filbert, Hazelnut Cotoneaster Forsythia: Border, Early, Weeping Rose: Virginia, Rugosa		

(Ord. of 2-7-2020, § 15.611)

Sec 105-894 Requirements For The Installation, Maintenance And Use Of Landscaped And Bufferyard Areas

(a) *Installation*.

(1) Any and all landscaping and bufferyard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan (see section 105-1001) by the next landscaping season following the issuance of a temporary occupancy permit for any building on the subject property.

(2) Existing plant material which meets the requirements of section 105-885, and which will be preserved on the subject property and adjacent street rights-of-way following the completion of development, may be counted as contributing to the landscaping requirements.

(3) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

(4) The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan per section 105-1001(c)(3) shall be the decision of each property owner within the requirements of this article, except that the following requirements shall be met:

(5) Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.

(6) Where a combination of plant materials, or berming or fencing is used in a bufferyard, the fence or berm shall be located toward the interior of the subject property and the plant materials shall be located toward the exterior of the subject property.

(7) A property owner may establish through a written agreement, recorded with the register of deeds office that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an immediately adjacent portion of their land, thereby exempting the developer from providing all or a portion of the required bufferyard on the property.

(8) In no manner shall landscaping or bufferyard materials be selected or located in a manner which results in the creation of a safety or visibility hazard.

(9) The restrictions on types of plants listed in sections 105-886 through 105-889 shall apply.

(b) *Maintenance*. The continued and continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of the ordinance from which this chapter is derived shall constitute an agreement by the property owner to comply with the provisions of this section. Upon failure to comply with these provisions, the zoning administrator may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this chapter and shall be subject to any and all applicable enforcement procedures and penalties.

(c) *Use of required bufferyard and landscaped areas*. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails, provided that, no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this chapter are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation use be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

(d) *Utility easements*. Landscaping materials, fences and berms which are located within a duly recorded utility easement or pedestrian easement shall not count toward meeting a landscaping requirement. However, the width of such areas may be counted as part of a landscaping requirement.

(Ord. of 2-7-2020, § 15.612)

Sec 105-895 Calculating Landscaping And Bufferyard Requirements

In calculating the number of required landscaping points under the provisions of this article, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this article shall be rounded up to the nearest whole plant (for example, 23.3 canopy trees rounds up to 24 canopy trees).

(Ord. of 2-7-2020, § 15.613)

Sec 105-896 Depiction On Required Site Plan

Any and all proposed landscaping on the subject property, required to meet the standards of this chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property.

(Ord. of 2-7-2020, § 15.614)

ARTICLE 105-VIII PERFORMANCE STANDARDS

Sec 105-926 Purpose
Sec 105-927 Access Standards
Sec 105-928 Visibility Standards
Sec 105-929 Off-Street Parking And Traffic Circulation Standards
Sec 105-930 Off-Street Loading Standards
Sec 105-931 Exterior Storage Standards For Residential, Office And Commercial Districts
Sec 105-932 Exterior Lighting Standards
Sec 105-933 Vibration Standards
Sec 105-934 Noise Standards
Sec 105-935 Air Pollution Standards
Sec 105-936 Odor Standards
Sec 105-937 Electromagnetic Radiation Standards
Sec 105-938 Glare And Heat Standards
Sec 105-939 Fire And Explosion Standards
Sec 105-940 Toxic Or Noxious Material Standards
Sec 105-941 Waste Material Standards
Sec 105-942 Drainage Standards
Sec 105-943 Exterior Construction Material Standards

Sec 105-944 Hazardous Materials Standards
Sec 105-945 Fencing Standards
Sec 105-946 Administration And Enforcement Of Performance Standards

Sec 105-926 Purpose

The purpose of performance standards is to indicate the requirements for access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this chapter. It is the responsibility of the applicant to comply with all standards in this article.

(Ord. of 2-7-2020, § 15.701)

Sec 105-927 Access Standards

(a) *Purpose*. The purpose of access management is to limit the number of access points; separate conflict areas; limit vehicle acceleration/deceleration requirements along a street; remove turning vehicles and backups from sections of through traffic lanes; and improve traffic circulation within individual parking lots.

(b) *Rationale*.

(1) A principal concern in areas of commercial and industrial development adjacent to arterial and collector streets is the management of access along those streets. Studies have shown that as the number of conflict areas along a street increase the number of accidents and vehicle delays also increase. These streets have the difficult task of accommodating both through traffic movement and land access functions. Ideally, land access is provided along a reverse frontage road or intersecting street facilities. However, the attractiveness of collector and arterial streets encourages the development of land access requirements that must be controlled to avoid severe traffic safety and congestion problems. Sound access management policies serve to control development conflicts not only in the design of individual driveways but also the location, spacing and number of driveways. More specifically, the separation of conflict areas directly reduces the number of vehicle conflicts, the encroachment between conflict areas, or the spatial area of conflicts by limiting vehicle maneuvers at a particular access location or between adjacent access points. A reduction in vehicle acceleration/deceleration requirements along a highway reduces the severity of conflicts by increasing driveway turning speeds, and driver perception times and reducing, in some cases, highway through traffic speeds. Finally, the removal of turning vehicles from trough traffic lanes reduces the number and severity of conflicts by

providing storage areas and exclusive land channelization for turning movements.

(2) In addition to control of the spacing and frequency of driveway access points, it is equally important to control the design of individual driveways. The four factors considered critical to sound driveway design practices on urban streets involve driveway width and radius, driveway location, on-site circulation patterns, and visibility. These considerations are necessary to minimize adverse impacts from vehicle conflicts, back-ups, and vehicle acceleration/deceleration requirements at a driveway. Proper driveway design should serve to control these adverse impacts along an arterial street and within parking lots.

(c) *Permit required*.

(1) Each access point onto a public street or right-of-way shall have a permit issued per the appropriate city ordinance.

(2) The construction of any driveway or addition thereto is subject to a building permit issued by the building inspection department. The fee for said permit shall be $50.00.

a. *Number of access points*.

1. Except under unusual circumstances as permitted by the plan commission, no lot shall be permitted more than one access point on any one street if its frontage on said street is less than 300 linear feet (as measured along the right-of-way line).

2. Lots with street frontage exceeding 300 feet may have two access points per the requirements of subsection (g) of this section.

3. More than two access points may be permitted with the issuance of a conditional use permit if total ingress/egress volume exceeds 5,000 vehicles per day.

4. On arterial streets and in certain areas experiencing, or expected to experience, congestion or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.

5. For residential uses, two access points serving the same street frontage may be approved by the plan commission.

6. *Residential uses*. Residential uses shall not have access points onto a nonresidential collector or arterial street

unless such street has the only available frontage.

7. *Nonresidential uses*. Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage. Nonresidential uses shall not have vehicular access across residential property to commercial or industrial property.
8. *Access near street intersections*. At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than the number of feet provided by the table 105-927(f), from the intersection of any two street rights-of-way unless such street is the only available accessible frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
9. Table 105-927(f). Access near street intersections.

Table 105-927(f): Access Near Street Intersections	
Signalized Intersection	
Local	90--120 feet
Collector	150--180 feet
Arterial	210--240 feet
Unsignalized Intersection	
Local	60 feet
Collector	150 feet
Arterial	180 feet

b. *Distance between access drives*. The minimum distance between access drives serving the same property shall be 100 feet on 25 miles per hour speed limit streets, 125 feet on 30 miles per hour streets, and 150 feet on streets of 35 miles per hour or more, as measured at the property line. A distance in excess of the above-listed measures may be required if, in the opinion of the plan commission, present or projected traffic factors warrant a greater distance.

    1. *Angle of intersection with public right-of-way*. All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees and shall intersect at an

angle of 90 degrees wherever possible.

2. *Distance from property line*. The distance from an access drive to the property line of an adjacent property shall not be less than three feet, as measured along the right-of-way line.

3. *Width of driveways*.

    i. All residential access drives shall have a minimum width of ten feet for one- and two-family dwellings, 18 feet for multifamily uses, and a maximum width of 25 feet. All nonresidential access drives shall have a minimum width of 24 feet for land uses generating less than 750 vehicles per day, 30 feet for land uses generating 750 or more vehicles per day, and a maximum width of 40 feet. These widths may be increased with permission of the plan commission. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet for a residential use and 25 feet for a nonresidential use.

    ii. The driveway may be widened in front of the garage to the width of said garage and then up to another nine feet outside the garage. Paved surface must be three feet from side property line. If said addition is to be used for parking per section 105-929, said addition shall be a minimum of nine feet wide and 18.5 feet deep. No storage of recreational equipment shall be permitted in the driveway or required front yard per subsection (b) of this section. The driveway must access the garage or legal parking space to be considered a legal driveway under this section.

4. *Traffic control*. The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the plan commission.

5. *Depiction on required site plan*. Any and all proposed access drives on the subject property shall be depicted as

to their location and configuration on the site plan required for the development of the subject property.

6. *Paving of access*. All access approach areas shall be paved with asphaltic concrete or Portland cement and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way.

c.

(Ord. of 2-7-2020, § 15.702)

Sec 105-928 Visibility Standards

(a) *Purpose*. The purpose of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

(b) *Requirement*. In order to provide a clear view of intersecting streets to motorists there shall be a triangular area of clear vision formed by the two intersecting streets, alleys, or other rights-of-way, and a chord connecting said centerlines, as determined by the plan commission. The following standards outlined in table 105-928 shall apply:

Table 105-928. Vision Clearance Triangle Standards	
Right-of-Way Width	*Distance from Right-of-Way Intersection*
Less than 50 feet	50 feet
50 feet	50 feet
51--60 feet	40 feet
61--66 feet	34 feet
67--82.5 feet	15 feet
Greater than 82.5 feet	15 feet

Within said triangular area, no signs, parking spaces, structures, or earthwork in excess of 30 inches, and no vegetation, fencing, no other such obstructions between 30 inches and eight feet in height which exceeds an opacity of 0.2 shall be permitted which exceeds 30 inches in height above either of the centerline elevations of said two streets.

(c) *Depiction on required site plan*. Any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

(Ord. of 2-7-2020, § 15.703)

Sec 105-929 Off-Street Parking And Traffic Circulation Standards

(a) *Purpose*. The purpose of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.

(b) *Depiction on required site plan*. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every parking space designed to serve as required parking shall not be located father than 500 feet of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of subsection (f)(4) of this section, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.

(c) *Use of off-street parking areas*. The use of all off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, parking spaces shall only be used by operable cars and trucks.

(d) *Traffic circulation and traffic control*. Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

(e) *Maintenance of off-street parking and traffic circulation areas*. All off-street parking and traffic circulation areas shall be paved with asphaltic concrete or Portland cement. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by section 105-927(c). When the site plan is modified to accommodate a change associated with conditional use, rezoning, or building addition or modification, changes in paving and landscaping shall be made as is practicable.

(f) *Off-street parking and traffic circulation design standards*.

(1) *Surfacing and marking*. All off-street parking and traffic circulation areas

(including all residential driveways, except those within the RA-35ac District) shall be paved with asphaltic concrete or Portland cement. Said surfaces intended for six or more parking stalls shall be marked in a manner which clearly indicates required parking spaces. Where building or parking/traffic circulation area additions are proposed, all areas not paved with asphaltic concrete or Portland cement shall be so paved. This additional paving may be phased over time with the express permission of the plan commission.

(2) *Curbing*. All off-street parking areas designed to have head-in parking within 6 1/2 feet of any lot line shall provide a tire bumper or curb of adequate height, and which is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this chapter as determined by the plan commission. Curbing within off-street parking areas shall also be required to fully separate all required landscaped areas from the parking lot.

(3) *Lighting*. All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles over ambient levels is recommended for said areas and said illumination level shall not exceed the standards of section 105-932.

(4) *Access*. Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses, or as otherwise determined by the plan commission (see also table 105-929(f)(10)). Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.

(5) *Fire lanes*. A fire lane shall be required to provide access to any portion of any structure as determined by the city fire department.

(6) *Signage*. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements in the latter part of this article VIII of this chapter.

(7) *Handicapped parking spaces*. Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by

state and federal regulations.

(8) *Parking space design standards*. Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of table 105-929(f)(10). The minimum required length of parking spaces shall be 15.0 feet, plus an additional 1.5-foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least seven feet.

(9) *Snow storage*. Required off-street parking and traffic circulation areas shall not be used for snow storage. These areas shall be depicted on applicable site plans.

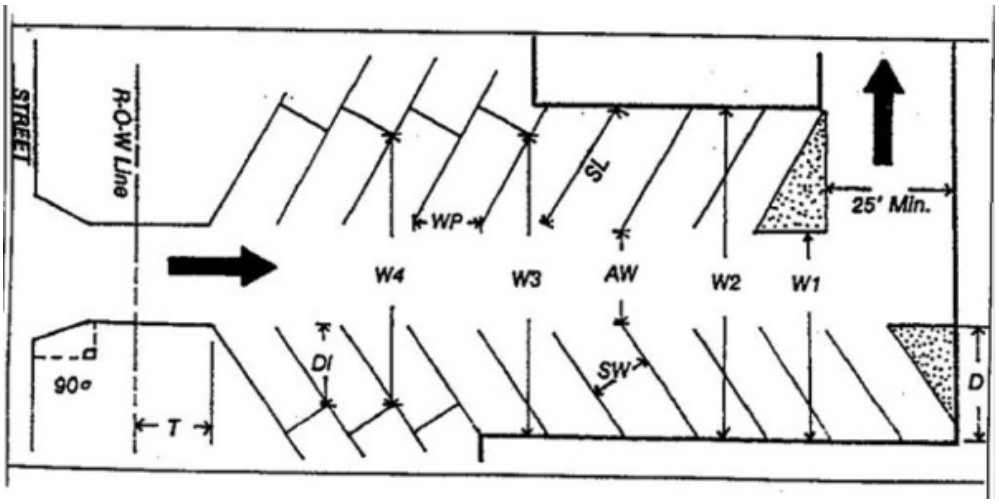
(10) *Parking lot design standards*. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in table 105-929(f)(10) and shown below.

(g) *Calculation of minimum required parking spaces*.

(1) *General guidelines for calculating required parking spaces*. The requirements of subsection (c) of this section, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. References herein to "employees on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by subsection (c) of this section. Where said parking needs of any land use exceed the minimum requirements of this chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

Table 105-929(f)(10). Parking Layout Dimensions					
Minimum Permitted Dimensions	*Parking Angle in Degrees (º)*				
	0º (parallel)	*45º*	*60º*	*75º*	*90º*

Stall width at parking angle (SW)	9.0º	9.0º	9.0º	9.0º	9.0º
Stall width parallel to aisle (WP)	17.90'	12.7'	10.4'	9.3'	9.0'
Stall depth to wall (D)	9.0' [1]	17.5' [1]	19.0'	19.5' [1]	18.5' [1]
Stall depth to interlock (D)	--	15.3'	17.5'	18.8'	--
Stall length *(including 1.5' curb overhang)(SL)	18.5'	18.5'	18.5'	18.5'	18.5'
Aisle width (AW)	12.0' [2]	12.0' [2]	16.0' [2]	17.20' [2]	26.0' [2]
Throat length (right-of-way to parking area)(T)	Refer to Requirements in table 105-929(6)(c)10.				
Parking module width (PMW):					
Wall to wall (single-loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to wall (double-loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to interlock (double-loaded) (W3)	--	44.8'	52.5'	61.3'	--
Interlock to interlock (double-loaded) (W4)	--	42.6'	51.0'	60.6'	--
[1] Parking spaces located behind an enclosed garage & located directly off a through aisle shall be at least 30 feet deep.					
[2] This dimension represents (AW) for one-way traffic. For two-way traffic, add 8.0 feet to a maximum(AW) of 26.0 feet.					
Diagram for this table 105-929(f)(10) (below)					



Typical Parking Layout Dimensions

(2) *Joint parking facilities*.

a. Parking facilities which have been approved by the plan commission to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.

b. Each parking space designed to serve as joint parking shall not be located farther than 500 feet from the access to all of the various areas it is designed to serve.

c. The applicants for approval of a joint parking facility shall demonstrate to the plan commission's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.

d. A legally binding instrument, approved by the zoning administrator, shall be executed by any and all parties to be served by said joint parking facility. The applicant shall record this instrument with the Register of Deeds Office and file it with the city clerk. A fee shall be required to file this instrument (see section 105-1013(a)).

(3) *Minimum off-street parking requirements for land uses*. The off-street parking requirements for each land use are listed within article III, division 2 of this chapter.

(4) *Waiver of parking requirement or change of land use*.

a. Within the CC Central Commercial District, the parking requirements of this article are hereby waived.

b. Within the Central Parking Waiver Area (defined by Jefferson Avenue to Ontario Avenue and 7th to 9th Streets) the parking requirements of this article are hereby waived.

c. Where a change in land use as defined by the parking requirements, requires additional parking over the previously existing land use, the additional parking spaces shall be provided if sufficient space is available on the site as determined by the zoning administrator. If such required parking is not provided, and parking availability problems occur, the floor area devoted to the new land use which is in excess of parking space availability shall be vacated with a plan commission directive to the zoning administrator.

(5) *Locational prohibitions for off-street parking areas*.

a. Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan (see section 105-1001).

b. No private parking shall occur on street terraces between the sidewalks or right-of-way and the curb, on driveways, or on any other areas located within a public right-of-way not explicitly designated by the plan commission.

c. *Minimum Permitted Throat Length*. Table 105-929(g)(6) shall be used to determine the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive.

Table 105-929(g)(6). Minimum Permitted Throat Length

Land Use	*Type*	*Scale of Development*	*Type of Access Street*	
			Collector	*Arterial*
Residential	Any residential	0--100 dwelling units	25 feet	
		101--200 dwelling units	50 feet	75 feet
		201+ dwelling units	75 feet	1,250 feet

Commercial	Office	0--50,000 gross sq. ft.	25 feet	50 feet
		50,000--100,000 gross sq. ft.	25 feet	75 feet
		100,001--200,000 gross sq. ft.	50 feet	100 feet
		200,001+ gross sq. ft.	100 feet	150 feet
	In-vehicle sales	0--2,000 gross sq. ft.	25 feet	75 feet
		2,001+ gross sq. ft.	50 feet	100 feet
	Indoor entertainment	0--15,000 gross sq. ft.	25 feet	50 feet
		15,001+ gross sq. ft.	25 feet	75 feet
	Commercial lodging	0--150 rooms	25 feet	75 feet
		151+ rooms	25 feet	100 feet
	Other commercial uses	0--25,000 gross sq. ft.	25 feet	50 feet
		25,001--100,000 gross sq. ft.	25 feet	75 feet
		100,001--500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	75 feet	200 feet
Industrial	All industrial uses	0-100,000 gross sq. ft.	25 feet	50 feet
		100,001--500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	50 feet	200 feet
All other land uses	6+ parking spaces		25 feet	50 feet

(Ord. of 2-7-2020, § 15.704)

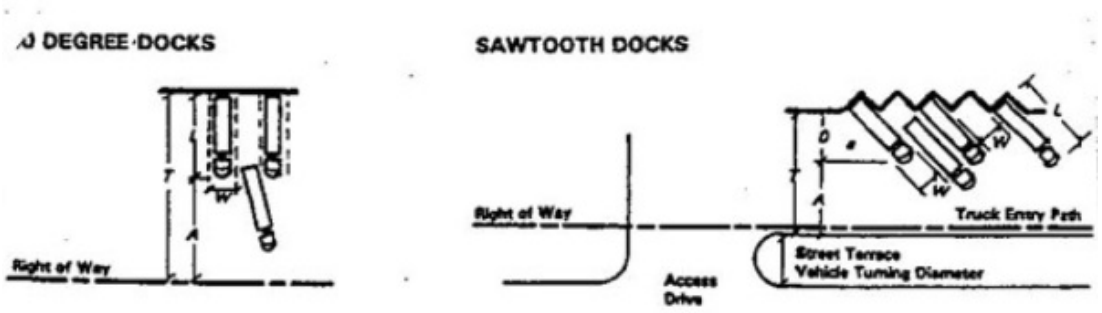
Sec 105-930 Off-Street Loading Standards

(a) *Purpose*. The purpose of this section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

(b) *Applicability*. Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this section.

Table 105-930(4). Loading Standards

Design Vehicle (Wheel Base)	*Length in Feet (L)*	*Dock Angle (a)*	*Clearance in Feet D*	*Berth Width in Feet (W)*	*Apron Space in Feet (A)*	*Total Offset in Feet (F)*
WB-40	50	90º	50	10	63	113
				12	56	106
				14	52	102
		60º	44	10	46	90
				12	40	84
				14	35	79
		45º	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90º	55	10	77	132
				12	72	127
				14	67	122
		60º	48	10	55	103
				12	51	99
				14	46	94
		45º	39	10	45	84
				12	40	79
				14	37	76



(c) *Location*. All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with section 105-930(e). All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.

(d) *Size of loading area*. The first required loading berth shall be designed in accordance with table 105-930(d). All remaining required loading berths shall be a minimum of 15 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas.

(e) *Access to loading area*. Each loading berth shall be located so as to facilitate access to a public street or alley and shall not interfere with other vehicular or pedestrian traffic per section 105-927 and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.

(f) *Surfacing and marking*. All required loading areas and their access drives shall be paved with asphaltic concrete or Portland cement. Said surface shall be marked in a manner which clearly indicates required loading areas.

(g) *Use of required loading areas*. The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

(h) *Lighting*. All loading areas shall be lit so as to not exceed the standards of section 105-932.

(i) *Signage*. All signage located within, or related to, loading areas shall comply with the requirements the latter part of this article VIII of this chapter.

(j) *Depiction on required site plan*. Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

(k) *Calculation of required loading space*s.

(1) *Indoor institutional land uses*. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.

(2) *Commercial (except offices), storage/disposal, transportation and industrial land uses*. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For each use, located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.

(3) *Office land uses*. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

(Ord. of 2-7-2020, § 15.705)

Sec 105-931 Exterior Storage Standards For Residential, Office And Commercial Districts

(a) *Purpose*. The purpose of this section is to control the use of residential, office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to article III, division 2 of this chapter.

(b) *Requirements for exterior storage in residential zoning districts*.

(1) In all residential zoning districts (See section 105-34 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or street yard (required or excess yard, except for vehicles in designated parking spaces) and shall be stored a minimum of three feet from any and all property lines: firewood, construction materials, landscaping materials storage and related equipment connected with on-site construction, and off-street parking.

(2) In all residential zoning districts, recreational equipment, including, but not limited to, boats, snowmobiles, all-terrain vehicles, travel trailers, pop-up campers, and motor homes, shall be permitted if said equipment is stored or parked a minimum of three feet from any and all property lines

and shall not be located within any front yard or any required street side yard (except for designated parking spaces approved by the plan commission) and shall be located on a pad paved with asphaltic concrete or Portland cement.

(3) Said equipment storage shall not be located in, or block access to, a minimum required parking space during said equipment's off-season. Motor homes which are used on a year-round basis shall be permitted in said areas on a year-round basis. (Winterization of such vehicles shall be a conclusive indication of non-use.)

(4) Temporary utility hook-ups shall be permitted for a period not to exceed 72 hours for loading and unloading purposes; and an aggregate of 14 days in any 30-day period for sleeping quarters if the recreational vehicle is owned by the occupant or a guest of the occupant of the residence, subject to the conditions above. A fee of $10.00 for temporary hook-ups is required.

(5) At no time shall a recreational vehicle be used for permanent living, sleeping, materials storage or other purpose. No recreational vehicle shall be permanently connected to water, gas, electric, or sanitary sewer service.

(6) Commercial vehicles, except for one pick-up or van operated by the occupant of a dwelling, may not be stored in residential districts.

(c) *Requirements for exterior storage in office and commercial districts*. In all office and commercial zoning districts (See section 105-34 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of five feet from any and all property lines: visually screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.

(d) *Inoperative motor vehicles and junk*. Inoperative motor vehicles and junk are prohibited.

(Ord. of 2-7-2020, § 15.706)

Sec 105-932 Exterior Lighting Standards

(a) *Purpose*. The purpose of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

(b) *Applicability*. The requirements of this section apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights-of-way or lighting located on public property.

(c) *Depiction on required site plan*. Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property.

(d) *Requirements*.

(1) *Orientation of fixture*. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from an adjacent property or street right-of-way. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.

(2) *Intensity of illumination*. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.

(e) *Location*. Light fixtures shall not be located within required bufferyards.

(f) *Flashing, flickering and other distracting lighting*. Flashing, flickering or other lighting which may distract motorists, such as red, yellow or green lights near traffic signals, are prohibited.

(g) *Minimum lighting standards*. All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles.

(h) *Nonconforming lighting*. All lighting fixtures existing prior to the effective date of the ordinance from which this chapter is derived shall be considered as legal conforming uses.

(i) *Special events lighting*. Any temporary use using exterior lighting which is not in complete compliance with the requirements of this section shall secure a temporary use permit.

(Ord. of 2-7-2020, § 15.707)

Sec 105-933 Vibration Standards

(a) *Purpose*. The purpose of this section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

(b) *Applicability*. The requirements of this section apply to all uses and activities

which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.

(c) *Depiction on required site plan*. Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.

(d) *Requirements*. No activity or operation shall cause or create earth-borne vibrations in excess of those discernable by the zoning administrator.

(e) *Method of measurement*. Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line. Vibration displacements shall not be discernable by the zoning administrator.

(Ord. of 2-7-2020, § 15.708)

Sec 105-934 Noise Standards

(a) *Purpose*. The purpose of this section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

(b) *Applicability*. The requirements of this section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance or agricultural operations.

(c) *Requirements*. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of the subject property the values given in table 105-934(d)(1) as measured by, at the minimum, a Type two sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, commercial zoning district, or the SI Suburban Industrial District.

(d) *Ambient noise.* The level of all of the encompassing noise associated with a given environment in the absence of the specific noise source being regulated, being usually a composite of sounds from many sources near and far. Ambient noise shall be measured at the property line of the noise source being regulated.

Table 105-934(d)(1): Maximum Permitted Noise Level at Lot Line For Noise Radiated Continuously*	
Neighboring Property's Zoning District	Increase in Noise Level over Ambient Level (dBA)
RA-35ac, ER-1, SR-3, SR-5, NR-6,	

MR-8, UR-12	plus 3 dBA
NO, SO, SC, SI, NC, UC, CC	plus 5 dBA
UI, HI	plus 8 dBA
*If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections, in table 105-934(d)(2) below, shall be added to or subtracted from each of the decibel levels given above in table 105-934(d)(1).	
Table 105-934(d)(2). Adjustment Factors for Maximum Noise Levels	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20 percent of any one-hour period	plus 5*
Noise source operates less than 5 percent of any one-hour period	plus 10*
Noise source operates less than 1 percent of any one-hour period	plus 15*
Noise of impulsive character (Hammering, etc.)	minus 5
Noise of periodic character (Hum, Speech, etc.)	minus 5
* Apply one of these corrections only.	

(Ord. of 2-7-2020, § 15.709)

Sec 105-935 Air Pollution Standards

Refer to the standards and procedures set forth by the state department of natural resources for air pollution standards.

(Ord. of 2-7-2020, § 15.710)

Sec 105-936 Odor Standards

(a) *Purpose*. The purpose of this section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

(b) *Applicability*. The requirements of this section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this section as essential public services.

(c) *Standards*. Except for food preparation, cooking and fireplace odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the zoning administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, office, commercial zoning district, or the SI Suburban Industrial District.

(Ord. of 2-7-2020, § 15.711)

Sec 105-937 Electromagnetic Radiation Standards

Refer to the standards and procedures set forth by the Federal Communication Commission for electromagnetic radiation standards.

(Ord. of 2-7-2020, § 15.712)

Sec 105-938 Glare And Heat Standards

Refer to the standards and procedures set forth in the state law for glare and heat standards.

(Ord. of 2-7-2020, § 15.713)

Sec 105-939 Fire And Explosion Standards

Refer to the city fire department for standards and procedures associated with fire and explosions.

(Ord. of 2-7-2020, § 15.714)

Sec 105-940 Toxic Or Noxious Material Standards

Refer to the state department of natural resources for standards and procedures applicable to toxic and noxious materials.

(Ord. of 2-7-2020, § 15.715)

Sec 105-941 Waste Material Standards

Refer to the state department of natural resources for standards and procedures applicable to waste materials.

(Ord. of 2-7-2020, § 15.716)

Sec 105-942 Drainage Standards

Refer to the city department of public work's policy stormwater management control for standards and procedures regarding drainage.

(Ord. of 2-7-2020, § 15.717)

Sec 105-943 Exterior Construction Material Standards

(a) *Purpose*. The purpose of this section is to regulate the use of certain exterior construction materials so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and property value of certain zoning districts.

(b) *Applicability*. The requirements of this section apply to all land uses and activities.

(c) *Standards for ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, SO, NC, SC, UC, CC, and SI Zoning Districts*. Except for exposed foundations not to exceed three feet in height from the adjacent grade, all development located within the ER-1, SR-3, SR-5, NR-6, MR-8, UR-12, NO, SO, NC, SC, UC, CC, and SI zoning districts (see section 105-34) shall employ only high-quality, decorative exterior construction materials (as determined by the plan commission) on the visible exterior of the following portions of all structures and buildings:

(1) Any portion of the building or structure visible from adjacent residentially zoned property;

(2) Any portion of the building or structure located within 50 feet of a public right-of-way; or

(3) Any other portion of the building or structure visible from a public street or situated at an angle of 60 degrees or less from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).

(d) *Exceptions*. The variance process administered through the plan commission may be used to propose the use of a material otherwise prohibited by subsection

(c) of this section.

(Ord. of 2-7-2020, § 15.718)

Sec 105-944 Hazardous Materials Standards

Refer to the state law for standards and procedures regarding hazardous materials.

(Ord. of 2-7-2020, § 15.719)

Sec 105-945 Fencing Standards

(a) *Purpose*. The purpose of this section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

(b) *Applicability*. The requirements of this section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.

(c) *Standards*.

(1) *Materials*.

a. *Residential districts*. Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh, except that wire mesh fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50 percent opaque.

b. *Nonresidential districts*. Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing is permitted on security fences at heights equal to or greater than six feet. This height requirement may be exceeded with the granting of a conditional use permit (per section 105-998). Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 50 percent opaque.

c. *Temporary fencing*. Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no

more than 180 consecutive days per calendar year.

d. *Snow fences*. Snow fences constructed of wood and wire, or plastic shall be permitted only as temporary fences.

(2) *Location*. On all properties, no fence, landscape wall, or decorative post shall be located closer than one foot to the front yard or street yard property line. Fences may be located on any property line abutting a side or year yard.

(3) *Maximum height*. The maximum height of any fence, landscape wall, or decorative post shall be the following:

a. Four feet when located within a required street yard on any property, except if the house is closer to the property line than required by the zoning district in which it is located, the fence may be six feet high and solid for that portion between the setback line and the front of the house. The fence from the front of the house to the property line shall not exceed four feet in height and must be 50 percent open.

b. Six feet when located on any residentially zoned property, within required interior side or rear yards, but not within a required front yard or a required street yard.

c. Eight feet in any portion of interior side or rear yards which are not required yards.

d. Six feet when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height, up to nine feet.

e. The maximum heights listed for subsection (c)(3)a through c of this section, may be exceeded up to nine feet with the approval of a conditional use permit per section 105-998. The following conditions (at a minimum) shall be established for such requests:

1. The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;

2. The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side;

3. The fence shall be set back from the property line beyond the requirement of subsection (c)(2) of this section, such distance as appropriate to contain adequate landscaping per subsection (c)(3)e.2 of this section, and so as to maintain an attractive relationship to fence's external side.

(4) *Orientation*. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.

(5) *Maintenance*. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner as determined by the zoning administrator.

(6) *Swimming pools*. Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the city planning department. Yards containing non-swimming pool bodies of water shall be enclosed per the satisfaction of the plan commission.

(7) *Signage on fences*. Prohibited.

(Ord. of 2-7-2020, § 15.720)

Sec 105-946 Administration And Enforcement Of Performance Standards

(a) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this chapter that:

(1) Where determinations can be made by the zoning administrator using equipment normally available to the city or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.

(2) Where technical complexity or extraordinary expense makes it unreasonable for the city to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

(b) The zoning administrator shall give written notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the zoning administrator believes there is a violation in fact and shall require an answer or correction of the alleged violation to the satisfaction of the zoning administrator.

(c) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the city.

(d) Enforcement of the provisions of this article shall be per section 105-1014.

(Ord. of 2-7-2020, § 15.721)

ARTICLE 105-IX SIGNS

Sec 105-966 Purpose
Sec 105-967 Sign Permits
Sec 105-968 Definitions And Regulations Specific To Certain Signs
Sec 105-969 General Signage Regulations
Sec 105-970 Zoning Districts
Sec 105-971 Sign Regulations Applicable To The NO, SO, NC, SC, UC, CC, SI, UI, And HI Zoning Districts
Sec 105-972 Temporary Signs
Sec 105-973 Appearance, Construction, And Maintenance Of Signage
Sec 105-974 Nonconforming On-Premises Signs
Sec 105-975 Off-Premises Advertising Signs (Billboards)

Sec 105-966 Purpose

(a) The purpose of this article is to establish standards for the fabrication, erection, and use of signs and signage for all properties within the city. This article regulates the location, type, size, and height of signage in order to protect and promote the public welfare, health, and safety of persons within the community; to aid in the development and promotion of business and industry; and to ensure implementation of the comprehensive plan of the city with the city's zoning districts. The adoption of this article reflects the formal finding of fact on the part of the city plan commission and the common council that regulation of signage furthers four compelling governmental interests:

(1) To promote the public welfare, health, and safety of all persons using the public thoroughfares and rights-of-way within the city as to the signage displayed thereon, or overhanging, or projecting into such public spaces;

(2) To advance the aesthetic goals of the city throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the

general public;

(3) To reduce the visual clutter caused by advertising signage which the city has determined is a significant cause of unsafe traffic and visibility conditions; and

(4) To limit the spread of strip commercial development, of which signs are a primary contributor, so as to be respectful of the reasonable rights of other advertisers and business entities whose messages are also displayed in such areas.

(b) Furthermore, the city advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage, namely, print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.

(Ord. of 2-7-2020, § 15.801)

Sec 105-967 Sign Permits

(a) No person shall erect, alter (per section 105-974(a)(1)), or relocate within the city any other type of sign without first obtaining a sign permit, except for the exceptions in subsection (b) of this section.

(b) The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by this article:

(1) Address numerals and identification signs not exceeding four square feet in area.

(2) Legal notices and other signs established, or ordered, by a governmental agency.

(3) Memorial signs and tablets displayed in cemeteries.

(4) On-premises directional signs which bear no advertising if under four square feet, and if limited to business site or business name or logo.

(5) Temporary signs which conform to the requirements of section 105-972.

(6) Political signs and flags of government, religious, fraternal or civic organizations.

(7) Auxiliary signs, as defined in section 105-968, if under four square feet.

(8) Message/copy change for advertising or marquee sign.

(9) Community information signs shall be permitted only as a conditional use within all zoning districts and upon any property within the jurisdiction of

this chapter. As such, the review of a request for the erection of a community information sign shall comply with the requirements of section 105-998. The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the city may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this chapter. Such action shall proceed per the requirements of section 105-998(h). Upon revocation, the owner of said sign shall have 30 days to remove the sign at the owner's expense.

(10) Such sign shall only display information regarding events and information of general interest to the residents of Sheboygan. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited.

(11) Such sign may be located on private or public property (except for residential properties within the ER-1, SR-3, SR-5, NR-6 and MR-8 districts).

(12) Such sign shall conform to the visibility requirements of section 105-928.

(13) Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per section 105-971.

(Ord. of 2-7-2020, § 15.802)

Sec 105-968 Definitions And Regulations Specific To Certain Signs

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning and shall be used by this article to assist in the establishment of clear-cut signage regulations:

Sign means any object, device, display, structure, or part thereof, situated outdoors and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, or projected images. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Building colors and outline lighting which do not convey a logo or written message, as determined by the zoning administrator, are not considered signs. Definitions of particular functional, locational, and structural types of signs are listed in this section. The term "sign" does not include traffic control and other public agency signs located within a right-of-way and such are not regulated by the provisions of this

chapter.

Sign configuration means the style of the sign.

Sign purpose means where or how a sign is used. The term "sign purpose" includes:

(a) *Advertising sign (off-premises)* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Off-premises advertising signs include billboards.

(b) *Auxiliary sign* means a sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include directories of tenants in buildings, no trespassing signs, menu boards, and signs which list prices of gasoline, up to one price listing sign per type of fuel, which must be displayed on a single structure.

(c) *Business sign (on-premises)* means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located.

(d) *Community information sign* means a permanent sign approved with a conditional use permit per section 105-967 which may have changeable copy, and which is limited to the display of information of interest to the general community regarding scheduled public events and public activities.

(e) *Directional sign, off-premises* means a sign which indicates only the name, direction, or distance of a business or activity. It may contain a business name and logo if the logo is less than one square foot in area. Off-premises directional signs do not pertain to off-premises advertising signs.

(f) *Directional sign, on-premises* means a sign which indicates only the name, logo (if under one square foot), and or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.

(g) *Group sign* means a sign displaying the collective name of a group of uses such as the title of a shopping center, office park, or industrial park and its tenants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving two or more nonresidential tenants.

(h) *Identification sign* means a sign indicating the name or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed.

(i) *Temporary sign* means a sign or advertising display intended to be displayed for a certain period of time (as permitted by section 105-972). The term "temporary signs" includes retailers' signs temporarily displayed for the purpose of informing the public of a sale or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.

Sign types means and includes:

(a) *Awning sign* means a type of on-building sign which projects from the building consisting of a fabric or fabric-like sheathing material.

(b) *Freestanding sign* means a totally or partially independent sign resting on or supported by means of poles, standards, or any other type of base on the ground. The term "freestanding sign" includes monument signs and pylon signs, as defined in this section. The height of a freestanding sign shall be measured as described in the definition of the term "sign measurement" in this section.

(c) *Marquee sign* means a type of projecting, on-building sign (see *Projecting sign*) sheltering the entrance or entrance approaches of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events.

(d) *Mobile sign (portable sign)* means a sign mounted on a frame or chassis designed to be easily relocated, including vehicles or trailers whose principal commercial use is for signage.

(e) *Monument sign* means a type of freestanding sign whose bottom edge is located within one foot of a ground-mounted pedestal and whose top edge is located no more than eight feet high.

(f) *Projecting sign* means a type of on-building sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face.

(g) *Pylon sign* means a type of freestanding sign whose bottom edge is located more than one foot above a ground-mounted pedestal or whose top edge is located more than eight feet high, up to a maximum of ten feet in NC Neighborhood Commercial, or NO Neighborhood Office Districts, up to a maximum of 15 feet in the CC Central Commercial, or up to a maximum of 30 feet high in all other commercial and industrial zoning districts.

(h) *Wall sign* means a type of on-building sign mounted parallel to a building facade or other vertical building surface.

(i) *Personal greeting and congratulatory sign* means a temporary sign, limited to 32 square feet, and which is limited to a personal greeting or message used to

announce, congratulate, or greet members of a family, faculty, or work staff, and which is not intended for commercial purposes.

Sign measurement means the explanation of how the dimensions of a sign are determined. The term "sign measurement" includes:

(a) *Ground level* means the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(b) *Sign area* means the available display surface and is measured in the following manner:

(1) In the case of a sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message.

(2) Where a freestanding on-premises sign (monument or pylon) has two or more identical display faces each of which is intended to be viewed principally from a different direction of travel, the area of the largest display face shall be considered the sign face area.

(3) For freestanding signs on corner lots use 1 1/2 times the listed ratio of sign area in square feet to linear feet of public street frontage along the chosen street frontage.

(4) In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.

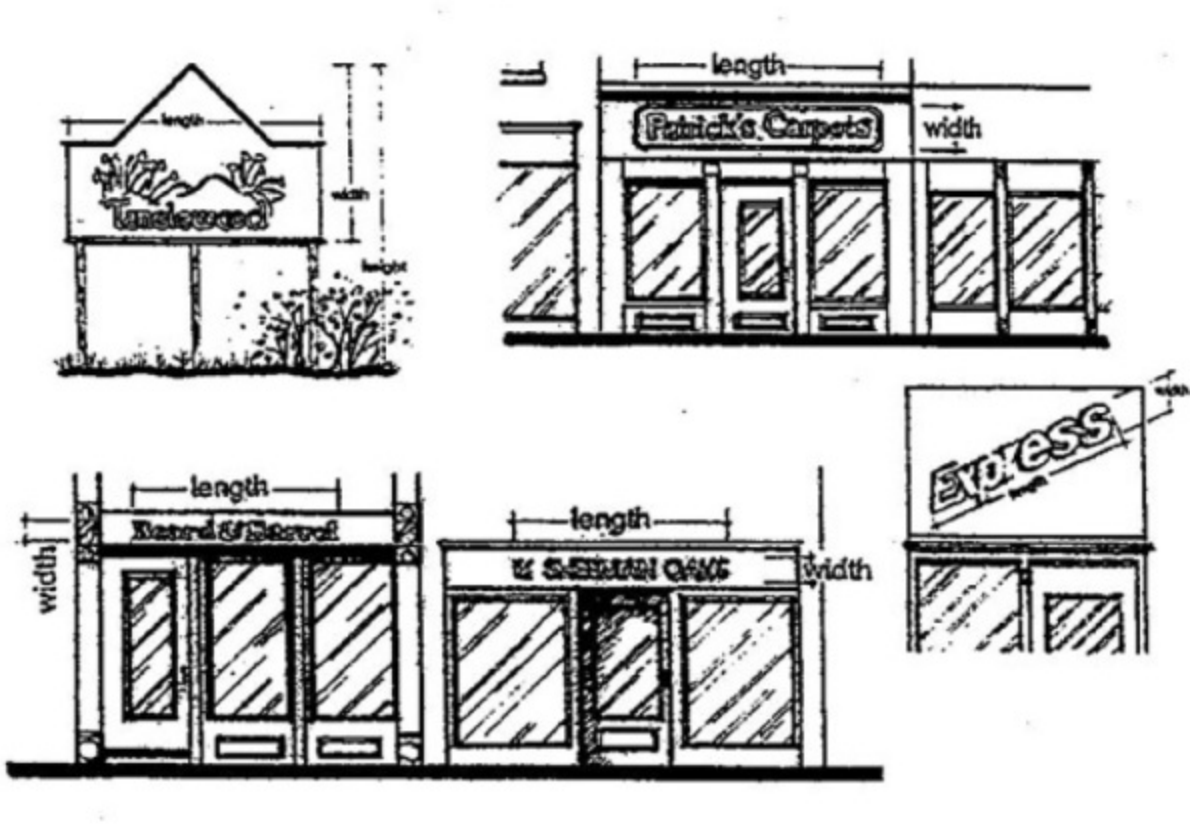
(5) In the case of a sign whose message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign face area shall be the combined areas of the smallest rectangles which can encompass each word, letter, figure, emblem, and other element of the sign message per a scaled, fully dimensioned drawing approved by the zoning administrator. Where such drawing is not provided, said area shall be the smallest area enclosed in a single rectangle.

(6) Signs less than one square foot in area are not regulated by this chapter.

(7) All dimensional measurements and calculations thereof shall be the responsibility of the applicant of the sign permit and shall be approved by

the zoning administrator or designee thereof.

(8) The following illustration demonstrates how sign face area is measured.



(Ord. of 2-7-2020, § 15.803)

Sec 105-969 General Signage Regulations

The regulations contained in this section apply to signs in all districts.

(a) *Sign prohibitions and limitations*.

(1) No sign shall use any word, phrase, symbol, shape, form, or character in such manner and location as to interfere with moving traffic, including signs which incorporate typical street-type or traffic control-type signage designs and colors.

(2) Except for sequin-like eyecatcher device and temporary banners secured on all four corners, no fluttering, undulating, swinging, rotting, or otherwise moving signs, pennants or other decorations shall be permitted.

(3) No illuminated flashing signs shall be permitted. Flashing signs are those which change their appearance more than once every three seconds, however, electronic message center signs are permitted with a

conditional use permit outside of agricultural, residential, and neighborhood office and neighborhood commercial districts. No sign cycle shall take more than 15 seconds. Chasing lights shall be allowed only as a conditional use and shall be limited to a maximum lamp wattage of 11 watts.

(4) No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element (except neon signs) is not visible from any property within a residential zoning district. All illuminated signs shall comply with the state electrical code.

(5) Mobile signs shall be prohibited after January 1, 1997.

(6) No off-premises directional signs shall be permitted for non-governmental or non-institutional uses or for any use outside of a public right-of-way. However, such signs are permitted within a public right-of-way per subsection (b)(5) of this section, for government facilities, and schools.

(7) No inflatable signs shall be permitted, except as temporary signs.

(8) No advertising vehicle signs shall be permitted, except as temporary signs.

(9) Off-premises advertising signs shall be regulated per section 105-975.

(b) *Sign location requirements*.

(1) No sign shall be erected or maintained at any location where, by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device. Freestanding signs may not locate within vision triangles nor otherwise impede traffic or pedestrian visibility. Freestanding sign setbacks from right-of-way lines vary by zoning district.

(2) No sign shall be located within a required bufferyard or within a permanently protected green space area.

(3) No sign shall be mounted on a roof. No sign shall extend above the roofline, except with a conditional use permit.

(4) No sign, temporary or otherwise, shall be affixed to a tree or utility pole unless otherwise authorized by the director of public works.

(5) Private signs shall not be allowed within road right-of-way lines.

(6) Projecting signs shall be a minimum of 14 feet over the elevation of a vehicle circulation area, a minimum of ten feet over the elevation of a public pedestrian way and eight feet over the elevation of a private pedestrian way.

(7) Pylon signs are not permitted in any residential district.

(c) *Sign configuration requirements*.

(1) *Freestanding sign configuration*. The base and supports of any and all freestanding signs shall be concealed and shall comply with the state building code. A freestanding sign shall not be erected so that it impedes visibility for safe pedestrian or vehicular circulation. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs.

(2) *Mobile sign configuration*. Mobile signs which have exposed electrical cords or wiring, and do not have GFI protection, or do not meet building code regulations are not in compliance with basic safety standards and must be removed upon the effective date of the ordinance from which this article is derived.

(3) *Projecting sign configuration*. The bottom edge of a projecting sign shall be located a minimum of ten feet from the ground level directly under the sign. Such sign shall be mounted directly to a building. In no instance shall such sign be projecting more than 4 1/2 feet into and over a public right-of-way or private street, drive, or parking area. No new projecting signs, including replacement faces, shall be permitted.

(4) *Wall sign configuration*. A wall sign shall not extend beyond the edge of any wall or other surface to which it is mounted, nor shall it project more than 12 inches from its surface. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted. Signs painted directly on a wall or other portions of a building are not permitted.

(5) *Advertising vehicle sign configuration*. No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. Licensed business vehicles containing typical business signage, and which are actively used on a daily basis for business purposes, and transit signs as permitted by the transit commission, are exempt from this prohibition.

(6) *Directional sign, on-premises configuration*. For each permitted or required parking area that has a capacity of more than five cars, one sign, not more than ten square feet in area, designating each entrance or exit;

and other signs, not more than nine square feet in area, designating the conditions of use of the parking area. Any institutional land use may use as many on-premises directional signs as needed. No other land use nor lot shall contain more than two such signs for each driveway.

(Ord. of 2-7-2020, § 15.804)

Sec 105-970 Zoning Districts

(a) *Rules for all signs*.

(1) Signs shall comply with all provisions of the municipal Code, including sections 105-968 and 105-969 for general signage definitions and regulations.

(2) Signage on a lot shall be limited to the combined total of all signs listed under subsection (b) of this section, or as otherwise modified by conditional use, conditional zoning, planned development, deed restriction or other site-specific regulation, restriction or requirement. The owner of a property containing more than one tenant shall allocate signs to the tenants, up to the allowed maximum for the entire property. This provision will allow the property owner to allocate all the allowed signage to one tenant and none to another tenant if they see fit to do so.

(b) *Rules for particular sign purposes*.

(1) *Identification sign*.

a. For one-family, two-family, three-family or four-family dwelling:

1. Permitted sign type: Wall sign.

i. Maximum permitted number per lot: One.

ii. Maximum permitted area per sign: Two square feet.

iii. Minimum permitted sign setback: 12 feet.

iv. For multifamily dwelling of five or more units:

2. Permitted sign type: Wall sign, canopy sign or monument sign.

i. Maximum permitted number per lot: One monument, plus one wall or canopy.

ii. Maximum permitted area per sign: 24 square feet.

iii. Minimum permitted sign setback: 12 feet.

b. For institutional use:

1. Permitted sign type: Wall sign, canopy sign or monument sign.
2. Maximum permitted number per lot: One monument per each street frontage, plus one wall or canopy per each street frontage.
3. Maximum permitted area per sign: 24 square feet.
4. Minimum permitted Sign Setback: 12 feet.

c. For group development or subdivision.

1. Permitted sign type: Wall sign, canopy sign or monument sign.
2. Maximum permitted number per development: Per plat or conditional use.
3. Maximum permitted area per sign: 32 square feet.
4. Minimum combined permitted area of all signs: Per plat or conditional use.
5. Minimum permitted sign setback: 12 feet.

(2) *Auxiliary sign (such as "Beware of Dog" or "No Trespassing" for all land uses).*

a. Permitted sign type: Wall sign.

1. Maximum permitted number per lot: Two.
2. Maximum permitted area per sign: Two square feet.
3. On-premises directional sign (for multifamily, group development or institutional use):

b. Permitted sign type: Wall sign or monument sign.

1. Maximum permitted number per lot: One sign for each vehicular entrance, one sign for each vehicular exit, one sign for each parking area conditions list. Institutional uses may use any additional number of signs as needed.
2. Maximum permitted area per sign: Nine square feet.

(3) *Temporary sign*.

a. On-premises business sign (for legal, nonconforming business only): For any permitted nonresidential principal use other than those specified above, two signs (one wall sign and one freestanding sign), not to exceed a combined total of 32 square feet in area, are permitted. The signs shall indicate nothing more than the name and address of the premises and the schedule of services or other information relevant to the operation of the premises.

b. Off-premises directional sign (for governmental facility only):

1. Permitted sign type: Wall sign or monument sign.

i. Maximum permitted number per development: Per conditional use permit.

ii. Maximum permitted area per sign: Four square feet.

iii. Maximum permitted area of all signs: Per conditional use permit.

2. Community information sign.

(Ord. of 2-7-2020, § 15.805)

Sec 105-971 Sign Regulations Applicable To The NO, SO, NC, SC, UC, CC, SI, UI, And HI Zoning Districts

(a) *Rules for all signs*.

(1) Signs shall comply with all provisions of the municipal Code, including sections 105-968 and 105-969 for general signage definitions and regulations.

(2) Signage on a lot shall be limited to the combined total of all signs listed under subsection (b) of this section, or as otherwise modified by conditional use, conditional zoning, planned development, deed restriction or other site-specific regulation, restriction or requirement. The owner of a property containing more than one tenant shall allocate signs to the tenants, up to the allowed maximum for the entire property. This provision will allow the property owner to allocate all of the allowed signage to one tenant and none to another tenant if they see fit to do so.

(b) *Rules for particular sign purposes (all residential and institutional land uses)*. Shall comply with provisions of section 105-970.

(c) *Rules for particular sign purposes (all office, commercial and industrial land*

uses).

(1) Business signs:

a. For NO, NC Zoning Districts:

1. Permitted sign type: On-building (wall or awning) sign.

i. Maximum permitted number per lot: Two on-building signs for each fronting business or group for all walls not directly abutting residentially zoned property.

ii. Maximum permitted area per sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall.

2. Permitted sign type: Freestanding (monument or pylon) sign.

i. Maximum permitted number per lot: One freestanding sign per each public street frontage.

ii. Maximum permitted area per sign: One square foot of signage for every foot of the public street frontage on any chosen street, up to a maximum sign area of 150 square feet per sign.

iii. Maximum permitted sign height: Ten feet.

iv. Minimum permitted sign setback: 12 feet in the NO District; 12 feet from the right-of-way line, or 24 feet from the face of the curb whichever is shorter in the NO District.

3. Permitted sign type: Projecting sign.

i. Maximum permitted number by lot: One projecting sign per business in lieu of one flush on building sign which would be permitted by section 105-971(c)(1)a.1.

ii. Maximum permitted area per sign: 12 square feet.

iii. Projecting signs may not be internally illuminated.

iv. Minimum height above grade: See section 105-969(b)(6).

v. Maximum projection over a public right-of-way: 4.5 feet.

vi. Swinging projecting signs shall not be installed over any public road, alley, sidewalk or pedestrian way.

b. For CC Zoning District:

1. Permitted sign type: On-building (wall, awning, projecting or marquee) sign.

i. Maximum permitted number per lot: Two on-building signs for each fronting business or group for all walls not directly abutting residentially zoned property.

ii. Maximum permitted area per sign: Two square feet of signage for every linear foot of exposed exterior wall length on that supporting wall, or per business minimum of 50 square feet, whichever is greater.

2. Permitted sign type: Freestanding (monument or pylon) sign.

i. Maximum permitted number per lot: One freestanding sign per public street frontage of provided on-site parking lot.

ii. Maximum permitted area per sign: One square foot of signage for every foot of the public street frontage of a provided on-site parking lot, up to a maximum sign area of 150 square feet per sign.

iii. Maximum permitted sign height: 15 feet.

iv. Minimum permitted sign setback: 12 feet from the right-of-way line, or 24 feet from the face of the curb whichever is shorter.

3. Permitted sign type: Projecting sign.

i. Maximum permitted number by lot: One projecting sign per business in lieu of one flush on building sign which would be permitted by section 105-971(c)(1)a.1.

ii. Maximum permitted area per sign: 12 square feet.

iii. Projecting signs may not be internally illuminated.

iv. Minimum height above grade: see section 105-969(b)(6).

v. Maximum projection over a public right-of-way: 4.5 feet.

vi. Swinging projecting signs shall not be installed over any public road, alley, sidewalk or pedestrian way.

4. Permitted sign type: Flush on-canopy sign.

i. Maximum permitted per lot: One per each street frontage in lieu of one on-building sign permitted by subsection (a) of this section.

ii. Maximum permitted area per sign: 20 square feet.

iii. No sign shall be located on the roof or the top horizontal plane of the canopy.

c. For UC, UI, and HI Zoning Districts:

1. Permitted sign type: On-building (wall or awning) sign.

i. Maximum permitted number per lot: Four one-building signs for each fronting business or group for all walls not directly abutting residential zoned property.

ii. Maximum permitted area per sign: 1 1/2 square feet of signage for every linear foot of exposed exterior wall length on that supporting wall.

2. Permitted sign type: Freestanding (monument or pylon) sign.

i. Maximum permitted number per lot: One freestanding sign per each public street frontage.

ii. Maximum permitted area per sign: 1 1/2 square feet of signage for every foot of public street frontage on any chosen public street, up to a maximum sign area of 250 square feet per sign.

iii. Maximum permitted sign height: 30 feet.

iv. Minimum permitted sign setback: 12 feet from the right-of-way line, or 24 feet from the face of the curb whichever is shorter.

3. Permitted sign type: Flush on-canopy sign.

i. Maximum permitted per lot: One per each street frontage in lieu of one on-building sign permitted by subsection (a) of this section.

ii. Maximum permitted area per sign: 20 square feet.

iii. No sign shall be located on the roof or on the top horizontal plane of the canopy.

d. For SO, SC, and SI Zoning Districts:

1. Permitted sign type: On-building (wall or awning) sign.

i. Maximum permitted number per lot: Two on-building signs (in SO) and four on-building signs (in SC and SI) for each fronting business or group for all walls not directly abutting residentially zoned property.

ii. Maximum permitted area per sign: 1 1/2 square feet of signage for every linear foot of exposed exterior wall length on that supporting wall.

2. Permitted sign type: Freestanding (monument or pylon) sign.

i. Maximum permitted number per lot: One freestanding sign per each public street frontage.

ii. Maximum permitted area per sign: Two square feet of signage for every foot of public street frontage on any chosen public street, up to a maximum sign area of 250 square feet per sign.

iii. Maximum permitted sign height: 30 feet.

iv. Minimum permitted sign setback: 12 feet.

3. Permitted sign type: Flush on-canopy sign.

i. Maximum permitted per lot: One per each street frontage in lieu of one on-building sign permitted by subsection (a) of this section.

ii. Maximum permitted area per sign: 20 square feet.

iii. No sign shall be located on the roof or the top horizontal plane of the canopy.

(2) Auxiliary sign (such as required gas price signs or "No Trespassing" sign):

a. Permitted sign type: Wall sign.

b. Maximum permitted number per lot: Per approved site plan for new construction. For existing sites, staff approval is required.

c. Maximum permitted area per sign: Combined area of all auxiliary signs shall be calculated independently of the requirements above and shall not exceed 50 percent of the maximum permitted area.

(3) On-premises directional sign:

a. Permitted sign type: Wall sign or monument sign.

b. Maximum permitted number per lot: One sign for each vehicular entrance, one sign for each vehicular exit, one sign for each parking area conditions list.

c. Maximum permitted area per sign: Nine square feet.

(4) Temporary sign.

(5) Off-premises directional sign (for governmental facility only):

a. Permitted sign type: Wall sign or monument sign.

b. Maximum permitted number per development: Per conditional use permit.

c. Maximum permitted area per sign: Four square feet.

d. Maximum permitted area of all signs: Per conditional use permit.

(6) Community information sign.

(Ord. of 2-7-2020, § 15.806)

Sec 105-972 Temporary Signs

(a) Except as provided in subsections (e) and (g) of this section, only one temporary sign may be displayed on a property at one time. Except as provided by subsections (a) through (g) of this section, any one lot is permitted to display a temporary sign for a maximum of 30 days within any 12-month period. Furthermore, any one lot is limited to a maximum of six temporary signs in any 12-month period (political signs are exempt from this restriction). A portable sign is not a temporary sign.

(1) For each lot one "For Sale," "For Rent," or "Garage Sale" signs, not more

than 12 square feet in area.

(2) For construction on or development of a lot, one sign not more than 32 square feet in area, indicating the name of the contractors, engineers or architect, or products being used in the construction of a building but only during the time that construction or development is actively under way.

(3) *Temporary events*.

a. For a temporary event of public interest such as a neighborhood garage sale involving three or more households or church fair, one sign, not over 32 square feet in area (or not over 100 square feet if visible from IH 43), located upon the site of the event. Such sign shall not be erected more than 30 days before the event and shall be removed immediately after the event.

b. For temporary events at exposition/exhibition facilities such as the municipal auditorium and the Blue Line Indoor Ice Center one sign per premises not more than 32 square feet for each event to be held at such sites. No more than one such sign shall be permitted on such a site at any one time and shall be removed from the site immediately after the event.

(4) Temporary political signs are permitted without restriction so long as they do not locate on public property including rights-of-way, they do not impair vision, or otherwise create a public nuisance.

(5) For each real estate subdivision that has been approved in accordance with the city land division regulations, a minimum of two temporary development project identification signs are permitted to be located on some portion of the subject subdivision. Each such sign shall be not more than 32 square feet in area. One additional similar sign shall be permitted for each 100 lots in the subdivision in excess of said original 100 lots. These signs shall comply with the visibility standards of section 105-928. These signs shall be permitted to remain within the subject subdivision until a time at which building permits have been issued for 80 percent or more of the lots in the subdivision.

(6) One personal greeting/congratulatory sign per premises shall be permitted for up to seven days which is limited to eight feet tall and 32 square feet, and which is not intended for commercial purposes.

(7) Each city-wide festival organized and operated by a non-profit organization, authorized by the city, and located within a city park or upon public rights-of-way shall be permitted to display signs which advertise products or services of festival sponsors as well as products, services, or entertainment available on site during the festival. No sign shall be erected more than five days prior nor shall any sign remain more than two

days after the authorized festival days. All city costs associated with the removal of any sign shall be paid by the operators of the festival.

(Ord. of 2-7-2020, § 15.807)

Sec 105-973 Appearance, Construction, And Maintenance Of Signage

(a) All signage within the jurisdiction of this chapter shall remain in a state of proper maintenance.

(b) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.

(c) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.

(d) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign in located.

(e) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the zoning administrator.

(f) All signs shall be constructed and mounted so as to comply with state building codes.

(g) All signs and decorative lighting shall be constructed and maintained to conform with state electrical codes.

(h) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

(i) All signs shall in no instance create a traffic visibility or other safety hazard.

(j) Signage found to be in violation of the provisions of this article shall be subject to the provisions of section 105-1014.

(k) It shall be the responsibility of the Applicant to provide written certification of compliance with all applicable State costs to the zoning administrator for approval of the provisions outlined in subsections (a) through (j) of this section.

(Ord. of 2-7-2020, § 15.808)

Sec 105-974 Nonconforming On-Premises Signs

(a) *Generally*.

(1) On-premises signs existing as of the effective date of the ordinance from which this chapter is derived which do not conform to the provisions of this article, shall be nonconforming signs and shall be subject to the provisions of subsection (b) of this section. Nonconforming signs may be maintained. No nonconforming on-premises sign shall be altered or moved to a new location without being brought into compliance with the requirements of this chapter.

(2) Business signs on the premises of a nonconforming use or building may be continued per subsection (b) of this section, but shall not be allowed to expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other nonconforming signs.

(3) Nonconforming on-premises signs shall be removed when the principal structure located on the premises undergoes a change of use or shall be removed per subsection (b) of this section. Closing businesses must remove their signs within 60 days of closing.

(4) On-premises signage not in compliance with the provisions of this section shall be subject to the provisions of subsection (b) of this section.

(b) *Removal of nonconforming on-premises signs*.

(1) *Alteration of signs*.

a. For the purpose of this chapter, the term "alteration of a sign" means any structural change to the sign (such as a change to the supporting poles, a change in the sign frame, or a change in sign location), other than changes to ensure safety required by the city. Any alteration of the sign requires conformance with all the regulations of this article (e.g., any structural change to the sign requires that the sign comes into conformance with the locational requirements, the height regulations, and the total sign area requirements of this article).

b. Altering a sign does not include maintaining the existing appearance of the sign or replacing the sign face, business name, or the supporting structure with identical materials, colors, and messages or changing the message of a marquee sign or changing the face of an off-premises advertising sign.

c. All on-premises signs found not to be in compliance with the provisions of this article shall be removed within 30 days of

receiving written notice of noncompliance and removal from the zoning administrator.

d. The penalties of section 105-1014 shall be applicable to violations of this article.

(Ord. of 2-7-2020, § 15.809)

Sec 105-975 Off-Premises Advertising Signs (Billboards)

(a) *Generally*. Off-premises advertising signs shall be limited in sign location, maximum sign area, minimum sign spacing, and configuration.

(b) *Sign location and zoning district limitations*. Off-premises advertising signs are permitted by right on legal conforming or legal nonconforming lots in the UC district, and in the former B-3 and B-4 Districts as those districts existed as of August 5, 1996, with Taylor Drive and Kohler Memorial Drive excluded. Illegal, nonconforming lots shall not be used for new off-premises advertising sign locations. In addition, all off-premises advertising signs existing as of the effective date of the ordinance from which this chapter is derived which are located in the former B-3, B-4, I-1, I-2 and I-3 Districts shall be considered as lawful, conforming signs. Such existing signs shall not be eliminated through the conditional use process, and may be continued on legal, legal nonconforming, or illegal nonconforming lots where such signs exist as of the effective date of the ordinance from which this article is derived. Off-premises advertising signs shall be prohibited in all other zoning districts. Off-premises advertising signs shall be a minimum of 12 feet from any street right-of-way (except for all mounted signs) and shall not be located within a vision triangle or create a traffic visibility or other public safety hazard. Off-premises advertising signs may not be located on roofs but may be freestanding or located on building walls.

(c) *Maximum sign number cap*.

(1) The number of off-premises advertising signs permitted with the city shall be limited to the number of legally permitted off-premises advertising signs existing within the city as of the effective date of the ordinance from which this chapter is derived, including signs for which legal permits have been issued, but are not yet erected. This number shall be referred to as the "off-premises sign cap." The inventory of legally erected signs and legal sign permits which comprise this cap shall be maintained by the zoning administrator. When land is annexed into the city that has legally permitted off-premises advertising signs on it, the number of those signs shall be added to the cap. Annexed signs shall secure a legal sign permit issued by the zoning administrator to ensure accurate reflection in the sign inventory. All such annexed signs shall be otherwise governed by all the regulations of this chapter.

(2) Any signs that are removed from locations permitted by this cap shall allow the property owner of said locations to have first right to replacement permits for signs on said property for a period of 60 days. If the property owner does not exercise the owner's right, then any sign which is permitted by this cap which is subsequently removed may be replaced by the owner of the removal sign in any legally permitted location, with the granting of a sign permit by the city.

(3) The owner of the sign shall secure a legal permit from the city for removal of the original sign and for the erection of the replacement sign if the landowner does not exercise the owner's right to obtain a permit for replacement signs. Any such removed sign which is not replaced by the landowner, sign owner, or other holder of the wrecking permit within 18 months of the sign removal, will create an available replacement sign which may be sued by the first applicant who secures a legal sign permit from the city.

(d) *Application for off-premises advertising sign permit*. The application for an off-premises advertising sign permit shall contain all information necessary for the zoning administrator to ensure that the sign meets all requirements of this chapter, and to ensure that accurate sign inventory records are kept. No permit shall be issued for a replacement sign until the sign on the wrecking permit has been fully removed.

(e) *Maximum sign area*. The maximum area of an off-premises advertising sign shall be 288 square feet for poster panel signs and 672 square feet for painted bulletin signs, plus up to an additional 20 percent of said areas for attached cutout extensions. Except for lawful conforming signs existing as of the effective date of the ordinance from which this chapter is derived, plus eight additional 672 square foot signs, no off-premises advertising sign may exceed 288 square feet, plus up to an additional 20 percent of said areas for attached cutout extensions. As land is annexed to the city with 672 square foot size signs, those numbers will be added to the total allowed. Legal off-premises advertising signs existing as of the effective date of the ordinance from which this chapter is derived may be legally maintained, rebuilt or modernized as legal conforming signs at the same size and same property. Signs attached to one-another (side by side signs) or located on the same support (double-deck signs) shall be counted as separate signs. Back-to-back off-premises advertising signs or V-shaped off-premises advertising signs which are installed perpendicular to the street (where no more than 15 feet of spacing exists between the two closest spread ends) or are otherwise installed so as to be viewed from one direction of travel on the street shall be counted as separate signs which face in different directions, and thus may be permitted per subsection (f) of this section if the spacing limitations of subsection (f) of this section are otherwise met.

(f) *Spacing limitation*.

(1) Off-premises advertising signs shall be spaced in a manner which avoids the over-concentration of off-premises advertising signs in a limited area. To accomplish this, off-premises advertising signs located along the same side of a road shall be spaced from sign center to sign center in the following manner:

(2) Along Interstate Highway (IH) 43, the minimum spacing of off-premises advertising signs which face in the same general direction of travel shall be 500 feet. In addition, one state-permitted off-premises directional sign shall be allowed per mile facing the same general direction of travel. In no instance shall said sign be located closer than 100 feet to an existing off-premises advertising sign.

(3) Along all other roads, the minimum spacing of poster panel or painted bulletin off-premises advertising signs which face in the same general direction of travel shall be 200 feet.

(4) No more than one 672 square foot painted bulletin sign, nor more than two 288 square feet poster panel signs may be permitted in any location which face so as to be viewed from the same direction of travel.

(g) *Visibility of off-premises advertising signs*. Where possible, the city shall adjust the spacing of its street tree plantings to provide for the visibility of off-premises advertising signs. To accomplish this, trees which would normally be spaced at regular intervals shall be clustered away from the intended sight lines within 150 feet of an off-premises advertising sign. Low leaf density trees such as locust and linden shall also be used to minimize sign sight line obstruction.

(h) *Sign design and construction*. Off-premises advertising signs shall not exceed 30 feet in height, as measured from the elevation of the public right-of-way roadway pavement to the top of the structure. Off-premises advertising signs shall be designed to comply with the state building code. Illuminated off-premises advertising signs shall be designed to conceal the view of the lighting elements from other properties and any public right-of-way. The concrete bases of off-premises advertising signs and electrical services shall be reasonably screened from view through the use of decorative sign structure or landscaping.

(i) *Nonconforming off-premises signs*. Off-premises advertising signs which do not comply with the provisions of this section but were in place as of the effective date of the ordinance from which this chapter is derived shall be regulated as legal, conforming structures. The message of all legal off-premises advertising signs (including cutout extensions) may be replaced with another message without the need to secure a sign permit. Written notification to the zoning administrator shall be required for the change from a painted bulletin sign to a poster panel if costs do not exceed $400.00. If the costs for a change from a painted bulletin to a poster panel exceed $400.00, a sign permit shall be required. Any other change in the sign, including the placement of any additional

signs, shall require a sign permit.

(j) *Off-premises signs and conditional land uses*. The conditional use process, when applied to a property containing an off-premises sign, shall not be used to require the removal of the sign. Additionally, off-premises advertising signs shall not be considered a conditional use and shall not be required to go through the conditional use process for a sign permit to be granted on a property that has a conditional use business located or proposed on it. However, off-premises signs shall be placed so as not to create a public safety hazard, as determined by the city police department, and shall be designed and located so as to minimize nuisance potential as determined through the site plan review process.

(Ord. of 2-7-2020, § 15.810)

ARTICLE 105-X PROCEDURES AND ADMINISTRATION

Sec 105-994 Purpose Of Procedural Regulations
Sec 105-995 Amendment Of Zoning Regulations
Sec 105-996 Amendment Of Official Zoning Map
Sec 105-997 Special Use Review And Approval
Sec 105-998 Conditional Use Review And Approval
Sec 105-999 Temporary Use Review And Approval
Sec 105-1000 Sign Permit
Sec 105-1001 Site Plan Review And Approval
Sec 105-1002 Variances
Sec 105-1003 Appeals Of Zoning Interpretations
Sec 105-1004 Urban Design Overlay Zoning District Procedures
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Sec 105-1006 Historic Preservation Regulations And Housing Rehabilitation Loan Program
Sec 105-1007 Demolition Of Significant Buildings
Sec 105-1008 Purpose Of Administrative Regulations
Sec 105-1009 Zoning Administrator
Sec 105-1010 Plan Commission
Sec 105-1011 Zoning Board Of Appeals
Sec 105-1012 Architectural Review Board
Sec 105-1013 Fees
Sec 105-1014 Violations And Penalties

Sec 105-994 Purpose Of Procedural Regulations

The purpose of this portion of the article is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, special use review and approval, temporary use review and approval, sign permits, site plan review and approval, variances, and appeals of zoning provision interpretations to the zoning board of appeals.

(Ord. of 2-7-2020, § 15.901)

Sec 105-995 Amendment Of Zoning Regulations

(a) *Purpose*. The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this chapter. (Refer to the requirements of Wis. Stats. § 62.23(7)(d).

(b) *Initiation of request for amendment to this chapter*.

(1) Proceedings for amendment of this chapter may be initiated by any one of the following three methods:

a. An application by any member of the general public;

b. A recommendation of the city staff or plan commission; or

c. By action of the city council.

(2) *Application requirements*. All applications for proposed amendments to this chapter, regardless of the part of their initiation per subsection (b)(1) of this section shall be approved as complete by the zoning administrator prior to the formal initiation of this procedure. The submittal of an application to the city clerk to initiate this procedure shall not occur until the zoning administrator has certified acceptance of the complete application to the city clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the zoning administrator, without an application. Prior to the submittal of the official notice regarding the application to the newspaper by the city clerk, the applicant shall provide the city clerk with a copy of the complete application as certified by the zoning administrator. Said complete application shall be comprised of all of the following:

a. A copy of the portion of the current provisions of this chapter which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;

b. A copy of the text which is proposed to replace the current text; and

c. As an optional requirement, the applicant may wish to provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the recommendation of the city comprehensive master plan, particularly as evidenced by

compliance with the standards set out in this section.

(c) *Review by the zoning administrator*. The proposed text amendment shall be reviewed by the zoning administrator as follows:

(1) The zoning administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the zoning administrator determines that the application is not complete or does not fulfill the requirements of this chapter, the zoning administrator shall return the application to the applicant. If the zoning administrator determines that the application is complete, the zoning administrator shall so notify the applicant.

(2) Upon notifying the applicant that the application is complete, the zoning administrator shall review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application per this section.

(3) The zoning administrator may also evaluate the application to determine whether the requested text amendment is in harmony with the recommendations of the city's comprehensive master plan, particularly as evidenced by compliance with the standards subsection (c)(3)a through c of this section:

a. How does the proposed text amendment further the purposes of this chapter as outlined in section 105-1?

b. How does the proposed text amendment further the purposes of the general article in which the amendment is proposed to be located?

c. How does the proposed text amendment further the purposes of the specific section in which the amendment is proposed to be located?

d. Which of the following factors has arisen that are not properly addressed in the current zoning text?

e. The provisions of this chapter should be brought into conformity with the comprehensive master plan. (If a factor related to the proposed amendment, not pertinent portions of the comprehensive master plan);

f. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change;

g. New methods of development for providing infrastructure make it necessary to alter this chapter to meet these new factors;

h. Changing governmental finances require amending this chapter in order to meet the needs of the government in terms of providing and affording public services.

1. If the proposed text amendment is concerned with the provisions of article III or IV of this chapter. How does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

2. The zoning administrator shall forward the report per subsection (d)(2) of this section, and if prepared the report per subsection (d)(3) of this section, to the plan commission for the Commission's review and use in making its final recommendation to city council. If the zoning administrator determines that the proposal may be in conflict with the provisions of the city's comprehensive master plan, the zoning administrator shall note this determination in the report.

(d) *Review and recommendation by the plan commission*. The city council shall not make an amendment to this chapter without allowing for a recommendation from the plan commission per the provisions of this subsection.

(1) The plan commission shall schedule a reasonable time and place for a public meeting to consider the application within 45 days after the acceptance and determination of the complete application as determined by the zoning administrator. The application may appear in person, or by agent, or by attorney.

(2) Within 60 days after the public meeting or within an extension of said period requested in writing by the applicant and granted by the plan commission, the plan commission may make a written report stating to the city council, or shall state in the minutes, its findings regarding subsections (d)(3) and (4) of this section, and its recommendations regarding the application as a whole. Said report may include a formal finding of facts developed and approved by the plan commission concerning the requirements of this section.

(3) If the plan commission fails to make a report within 60 days after the filing of said complete application and, in the absence of an applicant-approved extension per subsection (e)(2) of this section, then the city council shall hold a public hearing within 30 days after the expiration of said 60-day period. Failure to received said written report from the plan commission per subsection (e)(2) of this section, shall not invalidate the proceedings or actions of the city council.

(4) If the plan commission recommends approval of an application, it shall state in the minutes or in the subsequently issued written report to the city council, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed text amendment outweigh, or do not outweigh, any and all potential adverse impacts of the proposed text amendment, as identified in this section, after taking into consideration the proposal by the applicant.

(e) *Review and action by city council*. City council shall consider the plan commission's recommendation regarding the proposed text amendment. The city council may request further information or additional reports from the plan commission, the zoning administrator, or the applicant.

(1) The city council shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after receipt of the written recommendation from the plan commission. The applicant may appear in person, or by agent, or by attorney. Notice of the proposed text amendment and the public hearing shall conform to the requirements of Wis. Stats. § 62.23(7)(d). Said notice shall contain a description of the proposed text amendment. In addition, at least ten days before said public hearing, the city clerk shall mail an identical notice to the applicant and to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.

(2) The city council may take final action on the application at the time of public hearing or may continue the proceedings at its discretion or at the applicant's request. The city council may approve the text amendment as originally proposed, may approve the proposed text amendment with modifications (per the recommendations of the zoning administrator, the plan commission, authorized outside experts, or its own members) or may deny approval of the proposed text amendment. If the city council wishes to make significant changes in the proposed text amendment, as recommended by the plan commission, then the procedure set forth in Wis. Stats. § 62.23(7)(d) shall be followed prior to city council action.

(3) When the city council takes action on the application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the potential public benefits of the proposed text amendment outweigh, or do not outweigh, any and all potential adverse impacts of the proposed text amendment, as identified in this section, after taking into consideration the proposal by the applicant and the recommendation of the plan commission. Any action to amend the provisions of proposed text amendment requires a majority vote of the city council. The city council's approval of the

proposed text amendment shall be considered the approval of a unique request and shall not be construed as precedent for any other proposed amendments to provisions of this chapter.

(f) *Effect of denial*. No application which has been denied (either wholly or in part) shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of change found valid by the zoning administrator.

(1) *Protest*. In the event of a protest against such amendment to the regulations of this chapter filed with the city clerk, duly signed and acknowledged either by the owners of 20 percent or more of the areas of the land included in such proposed change, or by owners of 20 percent or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, then such amendment shall not become effective except by the favorable vote of three-fourths of the members of the common council present and voting.

(2) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.902)

Sec 105-996 Amendment Of Official Zoning Map

(a) *Purpose*. The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the official zoning map.

(b) *Initiation of request for amendment to official zoning map*. Proceedings for amendment to the official zoning map may be initiated by any one of the following three methods:

(1) An application of the owners of the subject property;

(2) A recommendation of the city staff or the plan commission; or

(3) By action of the city council.

(c) *Application requirements*. All applications for proposed amendments to the official zoning map, regardless of the party of their initiation per subsection (b) of this section, shall be filed in the office of the zoning administrator, and shall be approved as complete by the zoning administrator prior to the formal initiation of this procedure. The submittal of an application to the city clerk to initiate this procedure shall not occur until the zoning administrator has certified acceptance of the complete application to the city clerk. No placement of the application on

any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the zoning administrator, without an application. Prior to the submittal of the official notice regarding the application to the newspaper by the city clerk, the applicant shall provide the city clerk with a copy of the complete application as certified by the zoning administrator. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 100 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current tax records of the city. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdictions which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(2) A map, such as the land use plan map, of the generalized location of the subject property in relation to the city as a whole; and

(3) As an optional requirement, the applicant may wish to provide written justification for the proposed map amendment, consisting of the reasons why the applicant believes the proposed map amendment is in harmony with the recommendations of the city comprehensive master plan, particularly as evidenced by compliance with the standards set out in this section.

(d) *Review by the zoning administrator*. The proposed amendment to the official zoning map shall be reviewed by the zoning administrator as follows:

(1) The zoning administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the zoning administrator determines that the application is not complete or does not fulfill the requirements of this chapter, the zoning administrator shall return the application to the applicant. If the zoning administrator determines that the application is complete, the zoning administrator shall so notify the applicant.

(2) Upon notifying the applicant that the application is complete, the zoning administrator shall review the application and evaluate and comment on the written justification for the proposed map amendment provided in the application per this section.

(3) The zoning administrator may also evaluate the application to determine whether the requested amendment to the official zoning map is in

harmony with the recommendations of the city's comprehensive master plan, particularly as evidenced by compliance with the standards of subsections (d)(3)a through c of this section:

a. How does the proposed official zoning map amendment further the purposes of this chapter as outlined in section 105-1 and the applicable rules and regulations of the state department of natural resources (DNR) and the Federal Emergency Management Agency (FEMA)?

b. Which of the following factors has arisen that are not properly addressed on the current official zoning map?

c. The designations of the official zoning map should be brought into conformity with the comprehensive master plan.

1. A mistake was made in mapping on the official zoning map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) Note: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the city may intend to stop an undesirable land use pattern from spreading;

2. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;

3. Growth patterns or rates have changed, thereby creating the need for an amendment to the official zoning map.

4. How does the proposed amendment to the official zoning map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

(4) The zoning administrator shall forward the report per subsection (d)(2) of this section and, if prepared, the report per subsection (d)(3) of this section, to the plan commission for the commission's review and use in making its final recommendation to city council. If the zoning administrator determines that the proposal may be in conflict with the provisions of the city's comprehensive master plan, the zoning administrator shall note this determination in the report.

(e) *Review and action by the plan commission*. City council shall not make an amendment to the official zoning map without allowing for a recommendation

from the plan commission per the provisions of this subsection.

(1) The plan commission shall schedule a reasonable time and place for a public meeting to consider the application within 45 days after the acceptance and determination of the complete application as determined by the zoning administrator. The applicant may appear in person, or by agent, or by attorney.

(2) Within 60 days after the public meeting (or within an extension of said period requested in writing by the applicant and granted by the plan commission), the plan commission may make a written report stating to the city council, or shall state in the minutes, its findings regarding subsections (c) and (d) of this section, and its recommendations regarding the application as a whole. Said report may include a formal finding of facts developed and approved by the plan commission concerning the requirements of subsections (d)(3)a through c of this section.

(3) If the plan commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an applicant-approved extension per subsection (e)(2) of this section), then the city council shall hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report from the plan commission per subsection (e)(2) of this section, shall not invalidate the proceedings or actions of city council.

(4) If the plan commission recommends approval of an application, it shall state in the minutes or in subsequently issued written report to the city council, its conclusion and any finding of facts supporting its conclusion as to the potential public benefits of the proposed amendment to the official zoning map outweigh, or do not outweigh, any and all potential adverse impacts of the proposed map amendment, as identified in subsections (d)(3)a through c of this section, after taking into consideration the proposal by the applicant.

(f) *Review and action by city council*. City council shall consider the plan commission's recommendation regarding the proposed amendment to the official zoning map. The city council may request further information or additional reports from the plan commission, the zoning administrator, or the applicant.

(1) The city council shall schedule a reasonable time and place for a public hearing to consider the application with 45 days after receipt of the written recommendation from the plan commission. The applicant may appear in person, or by agent, or by attorney. Notice of the proposed amendment to the official zoning map and the public hearing shall conform to the requirements of Wis. Stats. § 62.23(8)(d). Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the city clerk shall

mail an identical notice to the applicant; to all property owners within 100 feet of the boundaries of the subject property as identified in subsection (c)(1) of this section; and to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.

(2) The city council may take final action on the application at the time of public hearing or may continue the proceedings at its discretion or at the applicant's request. city council may approve the amendment to the official zoning map as originally proposed, may approve the proposed map amendment with modifications (per the recommendations of the zoning administrator, the plan commission, authorized outside experts, or its own members) or may deny approval of the proposed map amendment. If the city council wishes to make significant changes in the proposed map amendment, as recommended by the plan commission, then the procedure set forth in Wis. Stats. § 62.23(7)(d) of state statute shall be followed prior to city council action.

(3) When the city council takes action on the application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any findings of facts supporting its conclusion as to the following. that the potential public benefits of the proposed map amendment outweigh, or do not outweigh, any and all potential adverse impacts of the proposed map amendment, as identified in subsections (d)(3)a through c of this section, after taking into consideration the proposal by the applicant and the recommendation of the plan commission. Any action to amend the provisions of proposed map amendment requires a majority vote of the city council. The city council's approval of the proposed map amendment shall be considered the approval of a unique request and shall not be construed as precedent for any other amendment to the official zoning map.

(g) *Effect of denial*. No application which has been denied (either wholly or in part) shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the zoning administrator.

(h) *Protest*. In the event of a protest against such amendment to the official zoning map filed with the city clerk, duly signed and acknowledged either by the owners of 20 percent or more the areas of the land included in such proposed change, or by owners of 20 percent or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, then such amendment of the official zoning map shall not become effective except by the favorable vote of three-fourths of the members of the

common council present and voting.

(i) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.903)

Sec 105-997 Special Use Review And Approval

(a) *Purpose*.

(1) The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed special uses.

(2) Special uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In order to prevent this from occurring, all special uses are required to meet certain requirements applicable only to special uses, in addition to the general requirements of this chapter and the requirements of the zoning district in which the subject property is located.

(3) Land uses proposed which fail to meet one of the requirements for special uses of article III, division 2 of this chapter, may be reviewed as a conditional use.

(b) *Regulations applicable to all special uses*. No public hearing is required to develop a special use, however, a demonstration that the developer proposes to meet all special use requirements of this article and article 105-V must be made at time of site plan application (see section 105-1001). Furthermore, no building permit shall be issued for any development which does not comply with all requirements of this chapter. Any special use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties.

(c) *Application requirements*. All applications for proposed special uses, shall be approved as complete by the zoning administrator prior to certification of the proposed special use. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the special use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdictions which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions

of the subject property, a graphic scale, and a north arrow shall be provided;

(2) A map, such as the land use plan map, of the generalized location of the subject property in relation to the city as a whole;

(3) A written description of the proposed special use describing the type of activities, buildings, and structures proposed for the subject property and their general locations; and

(4) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of section 105-1001(c).

(d) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.904)

Sec 105-998 Conditional Use Review And Approval

(a) *Purpose*.

(1) The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(2) Certain uses in situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this chapter of specific standards, regulation, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.

(3) Conditional uses are also those proposed uses which are listed as special uses but fail to meet one of the requirements for special use approval listed in article III, division 2 of this chapter.

(4) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the municipal Code or imposed by the plan commission, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of city zoning regulations and be based on substantial evidence. Under this section 105-998, the term "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. This subsection is intended to ensure compliance with Wis. Stats. § 62.23(7)(de).

(b) *Initiation of request for approval of a conditional use*. Proceedings for approval of a conditional use may be initiated by an application of the owners of the subject property.

(c) *Application requirements*. All applications for proposed conditional uses shall be approved as completed by the zoning administrator prior to the initiation of this procedure. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, without an application. Prior to the submittal of the official notice regarding the application to the newspaper, the applicant shall provide five copies of the complete application. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and address of the owners of all lands on said map as the same appear on the current records of the county register of deeds. Said map shall clearly indicate the current zoning of the subject property and all other land within 200 feet, and the jurisdictions which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(2) A map, such as the land use plan map, showing the generalized location of the subject property in relation to the city as a whole;

(3) A written description of the proposed conditional use, describing the type of activities, buildings, and structures proposed for the subject property and their general locations;

(4) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of section 105-715(b) or a group development (per section 105-749). A proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per section 105-1001. Review and approval of any site plan, preliminary plat or conceptual plat submitted with an application for a conditional use permit under this section 105-998 also shall constitute site plan review and approval under section 105-1001;

(5) Additionally, the applicant may wish to provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in subsection (d)(3)a through f of this section.

(d) *Review by the zoning administrator*. The proposed conditional use shall be reviewed by the zoning administrator as follows:

(1) The zoning administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the zoning administrator determines that the application is not complete or does not fulfill the requirements of this chapter, the zoning administrator shall return the application to the applicant. If the zoning administrator determines that the application is complete, the zoning administrator shall so notify the applicant.

(2) Upon notifying the applicant that the application is complete, the zoning administrator shall review the application and evaluate and comment on the written justification for the proposed conditional use.

(3) The zoning administrator may also evaluate the application to determine whether the requested conditional use is in harmony with the recommendations of the city's comprehensive master plan, particularly as evidenced by compliance with the standards of subsection (d)(3)a through f of this section:

a. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the city comprehensive plan, this chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the city?

b. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the city comprehensive plan, this chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the city?

c. Does the proposed conditional use, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the comprehensive plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city or other governmental agency having jurisdiction to guide development?

d. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use

impacts as related to the environs of the subject property?

e. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

f. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

(4) The zoning administrator shall forward the report to the plan commission for the commission's review and use in making its decision. If the zoning administrator determines that the proposal may be in conflict with the provisions of the city's comprehensive master plan, the zoning administrator shall note this determination in the report.

(e) *Review by the plan commission and public hearing*.

(1) The plan commission shall schedule a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the zoning administrator, the applicant may appear in person, or by agent, or by attorney. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least seven days before said public hearing, the zoning administrator shall mail an identical notice to the applicant and to all owners of abutting properties. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section. Notice of the public hearing shall be published as a class two notice under Wis. Stats. ch. 985.

(2) Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the plan commission), the plan commission shall make its findings. The plan commission shall state in the minutes and in a substantially issued written conditional use permit or in a written notice to the applicant of denial of the conditional use permit, its conclusions, findings of fact, conditions, and any substantial evidence supporting such conclusions, findings of fact, and conditions.

(3) For existing developments that do not meet the landscaping and paving requirements of this chapter, the plan commission may choose to require the development paving and landscaping to come into compliance with the requirements per section 105-786.

(4) Notwithstanding anything in city zoning regulations to the contrary, in

connection with the granting of a conditional use permit under this section, the plan commission may authorize the exception from, or exceedance of, any nonresidential bulk or dimensional standards set forth in sections 105-717 through 105-724, 105-784, 105-813, 105-815, 105-816, 105-889, 105-892, 105-929(g), 105-930(k), 105-945(c), or article 105-IX. Any exception to, or exceedance of, any nonresidential bulk or dimensional standards shall be determined by the zoning administrator to be in harmony with the city's comprehensive plan particularly evidenced by compliance with the standards of subsection (d)(3) of this section. Any exception to, or exceedance of, nonresidential bulk or dimensional standards authorized by the plan commission shall not be considered a variance, provided that the exception or exceedance and the justification for the exception or exceedance are specifically stated in the conditional use permit.

(f) *Plan commission action*. The plan commission may take final action on the application at the time of its initial consideration of the written conditional use permit or may continue the proceedings at its discretion or at the applicant's request. The plan commission may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, or may deny approval of the proposed conditional use. The plan commission's approval of the proposed conditional use shall be considered the approval of a unique request and shall not be construed as precedent for any other proposed conditional use.

(g) *Effect of denial*. No application which has been denied (either wholly or in part) shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the zoning administrator.

(h) *Termination of an approved conditional use*. Upon approval by the plan commission, the applicant must demonstrate that the conditional use, as established and implemented, meets all general and specific conditional use requirements and conditions approved under this section, including all general and specific conditional use requirements in the site plan. Once a conditional use permit is granted, no erosion control permit, site plan approval (per section 105-1001), certificate of compliance, building permit or occupancy permit shall be issued for any development which does not comply with all requirements and conditions of the conditional use permit. The applicant shall provide certification of compliance to the city staff upon completion of the development activity. Any conditional use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the plan commission, following the procedures outlined in subsections (b) through (g) of this section.

(i) *Time limits on the development of conditional use*. The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by plan commission and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this section, the term "operational" shall be defined as the granting of a certificate of compliance for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by plan commission and shall be based upon a showing of acceptable justification (as determined by plan commission).

(j) *Discontinuing an approved conditional use*. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(k) *Change of ownership*. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use in violation as approved per subsection (e) of this section, without approval by the plan commission, shall be grounds for revocation of said conditional use approval per subsection (h) of this section.

(l) *Recording of conditional use requirements*. Except for conditional use approvals for temporary uses, all documents associated with the written description, the approved site plan, and the specific requirements of approval, and a memorandum referring to and stating the general purpose of the conditional use (along with a legal description of the subject property), shall be recorded by the applicant with the county register of deeds office and submit evidence of said recordation to the city staff.

(m) *Fee*. One or more fees are required for this procedure.

(n) *Appeals*. If the plan commission denies a person's conditional use application, the person may appeal the decision to the county circuit court under the procedures contained in Wis. Stats. § 62.23(7)(e)(10).

(Ord. of 2-7-2020, § 15.905)

Sec 105-999 Temporary Use Review And Approval

(a) *Purpose*.

(1) The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed temporary use.

(2) Temporary uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this chapter and the requirements of the zoning district in which the subject property is located.

(3) Land uses proposed which fail to meet one of the requirements for temporary uses of article III, division 2 of this chapter, may be reviewed as a conditional use.

(b) *Regulations applicable to all temporary uses*. No public hearing is required to develop a temporary use, however, a demonstration that the developer proposes to meet all temporary use requirements of this article and article 105-V must be made at time of site plan application (see section 105-1001). Furthermore, no building permit shall be issued for any development which does not comply with all requirements of this chapter. Any temporary use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties.

(c) *Application requirements*. All applications for proposed temporary uses, shall be approved as complete by the zoning administrator prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdictions which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(2) A map, such as the land use plan map, of the generalized location of the subject property in relation to the city as a whole;

(3) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations; and

(4) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of section 105-1001(c).

(d) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.906)

Sec 105-1000 Sign Permit

(a) *Purpose*. The purpose of this section is to provide a procedure and requirement for obtaining a sign permit prior to the erection of certain signs.

(b) *General requirement*. Unless specifically exempted by article IX of this chapter, no sign shall be erected, altered, or relocated after the effective date of the ordinance from which this chapter is derived until a sign permit has been secured from the zoning administrator.

(c) *Application requirements*. All applications for sign permits shall be made in writing on a form supplied by the city zoning administrator. Said application shall be submitted with all required information provided by the sign company or additional consultants, as needed, and shall contain or have attached the following information:

(1) For new development, the approved site plan for the subject property (per section 105-1001), showing the location and dimensions of all buildings, structures, signs on the subject property; said subject property boundaries and dimensions; the location of the proposed sign; and the requirements of subsection (c)(3) through (5) of this section;

(2) For existing development, a sketch plan approved by the zoning administrator, showing the location and dimensions of all buildings, structures, signs on the subject property; said subject property boundaries and dimensions; the location of the proposed sign; and the requirements of subsection (c)(3) through (5) of this section;

(3) The configuration of the proposed sign listing the height, width, total square footage, method of attachment, method of illumination, and sign materials;

(4) The subject property's zoning designation; and

(5) The total area of all signs on the subject property both before and after the installation of the proposed sign.

(d) *Procedure*. The zoning administrator shall review the submitted application for compliance with the requirements of subsection (c) of this section. Upon the receipt of a complete application, the zoning administrator shall review said application for compliance with the requirements of this chapter and shall issue an approved or denied Sign Permit based on the submitted application within ten working days of the acceptance of the complete application.

(e) *Termination of a sign permit*. Any sign found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties.

(f) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.907)

Sec 105-1001 Site Plan Review And Approval

(a) *Purpose*. The purpose of this section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this section are designed to ensure that all proposed land use and development activity complies with the requirements of this chapter. Specifically, this section requires that the initiation of all development activity, including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling, require the approval of site, building, and operational plans by the plan commission before the building, occupancy, and zoning permits can be issued; except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family or duplex/twin home dwelling units, development activity associated with the full and complete implementation of a project approved within the PIP phase of the planned unit development district (PUD), or development activity associated with the full and complete implementation of a conditional use permit are exempt from this requirement. Site plan review and approval is not required for a change of occupancy or a change in the paved area but is required for changes to principal or accessory structures, changes to land use, or in instances which will increase traffic or change circulation.

(b) *Procedure*.

(1) Initiation of request for approval of a site plan.

(2) Proceedings for approval of a site plan shall be initiated by the owners of the subject property, or their legally authorized representatives.

(c) *Preapplication meeting*. The applicant shall first meet with the zoning administrator and other applicable city staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the applicant on technical requirements and procedures, and a timetable for project review may be discussed.

(d) *Application for site plan review and review by zoning administrator*. The applicant shall apply to the zoning administrator for the scheduling of an appearance before the plan commission. The zoning administrator shall notify the applicant of the date and time of the applicable plan commission meeting.

The appearance before the plan commission shall not be scheduled unless the application is approved as complete by the zoning administrator per the requirements of subsection (c) of this section. The review of the submitted application shall be completed within ten working days of application submittal. Once the application is approved as complete, the zoning administrator shall schedule an appearance before the plan commission a minimum of two weeks from the date of complete application acceptance.

(e) *Application requirements*. All applications for proposed site plans shall be approved as complete by the zoning administrator prior to the formal initiation of this procedure. The submittal of an application to the building inspection department to initiate this procedure shall not occur until the zoning administrator has certified acceptance of the complete application to the building inspection department. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the zoning administrator, without an application. Prior to the placement of the site plan application on the plan commission's agenda, the applicant shall provide the zoning administrator with a copy of the complete application as certified by the zoning administrator. Said complete application shall be comprised of all of the following:

(1) Written description of the intended use describing in reasonable detail the:

a. Existing zoning districts (and proposed zoning districts if different);

b. Land use plan map designations;

c. Natural resources site evaluation worksheet;

d. Current land uses present on the subject property;

e. Proposed land uses for the subject property;

f. Projected number of residents, employees, and daily visitors;

g. Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;

h. Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;

i. Operational considerations relating to hours of potential nuisance creation pertaining to noncompliance with the performance standards addressed in article 105-VIII including, street access, traffic visibility, parking, loading, exterior storage, exterior lighting,

vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of article VIII of this chapter), then the statement, "The proposed development shall comply with all requirements of article VIII of this chapter," shall be provided;

j. Exterior building and fencing materials;

k. Possible future expansion and related implications for subsection (c)(1)a through j; and

l. Any other information pertinent to adequate understanding by the plan commission of the intended use and its relation to nearby properties.

(2) A small location map at 11 inches by 17 inches showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the city's land use plan map with the subject property clearly indicated shall suffice to meet this requirement.)

(3) A property site plan drawing (and reduction at 11 inches by 17 inches) which includes:

a. A title block which indicates the name, address and phone/fax numbers of the current property owner or agents (developer, architect, engineer, planner) for project;

b. The date of the original plan and the latest date of revision to the plan;

c. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;

d. A legal description of the subject property;

e. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;

f. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;

g. All required building setback lines;

h. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;

i. The location and dimension (cross section and entry throat) of all access points onto public streets;

j. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus the number required by this chapter;

k. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;

l. The location of all outdoor storage areas and the design of all screening devices;

m. The location, type, height, size and lighting of all signage on the subject property;

n. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property, including the clear demonstration of compliance with section 105-932;

o. The location and type of any permanently protected green space areas;

p. The location of existing and proposed drainage facilities; and

q. In the legend, data for the subject property:

1. Lot area;
2. Floor area;
3. Floor area ratio (b/A);
4. Impervious surface area;
5. Impervious surface ratio (d/A); and
6. Building height.

(4) A detailed landscaping plan of the subject property, at the same scale as the main plan (and reduction at 11 inches by 17 inches), showing the location of all required bufferyard and landscaping areas, and existing and proposed landscape point fencing and berm options for meeting said requirements. The landscaping plan shall demonstrate complete compliance with the requirements of article 105-VII. (Note: the individual plant locations and species, fencing types and heights, and berm heights need to be provided.) In addition, the plan shall separately show and enumerate, in chart form, on the face of the plan or attached sheets, the number of landscape points required for each specific category of

required landscaping. It shall also show the number, size, type and location of the plants proposed to fulfill the requirements of each specific category listed in sections 105-886 through 105-892.

(5) A grading and erosion control plan at the same scale as the main plan (and reduction at 11 inches by 17 inches) showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the requirements of the city municipal Code.

(6) Elevation drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

(7) Three full size copies of subsection (e)(3)c through (f) of this section.

(f) *Review by the plan commission*. The plan commission, in its consideration of the submitted complete application, shall take into account the basic intent of this land development code to ensure attractive, efficient, and appropriate development of land in the community, exterior architectural design, construction materials, signage, color, and building form, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. The plan commission, in reviewing the application may require such additional measures or modifications as it deems necessary to accomplish this objective. For existing developments that do not meet the landscaping and paving requirements of this chapter, the plan commission may choose to require the development's paving and landscaping to come into compliance with the requirements per section subsection. If such additional measures or modifications are required, the plan commission may withhold approval of the site plan until a revision depicting such additional measures or modifications are submitted to the satisfaction of the plan commission or may approve the application subject to the provision of a revised application reflecting the direction of the plan commission to the satisfaction of the zoning administrator. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the plan commission.

(g) *Initiation of land use or development activity*. Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this chapter and shall be subject to all applicable enforcement mechanisms and penalties.

(h) *Modification of an approved site plan*. Any and all variation between development or land use activity on the subject property and the approved site plan is a violation of this chapter. An approved site plan shall be revised and approved via the procedures of subsections (b) and (d) of this section, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

(i) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.908)

Sec 105-1002 Variances

(a) *Purpose*. The purpose of this section is to provide regulations which enable the city to hear and decide requests for permitted variation from the terms of this chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wis. Stats. § 62.23(7)(e)(7).

(b) *Initiation of request for approval of a variance*. Proceedings for approval of a requested variance shall be initiated by an application of the owners of the subject property.

(c) *Application requirements*. All applications for requested variances shall be approved as complete by the zoning administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the building inspector to initiate this procedure shall not occur until the zoning administrator has certified acceptance of the complete application to the building inspector. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the zoning administrator, without an application. Prior to the submittal of the official notice regarding the application to the newspaper by the building inspection department, the applicant shall provide the building inspector with a copy of the complete application as certified by the zoning administrator. Said complete application shall be comprised of all of the following:

(1) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 100 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the county register of deeds (as determined by the city). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdictions which maintains that control. Said map and all its

parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

(2) A map, such as the land use plan map, of the generalized location of the subject property in relation to the city as a whole;

(3) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;

(4) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of section 105-1001(c); and

(5) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in subsection (d)(3) of this section.

(d) *Review by the zoning administrator*. The requested variance shall be reviewed by the zoning administrator as follows:

(1) The zoning administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the zoning administrator determines that the application is not complete or does not fulfill the requirements of this chapter, the zoning administrator shall return the application to the applicant. If the zoning administrator determines that the application is complete, the zoning administrator shall so notify the applicant.

(2) Upon notifying the applicant that the application is complete, the zoning administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per subsection (d)(3)a through e of this section.

(3) The zoning administrator may also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the city's comprehensive master plan, particularly as evidenced by compliance with the standards of subsection (d)(3) of this section:

a. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:

1. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not

one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

2. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
3. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
4. Violations by, or variances granted to, neighboring properties shall not justify a variance;
5. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

b. In what manner do the factors identified in subsection (d)(3) of this section prohibit the development of the subject property in a manner similar to that of other properties in the same zoning district. The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

c. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

d. Would the granting of the proposed variance as depicted on the required site plan (see subsection(c)(4) of this section), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as

they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this chapter, the comprehensive master plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

e. Have the factors which present the reason for the proposed variance been created by the act of the Application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of the ordinance from which this chapter is derived. The response to this question shall clearly indicate that such factors existed prior to the effective date of the ordinance from which this chapter is derived and were not created by action of the applicant, a previous property owner, or their agent.

f. Does the proposed variance involve the regulations of section 105-683? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this section.

g. The zoning administrator shall forward the report per subsection (d)(2) of this section, and if prepared per subsection (d)(3) of this section, to the zoning board of appeals for the board's review and action. If the zoning administrator determines that the proposal may be in conflict with the provisions of the city's zoning ordinance and comprehensive master plan, the zoning administrator shall note this determination in the report.

(e) *Review and determination by zoning board of appeals*.

(1) Within 30 days after filing of the complete application as determined by the zoning administrator, the zoning board of appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Wis. Stats. § 62.23(7)(e). Said notice shall contain a description of the subject property and the proposed variance per subsection (d)(3)a and c of this section. In addition, at least ten days before said public hearing, the building inspection department shall mail an identical notice to the applicant of the proposed variance; to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 100 feet of the

boundaries of the subject property as identified in subsection (c)(1) of this section. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.

(2) Within 30 days after the holding of the public hearing per subsection (e)(1) of this section (or, within an extension of said period approved by the applicant and granted by the zoning board of appeals), the zoning board of appeals will make its findings per subsection (d) of this section and its determination regarding the application as a whole. The zoning board of appeals may request further information or additional reports from the zoning administrator or the applicant. The zoning board of appeals may take final action on said request for approval of the requested variance at time of its initial meeting or said proceedings may be continued from time-to-time for further consideration. The zoning board of appeals shall make a written report of its findings and determinations following its determination.

(3) If the zoning board of appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.

(4) Said report shall include a formal finding of facts developed and approved by the zoning board of appeals concerning the requirements of subsection (d)(3) of this section.

(f) *Effect of denial*. No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the zoning administrator.

(g) *Limited effect of a variance*. Where the zoning board of appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted and shall not be construed as precedent for any other proposed variance.

(h) *Stay of proceedings*. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this chapter from which the applicant is requesting a variance, unless the zoning administrator certifies to the zoning board of appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life or property. In such, case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board of appeals, or by a court of record on application, on notice to the zoning administrator, and on due cause shown.

(i) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.910)

Sec 105-1003 Appeals Of Zoning Interpretations

(a) *Purpose*. The purpose of this section is to provide regulations which enable the city to hear and decide requests for appeals from the interpretations of this zoning ordinance as provided for by Wis. Stats. § 62.23(7)(e)(7).

(b) *Initiation of request for review of zoning interpretation*. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the city affected by any decision of the zoning administrator.

(c) *Time limit for filing an appeal*. Any appeal of an interpretation under the provisions of this section shall be made per the requirements of subsection (d) of this section, within a period not exceeding 45 days from the date of issuance of the interpretation by the zoning administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.

(d) *Application requirements*. All applications for review of an interpretation, regardless of the party of their initiation per subsection (b) of this section, shall be filed in the office of the building inspector, and shall be approved as complete by the zoning administrator a minimum of two weeks prior to the initiation of this procedure. The building inspector shall forward copies of said complete application to the zoning board of appeals. Said complete application shall be accompanied by all of the following:

(1) A copy of pertinent items in the file on the matter at hand maintained by the zoning administrator, as identified by the zoning administrator or the applicant.

(2) A written statement from the applicant indicating the reasons why an appeal is justified, based upon an analysis of the zoning administrator's interpretation. This statement shall be dated and signed by the applicant.

(e) *Review by the zoning administrator*. The submitted appeal shall be reviewed by the zoning administrator in the following steps:

(1) The zoning administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the zoning administrator determines that the application is not complete or does not fulfill the requirements of this chapter, the zoning administrator shall return the application to the applicant. If the zoning administrator determines that the application is complete, the zoning administrator shall so notify the applicant.

(2) Upon notifying the applicant that the application is complete, the zoning administrator shall review the application and shall evaluate and comment on the written justification for the appeal to the zoning board of appeals as submitted by the applicant. The zoning administrator shall also evaluate the application to determine whether the requested appeal is in harmony with the recommendations of the city's comprehensive master plan.

(3) The zoning administrator shall forward a report to the zoning board of appeals for review and action. If the zoning administrator determines that the proposal may be in conflict with the provisions of the city's comprehensive master plan or land development code, the zoning administrator shall note this determination in the report.

(f) *Review and action by the zoning board of appeals*.

(1) Within 45 days after the filing of the complete application as determined by the zoning administrator, the zoning board of appeals shall schedule a reasonable time and place for a public hearing to consider the application. Notice of the appeal and said public hearing shall conform to Wis. Stats. § 63.23(7)(d). Said notice shall contain a description of the issue per subsection (d)(2) of this section. At least ten days before said public hearing, the building inspector shall mail an identical notice to the applicant; to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this chapter; and to any property owner within 100 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.

(2) Within 60 days after the filing of the complete application as determined by the zoning administrator (or, within an extension of said period requested in writing by the applicant and granted by the zoning board of appeals), the zoning board of appeals will make its findings per subsection (c) of this section. The zoning board of appeals may request further information or additional reports from the zoning administrator or the applicant. The zoning board of appeals may take final action on the application for appeal at the time of its initial meeting or may continue the proceedings at its discretion or at the applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the zoning board of appeals concerning the request.

(g) *Effect of denia*l. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of six months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the zoning administrator.

(h) *Limited effect of a favorable ruling on an appeal*.

(1) No ruling by the zoning board of appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued, and development is actually begun within that period and is thereafter diligently pursued to completion and a use commenced within that period.

(2) A ruling by the zoning board of appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(i) *Fee*. A fee is required for this procedure.

(Ord. of 2-7-2020, § 15.912)

Sec 105-1004 Urban Design Overlay Zoning District Procedures

(a) *Purpose and scope*. This district is intended to implement the urban design recommendations of the comprehensive master plan by preserving and enhancing the aesthetic qualities (historical and visual) of the community, and by attaining a consistent visually pleasing image for various portions of the city. As emphasized by said Plan, this district is designed to forward both aesthetic and economic objectives of the city by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principals. The application of these standards will ensure the long-term progress and broad participation toward these principles.

(b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Cornice means the topmost projecting portion of the entablature, or top portion of a building. The term "cornice" also refers to any crowning projection of a building.

Header means a brick laid so that the end only appears on the face of the wall, as opposed to a stretcher, which is a brick laid so that the side only appears.

Kickplate means a horizontal area on the facade of a building located between the sidewalk/entrance pavement and the lowest storefront windows.

Sign band means a horizontal area on the facade of a building located between the transom and the cornice, which is typically opaque and provides a location for signage indicating the name of the establishment.

Sill means a horizontal, lower member or bottom of a door or window casing.

Transom means a horizontal bar of stone, wood or glass across the opening of a door or window.

(c) *Designation of urban design overlay zoning district boundaries*. The following urban design overlay zoning districts are designated on sheet two of the official zoning map. (This listing and official zoning map designation will be provided following adoption of the city comprehensive master plan.)

(d) *Powers and duties of the zoning administrator and the architectural review board for all development*. Proposed changes to the exterior appearance (no structural changes) of properties used exclusively for one- and two-family residential purposes are hereby excluded from the provisions of this section. All other development applications within an urban design overlay zoning district are subject to one of the following three processes, as determined by the zoning administrator.

(1) Applications which involve only a renovation of the exterior appearance of a property (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the city and listed in the attached Appendix), or a change in the exterior appearance of a property in absolute clear and complete compliance with the provisions of subsection (i) of this section (as determined by the zoning administrator), are subject to renovation review by the zoning administrator. The zoning administrator shall determine whether the petition requires only certification of thorough compliance with the technical requirements set out in subsection (e)(2) of this section. In part, this effort shall be guided by the attached appendix, which provides a list of sample projects which are eligible for this form of review;

(2) Applications which involve only a change in the appearance of a property (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to design review by the zoning administrator and the architectural review board. The zoning administrator shall serve as the liaison between the applicant and the architectural review board in facilitating the thorough and expedient review of an application and shall ensure that the technical and procedural requirements of city zoning regulations are met. The architectural review board shall serve as the final review and determining body in these

matters and shall focus its review on whether the application complies with south aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in subsection (e)(2) of this section. In part, this effort shall be guided by the comprehensive master plan.

(3) Applications which involve modification to the physical configuration of a property (such as grading, the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to project review by the zoning administrator and the architectural review board. the zoning administrator shall serve as the liaison between the applicant and the architectural review board in facilitating the thorough and expedient review of an application and shall ensure that the technical and procedural requirements of city zoning regulations are met. The architectural review board shall serve as the initial and final review and determining body in these matters and shall focus its review on whether the application complies with sound aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in subsection (e)(2) of this section. In part, this effort shall be guided by the comprehensive master plan.

(e) *Procedure for project review and approval*.

(1) *Renovation review*. Applications which involve only a renovation of the exterior appearance of a property (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the city and listed in the attached appendix,) or a change in the exterior appearance of a property in absolute clear and complete compliance with the provisions of subsection (i) of this section (as determined by the zoning administrator), are subject to renovation review by the zoning administrator. The zoning administrator shall serve to determine whether the application simply requires certification of thorough compliance with the technical requirements below. In part, this effort shall be guided by the attached appendix, which provides a list of sample projects which are eligible for this form of review. (Refer to the procedure summary chart at the end of this section.)

(2) *Application requirements*. All applications for renovation review shall be made to the zoning administrator and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, in addition to the requirements for site plan (per section 105-1001):

a. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, or detailed building elevations which are proposed for alteration or

replacement may be required by the zoning administrator.

b. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, or detailed building elevations which are proposed for renovation or replacement may be required by the zoning administrator.

c. A written description of the proposed renovation, including a complete listing of proposed components, materials, and colors.

d. Written justification for the proposed renovation consisting of the reasons why the applicant believes the requested alteration is in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards set out in subsection (e)(1)a of this section.

(3) *Review by the zoning administrator*. The application for renovation review shall be reviewed by the city following the procedure required for conditional uses per section 105-998.

(f) *Design review*. Applications which involve only a change in the appearance of a property (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to design review by the zoning administrator and the architectural review board. The zoning administrator shall serve as the liaison between the applicant and the architectural review board in facilitating the thorough and expedient review of an application and shall ensure that the technical and procedural requirements of city zoning regulations are met. The architectural review board shall serve as the final review and determining body in these matters and shall focus its review on the application's compliance with sound aesthetic, urban design, historic and architectural practices per the procedures outlined below. In part, this effort shall be guided by the urban design guidelines of the comprehensive master plan.

(1) *Procedure*. Urban design review proposals shall follow the procedures for conditional use permits, see section 105-998.

(2) *Application requirements*. In addition to the application requirements for conditional use permits, section 105-998, all applications for urban design review shall be made to the zoning administrator and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following:

(3) A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned

drawings of existing components such as windows, doors, railings, fencing or other site components, or detailed building elevations which are proposed for alteration or replacement may be required by the city.

(4) A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, or detailed building elevations which are proposed for alteration or replacement may be required by the city.

(5) A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.

(6) Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards set out in subsection (e)(2)b.2 of this section, using the following question to develop said written justification:

(7) How is the proposed alteration in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with subsection (i) of this section?

(g) *Project review*. Applications which involve modification to the physical configuration of a property (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to project review by the zoning administrator and the architectural review board. Specifically, the powers of the zoning administrator, architectural review board, and the zoning board of appeals within the urban design overlay zoning district shall be as described in the following sections. The zoning administrator shall serve as the liaison between the applicant and the city in facilitating the thorough and expedient review of an application and shall ensure that the technical and procedural requirements of city zoning regulations are met. The architectural review board shall serve as the initial and final discretionary review body and shall focus its review on the application's compliance with sound land use, site design and economic revitalization practices. In part, this effort shall be guided by the comprehensive master plan. (Refer to the procedure summary chart at the end of this section.)

(1) *Procedure*. Project review proposals shall follow procedures for conditional use permits, refer to section 105-998.

(2) *Application requirements*. In addition to the application requirements for conditional use permits, section 105-998, all applications for project review shall be made to the zoning administrator and shall be

accompanied by the building permit application, and, in addition, shall be accompanied by all of the following:

a. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, or detailed building elevations which are proposed for alteration or replacement may be required by the city;

b. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, or clear color photographs of replacement architectural components are commended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, or detailed building elevations which are proposed for alteration or replacement may be required by the city;

c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area, a detailed site plan which provides the following information;

d. A title block indicating name and address of the current property owner, developer and project consultants;

e. The date of the original plan and the latest date of revision to the plan;

f. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;

g. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;

h. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;

i. All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;

j. All required building setback lines;

k. A legal description of the subject property;

l. The location, type and size of all signage on the site;

m. The location, type and orientation of all exterior lighting on the subject property;

n. The location of all access points, parking and loading areas on the

subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas;

o. The location of all outdoor storage areas;

p. The location and type of any permanently protected green space areas;

q. The location of existing and proposed drainage facilities;

r. In the legend, the following data for the subject property:

1. Lot area;
2. Floor area;
3. Floor area ratio;
4. Impervious surface area;
5. Impervious surface ratio; and
6. Building height.

s. A detailed landscaping plan of the subject property, at the same scale as the main plan, showing the location, species and size of all proposed plant materials;

t. A written description of the proposed project, including a complete listing of proposed components, materials, and colors;

u. Written justification for the proposed project consisting of the reasons why the applicant believes the requested alteration is in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards set out in subsection (e)(3)b.2 of this section, using the following question to develop said written justification;

v. How is the proposed project in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards of subsection (f) of this section?

(h) *Additional recommendations permitted under the design review process*.

(1) The zoning administrator is hereby authorized to make recommendations for, or require modifications to, a proposed application for renovation review; and to make recommendations for the modification of a proposed application for design review or project review.

(2) The architectural review board is hereby authorized to make

recommendations for, or require modifications to, a proposed application for design review and project review.

(i) *Appeals*. Appeals from the decisions of the zoning administrator and architectural review board may be made per the provisions of this Code and state statutes.

(j) *Penalty*. Penalty for violation of the provisions of this chapter shall be per the provisions of section 105-1014.

(k) *Urban design standards*. (Reserved).

Process for Residential and Nonresidential Proposal Review

Procedure	*Type of Proposal*		
	Renovation[1]	*Design*[2]	*Project*[3]
1. Optional meeting with architectural review board to discuss proposal	No	optional	recommended
2. Submit zoning permit application to the zoning administrator, including:	Yes	Yes	Yes
a. Color photos/drawings of existing property, with close-ups of details	Yes	Yes	Yes
b. Drawings/depictions of proposed changes to the site & bldg. exterior	Yes	Yes	Yes
c. For new projects or additions ≥ 100 sf, provide Site Plan including:			
i. Title block with name of current property owner and applicant;			
ii. Date of original plan graphic and date of most recent revision;			
iii. North arrow and graphic scale;			
iv. Property lines and right-of-way lines (with distances & bearings);			
v. Easements;			
vi. Existing and proposed buildings, structures and paved areas;			
vii. Required building setback lines;			
viii. Legal description of the property;			
ix. Location, size, type and orientation of all			

exterior signage;			
x. Location, type and orientation of all exterior lighting;			
xi. Location of all vehicle access drives, circulation areas, loading areas and parking stalls;			
xii. Location of all outdoor storage and display areas (including trash facilities);	No	No	Yes
xiii. Location and purpose of all drainage facilities;			
xiv. Location of all permanent green space areas; and			
xv. Site Summary Data: Lot Area, Floor Area, Floor Area Ratio, Impervious Surface Area, Impervious Surface Ratio			
d. Landscaping Plan showing the location, size and type of plants	No	No	Yes
e. Written description of proposal, including exterior materials & colors	Yes	Yes	Yes
f. Written justification of proposal answering: How does the proposal comply with the design standards?	Yes	Yes	Yes
3. Review and action by the zoning administrator/city staff	Yes	Yes	Yes
4. Review and action by the architectural review board on site design	No	No	Yes
5. Review and action by the architectural review board on aesthetics	No	Yes	Yes
6. If proposal is approved:	Yes	Yes	Yes
a. Record documents with Register of Deeds;			
b. Work must start within 365 days and be complete within 730 days;			
c. Conditions of approval run with the property.			
If the proposal is denied: It may not be resubmitted for 12 months			
KEY. Yes: Step is required. No: Step is not required.			
[1]Only a renovation of the exterior appearance of a property (replacement with replication).			
[2]Only a change in the appearance of a property (new colors, new materials, etc.).			

[3]Modification to the physical configuration of a property (building additions, new buildings, etc.).

(Ord. of 2-7-2020, § 15.915)

Sec 105-1005 Planned Unit Development District Procedures

(a) *Purpose*.

(1) The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed planned unit developments (PUD), and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district.

(2) Planned unit developments are intended to provide more incentives for infill development and redevelopment in areas of the community which are experiencing a lack of significant reinvestment. Furthermore, planned unit developments are designed to forward both the aesthetic and economic development objectives of the city by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the planned unit development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.

(3) Planned unit developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, planned unit developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case-by-case basis. In order to prevent this from occurring, all planned unit developments are required to meet certain procedural requirements applicable only to planned unit developments, in addition to the general requirements of this chapter. A public hearing process is required to review a request for a planned unit development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

(b) *Provision of flexible development standards for planned unit developments*.

(1) *Permitted location*. Planned unit developments shall be permitted with the approval of a planned unit development district, specific to the approved planned unit development, within the MR-8 Mixed Residential, UR-12

Urban Residential, NO Neighborhood Office, UC Urban Commercial, CC Central Commercial, UI Urban Industrial, and HI Heavy Industrial Zoning Districts.

(2) *Flexible development standards*. The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a planned unit development:

(3) *Land use requirements*. All land uses listed as "residential," "institutional," or "commercial" in section 105-683 may be permitted within a Planned Unit Development.

(4) *Density and intensity requirements*. All requirements listed in sections 105-783 and 105-784 for residential density and nonresidential intensity may be waived within a planned unit development.

(5) *Bulk requirements*. All requirements listed in sections 105-812, 105-813, 105-814, 105-815 and 105-816 may be waived within a planned unit development.

(6) *Landscaping requirements*. All requirements listed in sections 105-886, 105-887, 105-888, 105-889, 105-890, 105-891 and 105-892 may be waived within a planned unit development.

(7) *Parking and loading requirements*. All requirements listed in sections 105-929 and 105-930 may be waived within a planned unit development.

(8) *Requirements to depict all aspects of development*. Only development which is explicitly depicted on the required site plan approved by the city council as part of the approved planned unit development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in sections 105-812 through 105-816. Requested exemptions from these standards shall be made explicit by the applicant in the application and shall be recommended by the plan commission and approved explicitly by the city council. If not so requested and approved, such exemptions shall not be permitted.

(c) *Initiation of request for approval of a planned unit development*. Proceedings for approval of a planned unit development shall be initiated by:

(1) An application of the owners of the subject property;

(2) A recommendation of the plan commission; or

(3) By action of the city council.

(d) *Application requirements*. All applications for proposed planned unit developments, regardless of the party of their initiation per subsection (c) of this

section, shall be approved as complete by the zoning administrator a minimum of two weeks prior to the initiation of this procedure. The zoning administrator shall forward copies of said complete application to the city office planning department. Said application shall apply to each of the process steps in subsections (e) through (h) of this section.

(e) *PUD process Step 1 preapplication conference*.

(1) The applicant shall contact the zoning administrator to place an informal discussion item for the PUD on the plan commission agenda.

(2) No details beyond the name of the applicant and the identification of the discussion item for the PUD is required to be given in the agenda.

(3) At the plan commission meeting, the applicant shall engage in an informal discussion with the plan commission regarding the potential PUD. Appropriate topics for discussion may include the location of the PUD, general project themes and images, the general mix of dwelling unit types or land uses being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the comprehensive master plan.

(4) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the city, but should be considered as the informal, non-binding basis for proceeding to the next step.

(f) *PUD process Step 2 concept plan*.

(1) The applicant shall provide the zoning administrator with a draft PUD concept plan submittal packet for a determination of completeness prior to placing the proposed PUD on the plan commission agenda for concept plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for concept plan review:

a. A location map of the subject property and its vicinity at 11 inches by 17 inches, as depicted on a copy of the city land use plan map.

b. A general written description of proposed PUD including:

1. General project themes and images;

2. The general mix of dwelling unit types or land uses;

3. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

4. The general treatment of natural features;

5. The general relationship to nearby properties and public streets;
6. The general relationship of the project to the comprehensive master plan;
7. An initial draft list of zoning standards which will not be met by the proposed PUD and the locations in which they apply and, a complete list of zoning standards which will be more than met by the proposed PUD and the locations in which they apply. Essentially, the purpose of this listing shall be to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;

c. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
    1. Land use exemptions;
    2. Density and intensity exemptions;
    3. Bulk exemptions;
    4. Landscaping exceptions;
    5. Parking and loading requirements exceptions.

d. A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of major public streets or private drives. The applicant may submit copies of a larger version of the "bubble plan" in addition to the 11 inches by 17 inches reduction.

e. Within ten working days of receiving the draft PUD concept plan submittal packet, the zoning administrator shall determine whether the submittal is complete. Once the zoning administrator has received a complete packet, the proposed PUD concept plan shall be placed on the plan commission agenda.

f. At the plan commission meeting, the applicant shall engage in an informal discussion with the plan commission regarding the conceptual PUD. Appropriate topics for discussion may include any of the information provided in the PUD concept plan submittal packet, or other items as determined by the plan commission.

g. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the city, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of plan commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the GDP application, as described in subsection (g) of this section.

(g) *PUD process Step 3 general development plan (GDP)*. The applicant shall provide the zoning administrator with a draft GDP plan submittal packet for a determination of completeness prior to placing the proposed GDP on the plan commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for GDP review:

(1) A location map of the subject property and its vicinity at 11 inches by 17 inches, as depicted on a copy of the city land use plan map.

(2) A map of the subject property showing all lands for which the planned unit development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the county register of deeds (as provided by the city). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdictions which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

(3) A general written description of proposed PUD including:

a. General project themes and images;

b. The general mix of dwelling unit types or land uses;

c. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

d. The general treatment of natural features;

e. The general relationship to nearby properties and public streets;

f. The general relationship of the project to the comprehensive master plan;

g. A statement of rationale as to why PUD zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the applicant suggests are available through the proposed PUD zoning;

h. A complete list of zoning standards which will not be met by the proposed PUD and the locations in which they apply and a complete list of zoning standards which will be more than met by the proposed PUD and the locations in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;

i. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

1. Land use exemptions;
2. Density and intensity exemptions;
3. Bulk exemptions;
4. Landscaping exceptions;
5. Parking and loading requirements exceptions.

(4) A GDP drawing at a minimum scale of one inch equals 100 feet (11 inches by 17 inches reduction shall also be provided by applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

a. A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of major public streets or private drives. The applicant may submit copies of a larger version of the bubble plan in addition to the 11 inches by 17 inches reduction;

b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;

c. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area

ratio of various land uses, expected staging, and any other plans required by the plan commission or city council; and

d. Notations relating the written information provided in subsection (g)(3)a through f of this section to specific areas on the GDP drawing.

(5) A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this chapter (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.

(6) A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures or poles or street sign faces or poles) which are proposed to vary from city standards or common practices.

(7) Written justification for the proposed planned unit development. (The applicant is advised to use the requirements of the conditional use procedure to develop said written justification.)

(8) The process for review and approval of the GDP shall be identical to that for conditional use permits per section 105-998 and (if land is to be divided) to that for preliminary and final plats of subdivision per the municipal Code.

(9) All portions of an approved PUD/GDP not fully developed within five years of final city council approval shall expire, and no additional PUD-based development shall be permitted. The city council may extend this five-year period by up to five additional years with a majority vote following a public hearing.

(h) *PUD process Step 4 precise implementation plan (PIP)*.

(1) After the effective date of the rezoning to PUD/GDP, the applicant may file an application for a proposed precise implementation plan (PIP) with the plan commission. This submittal packet shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for PUD review:

a. A location map of the subject property and its vicinity at 11 inches by 17 inches, as depicted on a copy of the city land use plan map;

b. A map of the subject property showing all lands for which the planned unit development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the county register of

deeds (as provided by the city). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdictions which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

c. A general written description of proposed PIP including:

    1. Specific project themes and images;
    2. The specific mix of dwelling unit types or land uses;
    3. Specific residential densities and nonresidential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
    4. The specific treatment of natural features;
    5. The specific relationship to nearby properties and public streets.

d. A statement of rationale as to why PUD zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the applicant suggests are available through the proposed PUD zoning.

e. A complete list of zoning standards which will not be met by the proposed PIP and the locations in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the locations in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the plan commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(2) A precise implementation plan drawing at a minimum scale of one inch equals 100 feet (11 inches by 17 inches reduction shall also be provided by applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

a. A PIP site plan conforming to any and all the requirements of section 105-1001(c). If the proposed planned unit development is a cluster development (per section 105-715(b) or a group

development;

b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;

c. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the plan commission or city council; and

d. Notations relating the written information provided in subsection (h)(1)c.1 through 5 of this section to specific areas on the GDP drawing.

(3) A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.

(4) A series of building elevations for the entire exterior of all buildings in the planned unit development, including detailed notes as to the materials and colors proposed.

(5) A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures or poles or street sign faces or poles), and group development signage themes which are proposed to vary from city standards or common practices.

(6) A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.

(7) A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.

(8) Any and all variations between the requirements of the applicable PUD/GDP zoning district and the proposed PIP development.

(9) The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

(10) The area included in a precise implementation plan may be only a portion of the area included in a previously approved general implementation plan.

(11) The PIP submission may include site plan and design information, allowing the plan commission to combine design review and review of the PIP. Design review may, at the choice of the applicant, be deferred until a later time when specific site and building developments will be brought forth.

(12) The plan commission or city council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.

(13) The process for review and approval of the PUD shall be identical to that for conditional use permits per section 105-998 and (if land is to be divided) to that for preliminary and final plats of subdivision per this Code.

(14) All portions of an approved PUD/PIP not fully developed within five years of final city council approval shall expire, and no additional PUD-based development shall be permitted. The city council may extend this five-year period by up to five additional years with a majority vote following a public hearing.

(Ord. of 2-7-2020, § 15.914)

Sec 105-1006 Historic Preservation Regulations And Housing Rehabilitation Loan Program

(a) *Purpose and intent*. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

(1) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.

(2) Safeguard the city's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(3) Stabilize and improve property values and enhance the visual and aesthetic character of the city.

(4) Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business industry.

(5) Provide for the administration of the city's housing rehabilitation loan program.

(b) *Definitions*. The following words, terms and phrases, when used in this section,

shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Certificate of appropriateness means the certificate issued by the historic preservation commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

Commission means the city historic preservation/housing rehabilitation loan commission.

Historic district means an area designated by the city council on recommendation of the commission, that contains two or more historic improvements or sites.

Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this section.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(c) *Historic preservation/housing rehabilitation loan commission composition*. A historic preservation/ housing rehabilitation commission is hereby created, consisting of seven voting members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and three shall be citizen members with various backgrounds in areas such as finance, housing, construction and low-to-moderate income programs. The mayor shall appoint the commissioners subject to confirmation by the city council. Of the initial members so appointed, the alderperson and one other member shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years, so as to stagger the terms. Thereafter, with the exception of the alderperson member whose term shall be one year, the term of each member shall be three years.

(d) *Historic structure, historic site and historic district designation criteria*.

(1) For the purposes of this section, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic architectural, archeological or cultural significance to the city such as historic structures, sites, or districts which:

a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;

b. Are identified with historic personages or with important events in national, state or local history;

c. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship;

d. Are representative of the notable work of a master builder, designer or architect who influenced their age; or

e. Have yielded, or may be likely to yield, information important to prehistory or history.

(2) The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this section.

(e) *Powers and duties*. Designation. The commission shall have the power subject to subsection (f) of this section, to designation historic structures and historic sites and to recommend designation of historic districts within the city limits. Such designations shall be made based on subsection (d) of this section. Historic districts shall be approved by the city council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this section.

(f) *Regulation of construction, reconstruction, alteration, and demolition*.

(1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall be issued a permit to reconstruct, alter or demolish all or any part of the exterior of such property or to construct any exterior improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.

(2) Upon filing of any application for a certificate of appropriateness with the historic preservation commission, the commission shall approve the

application unless:

a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvements or site upon which said work is to be done;

b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;

d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;

e. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(3) If the commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate of appropriateness. The commission shall make this decision within 45 days of the filing of the application.

(4) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

(5) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and, provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(g) *Appeals*. Should the commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the city council within 30 days. In addition, if the commission fails to issue a certificate of appropriateness, the commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this section.

(h) *Recognition of historic structures, sites and districts*. At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district.

(i) *Housing rehabilitation loan program*. The commission shall have final policy-making and loan approval authority for the city's housing rehabilitation loan program.

(j) *Procedures*.

(1) *Designation of historic structures and historic sites*.

a. The commission may, after notice and public hearing, designate of historic structures and historic sites or rescind such designation or recommendation, after application of the criteria in subsection (d) of this section. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the city office assessor, who are owners of property in whole or in part situated adjacent to the boundaries of the property affected.

b. The commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspector, plan commission and city assessor. The commission shall cause the designation or rescission to be recorded, at the city's expense, in the county register of deeds office.

(2) *Creation of historic district*. For preservation purposes, the commission shall select geographically defined areas within the city to be designated as Historic Districts and shall, with the assistance of the city department of

community development, prepare a historic preservation plan for each area. A Historic District may be designated for any geographic area of particular historic, architectural or cultural significance to the city, after the application of the criteria in subsection (d) of this section. Each historic preservation plan prepared for or by the commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

(3) *Review and adoption procedure*.

a. *Historic preservation/housing rehabilitation loan commission*. The commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city paper. Notice of the time, place and purpose of the public hearing shall also be sent by the city clerk to the alderperson of the alderpersonic district in which the Historic District is located, and the owners of record, as listed in the city office assessor, who are owners of the property within the proposed Historic District or are situated in whole or in part adjacent to the boundaries of the proposed Historic District. Said notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the commission shall vote to recommend, reject or withhold action on the plan.

b. *The city council*. The city council, upon receipt of the recommendations from the commission shall hold a public hearing, notice to be given as notice in subsection (f)(2)b.1 of this section, and shall following the public hearing either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

c. *Interim control*. No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the commission or the city council unless such alteration, removal or demolition is authorized by formal resolution of the city council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

d. *Penalties for violations*. Any person or persons violating any provision of this section shall be fined $50.00 for each separate

violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

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

(Ord. of 2-7-2020, § 15.915)

Sec 105-1007 Demolition Of Significant Buildings

This article is adopted for the purpose of preserving and protecting significant buildings within the city which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the city; to resist and restrain environmental influencing adverse to this purpose; to encourage owners of preferably preserved significant buildings to seek out persons who might be willing to purchase and to preserve, rehabilitate or restore such buildings, rather than demolish them; and by furthering these purposes to promote the public welfare, to preserve the resources of the city and to make the city a more attractive and desirable place in which to live.

(a) No building permit shall be issue by the building inspector for demolition of a significant building other than in conformity with the provisions of this section, as well as in conformity with the provisions of other laws and ordinances applicable to the demolition of buildings and the issuance of permits therefore generally.

(b) The term "significant building" for the purposes of this section means any building within the city which is, in whole or substantial part, 50 years or more old, which is listed as potentially eligible for listing in the National Register of Historic Places at pages 248--256 in the report entitled "City Architectural and Historical Intensive Survey Report" prepared by LJM Architects, Inc. dated 2002, 2004 and 2006, a copy of which is on file in the office of the director of city development, and which has not been designated or nominated by the city as a historic structure.

(c) The building inspector shall cause a copy of each application for a demolition permit for a significant building to be forwarded to the historic preservation commission whether the building which is the subject of such application is a preferably preserved significant building.

(d) The term "preferably preserved significant building" for the purposes of this section means any significant building which the commission determines, as provided in subsection (f) of this section, that it is in the public interest to be preserved or rehabilitated rather than to be demolished.

(e) The commission shall determine whether the building which is the subject of the application for a demolition permit is a preferably preserved significant building. The commission shall hold a public hearing prior to making the determination provided for in this subsection. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under state statute in the official city newspaper. At least ten days prior to such hearing, the commission shall send notice of the public hearing to the permit applicant, the owners of record as listed in the city office assessor and to the owners of property in whole or in part abutting the boundaries of the property containing the building which is the subject of the application.

(f) If the commission determines that the demolition of the subject building would result in the demolition of a significant building whose loss would be detrimental to the historical or architectural heritage or resources of the city, such building shall be considered a preferably preserved significant building. Upon determination by the commission that a building is not a preferably preserved significant building, or upon failure by the commission to make any determination which 90 days of the date that a copy of the application was submitted to the commission, the building inspector may, subject to the subsection (b) of this section, grant the permit applied for.

(g) Upon a determination by the commission that any building which is the subject of an application is a preferably preserved significant building, it shall so advise the person who submitted the application and the building inspector, and no demolition permit or building permit for new construction on the premises shall be issued until 90 days after the date of such determination by the commission except as may be provided for in subsection (l) of this section. Notwithstanding then preceding sentence, the building inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the commission to the effect either:

(1) That the commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group willing to purchase the preferably preserved significant building would be willing to preserve, rehabilitate or restore such building; or

(2) That the commission is satisfied that for at least 90 days since the owner first sought advice of the commission or commission staff in locating a person or group that might be willing to purchase such building and to preserve, rehabilitate or restore the same, the owner of the preferably preserved significant building has made continuing, bona fide, reasonable and unsuccessful efforts to locate such a purchaser.

(h) No permit for demolition of a building determined to be a preferably preserved significant building under subsection (f) of this section shall be granted until all proceedings relating to amendments of the zoning code of the city have been completed, if such proceedings have been initiated prior to the expiration of any

period of delay of demolition resulting from such determination, and if such amendments affect the site of the building whose demolition has been thereby delayed.

(i) No permit for erection of a new structure on the site of an existing significant building may be issued prior to issuance of a permit for demolition of such existing building.

(j) No permit for demolition of a building determined to be a preferably preserved significant building under subsection (f) of this section shall be granted until plans for use or development of the site after demolition have been filed with the building inspector and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of occupancy, including without limitation any necessary zoning variances or conditional use permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

(k) During the 90-day delay of demolition, no application for a building permit for new construction or alterations on the premises of a preferably preserved significant building shall be granted until reviewed by the commission as though the property were designated as a historic site or structure under section 105-1006. Until the expiration of the 90-day delay period, the commission shall review all construction, demolition, or alteration that affects the exterior architectural features, other than color, of the structure on the premises of a preferably preserved significant building.

(l) *Emergency demolition*. Nothing in this section shall prevent the construction, reconstruction, alteration or demolition of any feature which the building inspector shall certify is required for public safety because of an unsafe or dangerous condition.

(m) *Enforcement*. the city is authorized to institute any and all actions and proceedings, in law or in equity, as it may deem necessary and appropriate to obtain compliance with the requirements of this section or to prevent a threatened violation thereof.

(n) *Building permit to be withheld*. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished otherwise than pursuant to a demolition permit granted after compliance with the provisions of this section for a period of one year after the date of the completion of such demolition. As used in this section, the term "premises" refers to the parcel of land upon which the demolished building was located and all adjoining parcels of land under common ownership or control.

(o) *Securing of building required*. Upon a determination by the commission that a building is a preferably preserved significant building, the owner shall be

responsible for properly securing the building in compliance with the regulations of the building inspection department. Should the owner fail to so secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of subsection (h) of this section.

(p) Nothing in this section shall be deemed to conflict with the provisions of section 105-1006 regarding demolition of historic structures within historic districts, or interim controls of nominated structures or structures within nominated historic districts.

(Ord. of 2-7-2020, § 15.916)

Sec 105-1008 Purpose Of Administrative Regulations

The purpose of this portion of the article is to establish the administrative and enforcement framework for the application of this chapter.

(Ord. of 2-7-2020, § 15.931)

Sec 105-1009 Zoning Administrator

(a) *Designation*. The zoning administrator or a designee of the zoning administrator is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duty of the zoning administrator is to interpret and administer this chapter and to issue, after on-site inspection, all permits required by this chapter.

(b) *Duties*. The provisions of this chapter shall be administered and enforced by the zoning administrator or a designee, who in addition thereto and in furtherance of said authority shall:

(1) Determine that all detailed site analyses, building permits, sign permits, site plans, (and their constituent plans) comply with all provisions of this chapter.

(2) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this chapter.

(3) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this section. If refused entry after presentations of proper identification, the zoning administrator may procure a special inspection warrant in accordance with Wis. Stats. § 66.122.

(4) Maintain permanent and current records of this chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefor.

(5) Record the first-floor elevations of all structures erected, moved, altered, or improved in the floodland districts.

(6) Receive, file and forward all applications for any and all procedures governed by this chapter to the designated official bodies.

(7) Investigate all complaints made relating to the location of structures and the use of structures lands, and waters, give notice of all violations of this article to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the city attorney in a manner specified by the attorney.

(8) Institute, in the name of the city, any appropriate actions or proceedings against a violator of this chapter, as provided by law.

(9) Prohibit the use or erection of any structure, on land or water until inspection and approval of such use or erection.

(10) Where useful, the zoning administrator, or administrator's agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.

(11) Request assistance and cooperation from the city police department and city attorney as deemed necessary.

(12) Make available to the public, to the fullest extent possible, all reports and documents concerning the city's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The city council may set fees necessary to recover the cost of providing information to the public.

(13) Grant minor variations from the dimensional (setback, height, and area) requirements of this chapter; up to a maximum variation of five percent for setbacks and height limitations; and up to a maximum variation of five percent or 1,000 square feet for area requirements (whichever is less); so long as the spirit and intent of the performance standards are preserved.

(Ord. of 2-7-2020, § 15.932)

Sec 105-1010 Plan Commission

(a) The plan commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the city to the city council, other public officials and other interested organizations and citizens. The commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys.

(b) In general, the plan commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this article, its functions are primarily recommendatory to the city council pursuant to guidelines set forth in this article as to various matters, and always being mindful of the intent and purpose of this article.

(c) Recommendations shall be in writing. A recording thereof in the commission's minutes shall constitute the required written recommendation. The commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

(Ord. of 2-7-2020, § 15.933)

Sec 105-1011 Zoning Board Of Appeals

(a) *Powers and duties*. The zoning board of appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this chapter (see section 105-1002); or appeals regarding an interpretation of the zoning administrator of the provisions of this chapter (see section 105-1003).

(1) *Establishment and membership*. A zoning board of appeals is hereby established. The zoning board of appeals shall consist of five members appointed by the mayor, subject to confirmation by the city council, for three years, except that of those first appointed, one shall serve for one year; two for two years. The members shall serve without compensation and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The mayor shall appoint, subject to confirmation of the city council for staggered terms of three years, two alternate members of such board, in addition to the five members provided for above. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the third Tuesday in April. Terms of office shall commence May 1. The building inspector clerk shall serve as secretary of the board. The board of appeals may employ other employees.

(2) *Organization*. The board of appeals shall adopt rules for its government and procedure. Meetings of the board of appeals shall be held at the call of the chairperson, and at such other times as the board of appeals may determine. The chairperson or, in the chairperson's absence, an elected acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(b) *Record of minutes*. The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of appeals, which is the building inspector's office, and shall be a public record.

(c) *Powers*.

(1) The board of appeals shall have the following powers:

a. To hear and decide appeals when it is alleged there is error in any order.

b. To hear and decide special exceptions to the terms of this article upon which the board of appeals is required to pass.

c. To authorize, upon appeal in specific cases, such variance from the terms of this article as will not be contrary to the public interest, when owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

d. Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this article, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(2) In exercising the above-listed powers, the board of appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination in its opinion ought to be made in the premises and to that end shall have all the powers of the zoning administrator or other administrative officer from whom the appeal is taken. If a quorum is present, the board of appeals may take action under this subsection by a majority of the members.

(3) In addition to the foregoing powers, the board of appeals shall have the following specific powers:

a. To interpret the provisions of this article in such a way as to carry

out the intent and purpose of the plan, as shown on the zoning map accompanying and made a part of this article, where the street layout actually on the ground varies from the street layout on the aforesaid map.

b. The board of appeals shall have the power to call on any other city department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

c. To permit the substitution of a nonconforming use with another nonconforming use with similar characteristics per the requirements of section 105-747(g).

d. Except as specifically provided, no action of the board of appeals shall have the effect of permitting in any district uses prohibited in such districts.

(d) *Appeals*. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of appeals, by filing with the officers from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the city council. The officers from whom the appeal is taken shall forthwith transmit to the board of appeals all papers constituting the record of appeals upon which the action appealed from was taken. The board of appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide to same within a reasonable time.

(e) *Notice of hearing*. The board of appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing to the fee owners of record of all land within 100 feet of any part of the subject building or premises involved in the appeal.

(f) *Hearings*. Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the board. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Decisions of the board following the public hearing may be made either in public or closed session as the board shall determine.

(g) *Findings*.

(1) Findings of the fact and reasons for all actions taken shall be reduced by the board to writing in the minutes of the proceedings.

(2) In the case of appeal based on variance, for the same to be granted, the findings shall affirmatively show the following together with the fact and the grounds therefor:

a. A literal enforcement of the terms of city zoning regulations would result in practical difficulty or unnecessary hardship to the appellant.

b. The variance is not contrary to the public interest and will not endanger public safety.

c. The variance is in accordance with the spirit of city zoning regulations.

d. The variance will cause substantial justice to be done.

(3) Further to be considered by the board in case of appeal based on variance, in arriving at its reasons and grounds for the above-required findings, are the following.

(h) *Preservation of intent*. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

(i) *Exceptional circumstances*. There may be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general recurrent nature as to suggest that city zoning regulations should be changed.

(j) *Economic hardship and self-imposed hardship not grounds for variance*. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

(k) *Preservation of property rights*. Such variance may be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(l) *Absence of detriment*. Such variance should not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this article or the public interest.

(m) *Decision*. The zoning board of appeals shall decide all appeals and applications

within 30 days after the public hearing and shall transmit a signed copy of the board's decision to the appellant or applicant, zoning administrator, and city plan commission.

(1) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(2) Variances, substitutions, or use permits granted by the board shall expire within six months unless substantial work has commenced pursuant to such grant.

(3) Applicants receiving variances in floodlands shall be notified, in writing, by the board of appeals that increased flood insurance premiums and risk to life or property may result from the granting of the variance. The board shall keep a record of the notification in its files.

(n) *Review by court of record*. Any persons aggrieved by any decision of the board of appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the board.

(Ord. of 2-7-2020, § 15.934)

Sec 105-1012 Architectural Review Board

(a) *Architectural review board*.

(1) *Composition*. An architectural review board consisting of seven members shall be appointed by the mayor subject to confirmation by the city council. Members of the architectural review board need not be city residents. The members of the architectural review board shall serve a term of three years. At least three members of the architectural review board shall be architects, including landscape architects, licensed to practice by the state, one member shall be a real estate broker licensed by the state, one member shall be a general contractor licensed by the city, and one member shall be a member of the plan commission. One of the members of the architectural review board shall be designated by the mayor as the chairperson and shall hold office as chairperson until a successor is appointed. The mayor shall have the power to remove any member of the architectural review board for cause upon written charges and after a public hearing. Vacancies upon the architectural review board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of such member.

(2) *Jurisdiction and authority*. The architectural review board is hereby vested

with the jurisdiction and authority to review applications for approval of the exterior architectural features and design of buildings and other structures in all instances in which such approval is required by subsection (b) of this section.

(3) *Meetings and rules of the architectural review board*. The architectural review board shall be subject to the same requirements and restrictions with respect to its meetings and rules as are contained in this section, relating to meetings and rules of the zoning board of appeals.

(4) *Finality of decisions of the architectural review board*. All decisions and findings of the architectural review board shall be subject to review by the plan commission in the same manner as is provided by section 105-1003 relating to appeals from decisions and determinations of the building inspector except that the plan commission shall hear said appeal utilizing the same procedures as the zoning board of appeals.

(b) *Architectural approval*.

(1) *Required approvals*. No building permit for any new nonresidential building or structure to be hereafter erected in the city, and any addition to, or alteration of nonresidential buildings or structures which alters more than 20 percent of the area of any facade of the building or structure shall be issued unless the exterior architectural features and design of such building or structure have been approved by the architectural review board. Exact replacements of architectural components are exempt from this provision.

(2) *Application for architectural approval*. An application for a building permit for a building or other structure for which the approval of the architectural review board is required shall be accompanied by the following additional documents and drawings:

a. A scale drawing of all exterior elevations showing the design and appearance of the proposed building or structure.

b. A written description of the general design, arrangement, texture, material and color of the building or structure and the relationship of such factors to similar features of buildings located within the same block or located along the frontage of any block across the street from the proposed building or structure for which architectural approval is sought.

(3) *Standards for architectural approval*. The architectural review board shall inspect the site of the proposed building or other structure for which architectural approval is sought and the immediate neighborhood of such site. After examining all of the drawings and documents submitted with

the application for a building permit and for architectural approval, the architectural review board shall approve the architecture and design of the proposed building or structure whenever it shall find that:

a. The exterior architectural features, including general design, arrangement, texture, color and materials will be consistent and in harmony with the exterior architectural appeal and functional plan of the buildings located within the same block or located along the frontage of any block across the street from the proposed building or structure.

b. The construction of the proposed building or structure will not cause a substantial depreciation in the value of the property in the same block or located along the frontage of any block across the street from the proposed building or structure because of its dissimilarity to, or failure to harmonize with, the buildings located on such property.

c. The architectural review board shall not consider the interior arrangement of buildings for which architectural approval is sought.

d. *Meetings by the architectural review board*. All applications for architectural approval of a building or structure shall be considered by the architectural review board at a public meeting. A notice of the date, time, place and subject of the meeting shall be provided.

(Ord. of 2-7-2020, § 15.935)

Sec 105-1013 Fees

(a) *Fees for procedures requested by a private party*. The following fees are hereby established and required:

(1) Text amendment.*

(2) Zoning map amendment.*

(3) Special use: $100.00.*

(4) Conditional use: $250.00.*

(5) Temporary use: $0.00.*

(6) Sign permit: $50.00 minimum or $0.50 per square foot of sign area.*

(7) Site plan: $100.00.*

(8) Variance: $250.00.*

(9) Appeal: $250.00.*

(10) Zoning verification letter: $50.00.

(11) Communication tower.

a. New tower or substantial modification: $3,000.00.

b. Nonsubstantial modification: $500.00.

(12) Architectural review: $100.00.

*Base fee may be modified by subsection (d) of this section.

(b) *Fees for procedures requested by the city*. There shall be no fee in the case of applications filed in the public interest by the city council or the plan commission, other agency, or official of the city.

(c) *Payment of fees*. Fees shall be payable at the time applications are filed with the appropriate city officer (per the requirements of this chapter) and are not refundable.

(d) *Professional consultant review services*. The city may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the city's review of a proposal coming before the plan commission. The city may apply the charges for these services to the applicant. The city may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the applicant. The submittal of a development proposal application or petition by an applicant shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to an applicant, but which are not paid, may be assigned by the city as a special assessment to the subject property.

(Ord. of 2-7-2020, § 15.936)

Sec 105-1014 Violations And Penalties

(a) *Violation of this chapter*. It shall be unlawful to construct or use any land, engage in any development activity, including disruption of protected vegetation, or construct or use any structure, land or water in violation of any of the provisions of this chapter, or otherwise neglect, refuse or fail to comply with this chapter's requirements. Any person who violates or fails to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in subsection (b) of this section, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a

separate offense.

(b) *Penalties*. Any person, firm, or corporation who fails to comply with the provisions of this chapter or any order of the zoning administrator shall, upon conviction thereof, forfeit not less than $10.00 nor more than $200.00 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exits or continues shall constitute a separate offense.

(c) *City promulgated correction of violation*. In addition to any penalty imposed by this chapter for a violation of the provisions of this chapter, the city reserves and maintains the continued right to abate violations of this chapter.

(d) *Hazardous condition caused by violation of this chapter*. If the zoning administrator determines that a violation of this chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the zoning administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per subsection (c) of this section. The zoning administrator is hereby authorized to abate a violation of this chapter.

(e) *Non-hazardous condition caused by violation of this chapter*. If the zoning administrator determines that a violation of this chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the zoning administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current city tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the zoning administrator shall cause the violation to be abated per subsection (a) of this section. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per subsection (c) of this section.

(f) *Cost of abatement*. In addition to any other penalty imposed by this chapter for a violation of the provisions of this chapter, the cost of abating a violation of this chapter per subsection (a) or (b) of this section, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the city to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last-known address of said property owner by registered mail and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the city clerk shall enter such charge onto the tax roll as a special tax as provided by state law.

(Ord. of 2-7-2020, § 15.937)

CHAPTER 107 FLOODPLAIN ZONING

ARTICLE 107-I FLOODPLAIN ZONING IN GENERAL
ARTICLE 107-II STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS
ARTICLE 107-III FLOODWAY DISTRICT (FW)
ARTICLE 107-IV FLOODFRINGE DISTRICT (FF)
ARTICLE 107-V GENERAL FLOODPLAIN DISTRICT (GFP)
ARTICLE 107-VI NONCONFORMING USES
ARTICLE 107-VII ADMINISTRATION
ARTICLE 107-VIII AMENDMENTS

State law reference—Floodplain zoning generally, Wis. Stats. § 87.30.

ARTICLE 107-I FLOODPLAIN ZONING IN GENERAL

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Sec 107-17 Enforcement And Penalties

Sec 107-1 Statutory Authorization

This chapter is adopted pursuant to the authorization in Wis. Stats. § 62.23.

(Ord. No. 78-08-09, § 1(1.1), 3-2-2009)

Sec 107-2 Finding Of Fact

Uncontrolled development and use of the floodplains and rivers of the city would impair the public health, safety, convenience, general welfare and tax base.

(Ord. No. 78-08-09, § 1(1.2), 3-2-2009)

Sec 107-3 Statement Of Purpose

This chapter is intended to regulate floodplain development to:

(a) Protect life, health and property;

(b) Minimize expenditures of public funds for flood control projects;

(c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(d) Minimize business interruptions and other economic disruptions;

(e) Minimize damage to public facilities in the floodplain;

(f) Minimize the occurrence of future flood blight areas in the floodplain;

(g) Discourage the victimization of unwary land and homebuyers;

(h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(Ord. No. 78-08-09, § 1(1.3), 3-2-2009)

Sec 107-4 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A Zones means those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory structure or use means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Building. See *Structure*.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to Wis.

Stats. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this chapter.

Campground means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

Camping unit means any portable device, no more than 400 square feet in area, used as a temporary shelter, including, but not limited to, a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

Certificate of compliance means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Crawlways or crawl space means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Deck means an unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.

Department means the state department of natural resources.

Development means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Dryland access means a vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Encroachment means any fill, structure, equipment, building, use or development in the floodway.

Existing manufactured home park or subdivision means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of the ordinance from which this chapter is derived. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

Expansion to existing mobile/manufactured home park means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

(a) The overflow or rise of inland waters;

(b) The rapid accumulation or runoff of surface waters from any source;

(c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or

(d) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent chance of occurring in any given year.

Flood hazard boundary map means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood insurance rate map (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood insurance study (FIS) means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and

base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood profile means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (See *Freeboard*.)

Flood storage means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodfringe means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

Floodplain means land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodproofing means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Freeboard means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or streambed.

Habitable structure means any structure or portion thereof used or designed for human habitation.

Hearing notice means publication or posting meeting the requirements of Wis. Stats. ch. 985. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

High flood damage potential means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic structure means any structure that is either:

(a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

Increase in regional flood height means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Land use means any nonstructural use made of unimproved or improved real estate. (See *Development*.)

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a mobile recreational vehicle.

Mobile recreational vehicle means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be

self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of the term "mobile recreational vehicles."

Municipality or municipal means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

National Geodetic Vertical Datum (NGVD) means elevations referenced to mean sea level datum, 1929 adjustment.

New construction means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, the term "new construction" includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming structure means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming use means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

North American Vertical Datum (NAVD) means elevations referenced to mean sea level datum, 1988 adjustment.

Obstruction to flow means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official floodplain zoning map means that map, adopted and made part of this chapter, as described in section 107-6, which has been approved by the department and FEMA.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

Ordinary highwater mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by

erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Private sewage system means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Public utilities means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Reasonably safe from flooding means base floodwaters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Regional flood means a flood determined to be representative of large floods known to have occurred in the state. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Subdivision means has the meaning given in Wis. Stats. § 236.02(12).

Substantial damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Unnecessary hardship means where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Variance means an authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this chapter.

Violation means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water surface profile means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Watershed means the entire region contributing runoff or surface water to a watercourse or body of water.

Well means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. No. 78-08-09, § 1(10.0), 3-2-2009)

Sec 107-5 Areas To Be Regulated

This chapter regulates all areas that would be covered by the regional flood or base flood. Note. Base flood elevations are derived from the flood profiles in the flood insurance study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A Zones on the flood insurance rate map.

(Ord. No. 78-08-09, § 1(1.5)(1), 3-2-2009)

Sec 107-6 Official Maps And Revisions

(a) *Boundaries*. The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed in subsection (b) of this section. Any change to the base flood elevations (BFE) in the flood insurance study (FIS) or

on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the department of city development. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) *Official maps*. Based on the FIS: Flood insurance rate map (FIRM) panel numbers 55117C0217F, 55117C0219F, 55117C0236F, 55117C0237F, 55117C0238F, 55117C0239F, 55117C0332F, 55117C0334F, 55117C0351F, 55117C0352F, 55117C0353F, 55117C0354F, dated April 2, 2009; with corresponding profiles that are based on the flood insurance study (FIS) for Sheboygan County and Incorporated Areas, (Volume 55117CV000A) dated April 2, 2009; approved by: The DNR and FEMA.

(Ord. No. 78-08-09, § 1(1.5)(2), 3-2-2009)

Sec 107-7 Establishment Of Districts

The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

(b) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

(c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(Ord. No. 78-08-09, § 1(1.5)(3), 3-2-2009)

Sec 107-8 Locating Floodplain Boundaries

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsections (a) or (b) of this section. If a significant difference exists, the map shall be amended according to article 107-VIII. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to section 107-169(c) and the criteria in subsections (a) and (b) of this section.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the

district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the department. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to section 107-198(f).

(Ord. No. 78-08-09, § 1(1.5)(4), 3-2-2009)

Sec 107-9 Removal Of Lands From Floodplain

Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to article 107-VIII. This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a letter of map change (LOMC).

(Ord. No. 78-08-09, § 1(1.5)(5), 3-2-2009)

Sec 107-10 Compliance

Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable local, state, and federal regulations.

(Ord. No. 78-08-09, § 1(1.5)(6), 3-2-2009)

Sec 107-11 Municipalities And State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation is exempt when Wis. Stats. § 30.2022 applies.

(Ord. No. 78-08-09, § 1(1.5)(7), 3-2-2009)

Sec 107-12 Abrogation And Greater Restrictions

(a) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. § 62.23, which relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(Ord. No. 78-08-09, § 1(1.5)(8), 3-2-2009)

Sec 107-13 Interpretation

In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the common council and are not a limitation on or repeal of any other powers granted by state law. If a provision of this chapter, required by Wis. Admin. Code ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of the ordinance from which this chapter is derived or in effect on the date of the most recent text amendment to this chapter.

(Ord. No. 78-08-09, § 1(1.5)(9), 3-2-2009)

Sec 107-14 Warning And Disclaimer Of Liability

The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur, or the flood height may be increased by manmade or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

(Ord. No. 78-08-09, § 1(1.5)(10), 3-2-2009)

Sec 107-15 Annexed Areas For Cities And Villages

The county floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116 and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(Ord. No. 78-08-09, § 1(1.5)(12), 3-2-2009)

Sec 107-16 General Development Standards

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter.

(Ord. No. 78-08-09, § 1(1.5)(13), 3-2-2009)

Sec 107-17 Enforcement And Penalties

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than $50.00 and not more than $250.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats. § 87.30.

(Ord. No. 78-08-09, § 1(9.0), 3-2-2009)

ARTICLE 107-II STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sec 107-38 Hydraulic And Hydrologic Analyses
Sec 107-39 Watercourse Alterations
Sec 107-40 Wis Stats Chs 30, 31, Development
Sec 107-41 Public Or Private Campgrounds

Sec 107-38 Hydraulic And Hydrologic Analyses

(a) Except as allowed in subsection (c) of this section, no floodplain development shall:

(1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection (c) of this section are met.

(c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with article 107-VIII.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(Ord. No. 78-08-09, § 1(2.1), 3-2-2009)

Sec 107-39 Watercourse Alterations

(a) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

(b) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(Ord. No. 78-08-09, § 1(2.2), 3-2-2009)

Sec 107-40 Wis Stats Chs 30, 31, Development

Development which requires a permit from the department, under Wis. Stats. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to article 107-VIII.

(Ord. No. 78-08-09, § 1(2.3), 3-2-2009)

Sec 107-41 Public Or Private Campgrounds

Public or private campgrounds shall have a low flood damage potential and shall meet

the following provisions:

(a) The campground is approved by the department of health and family services.

(b) A land use permit for the campground is issued by the zoning administrator.

(c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.

(d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

(e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in subsection (d) of this section, to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.

(f) Only camping units are allowed.

(g) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.

(h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

(i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

(j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either article III or IV of this chapter for the floodplain district in which the structure is located.

(k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

(l) All service facilities, including, but not limited to, refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(Ord. No. 78-08-09, § 1(2.4), 3-2-2009)

ARTICLE 107-III FLOODWAY DISTRICT (FW)

Sec 107-71 Applicability
Sec 107-72 Permitted Uses
Sec 107-73 Standards For Developments In Floodway Areas
Sec 107-74 Prohibited Uses

Sec 107-71 Applicability

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to section 107-120.

(Ord. No. 78-08-09, § 1(3.1), 3-2-2009)

Sec 107-72 Permitted Uses

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

(a) They are not prohibited by any other ordinance;

(b) They meet the standards in sections 107-73 and 107-74; and

(c) All permits or certificates have been issued according to section 107-167:

(1) Agricultural uses, such as: Farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of section 107-73(d).

(4) Uses or structures accessory to open space uses or classified as historic structures that comply with sections 107-73 and 107-74.

(5) Extraction of sand, gravel or other materials that comply with section 107-73(d).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stats. chs. 30 and 31.

(7) Public utilities, streets and bridges that comply with section 107-73(c).

(Ord. No. 78-08-09, § 1(3.2), 3-2-2009)

Sec 107-73 Standards For Developments In Floodway Areas

(a) *Generally*.

(1) Any development in floodway areas shall comply with article 107-II of this chapter and have a low flood damage potential.

(2) Applicants shall provide the following data to determine the effects of the proposal according to section 107-38:

a. A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

b. An analysis calculating the effects of this proposal on regional flood height.

(3) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection (b) of this section.

(b) *Structures*. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(1) The structure is not designed for human habitation and does not have a high flood damage potential;

(2) It must be anchored to resist flotation, collapse, and lateral movement;

(3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(4) It must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

(c) *Public utilities, streets and bridges*. Public utilities, streets and bridges may be allowed by permit, if:

(1) Adequate floodproofing measures are provided to the flood protection elevation; and

(2) Construction meets the development standards of section 107-38.

(d) *Fills or deposition of materials*. Fills or deposition of materials may be allowed by permit, if:

(1) The requirements of section 107-38 are met;

(2) No material is deposited in the navigable channel unless a permit is issued by the department pursuant to Wis. Stats. ch. 30, and a permit pursuant to section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344 has been issued, if applicable, and the other requirements of this section are met;

(3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(4) The fill is not classified as a solid or hazardous material.

(Ord. No. 78-08-09, § 1(3.3), 3-2-2009)

Sec 107-74 Prohibited Uses

All uses not listed as permitted uses in section 107-72 are prohibited, including the following uses:

(a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code ch. SPS 383;

(e) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and NR 812;

(f) Any solid or hazardous waste disposal sites;

(g) Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code NR 110.15(3)(b);

(h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Ord. No. 78-08-09, § 1(3.4), 3-2-2009)

ARTICLE 107-IV FLOODFRINGE DISTRICT (FF)

Sec 107-92 Applicability
Sec 107-93 Permitted Uses
Sec 107-94 Standards For Development In Floodfringe Areas Shall Apply In Addition To The Following Requirements According To The Use Requested

Sec 107-92 Applicability

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to section 107-120.

(Ord. No. 78-08-09, § 1(4.1), 3-2-2009)

Sec 107-93 Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in section 107-94 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in section 107-120 have been issued.

(Ord. No. 78-08-09, § 1(4.2), 3-2-2009)

Sec 107-94 Standards For Development In Floodfringe Areas Shall Apply In Addition To The Following Requirements According To The Use Requested

(a) *Residential uses*. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards:

(1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;

(2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

(3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (d) of this section;

(4) In developments where existing street or sewer line elevations make compliance with subsection (c) of this section impractical, the municipality may permit new development and substantial improvements where

access roads are at or below the regional flood elevation, if:

a. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structures by wheeled vehicles during a regional flood event; or

b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the department.

(b) *Accessory structures or uses*.

(1) Except as provided in subsection (b)(2) of this section, an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.

(2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than $10,000.00 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of section 107-73(b) and subsection (e) of this section.

(c) *Commercial uses*. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of subsection (a) of this section. Subject to the requirements of subsection (e) of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(d) *Manufacturing and industrial uses*. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in section 107-171. Subject to the requirements of subsection (e) of this section, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) *Storage of materials*. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with section 107-171. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(f) *Public utilities, streets and bridges*. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and:

(1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential,

construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with section 107-171 to the flood protection elevation;

(2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(g) *Sewage systems*. All on-site sewage disposal systems shall be floodproofed, pursuant to section 107-171, to the flood protection elevation and shall meet the provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.

(h) *Wells*. All wells shall be floodproofed, pursuant to section 107-171, to the flood protection elevation and shall meet the provisions of Wis. Admin. Code chs. NR 811 and NR 812.

(i) *Solid waste disposal sites*. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(j) *Deposition of materials*. Any deposited material must meet all the provisions of this article.

(k) *Manufactured homes*.

(1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

a. Have the lowest floor elevated to the flood protection elevation; and

b. Be anchored so they do not float, collapse or move laterally during a flood.

(3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in subsection (a) of this section.

(l) *Mobile recreational vehicles*. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsection (k)(2) and (3) of this section. A mobile recreational vehicle is ready for highway use if it is on its

wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Ord. No. 78-08-09, § 1(4.3), 3-2-2009)

ARTICLE 107-V GENERAL FLOODPLAIN DISTRICT (GFP)

Sec 107-117 Applicability
Sec 107-118 Permitted Uses
Sec 107-119 Standards For Development In The General Floodplain District
Sec 107-120 Determining Floodway And Floodfringe Limits

Sec 107-117 Applicability

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available, but floodways have not been delineated. Floodway and Floodfringe Districts shall be delineated when adequate data is available.

(Ord. No. 78-08-09, § 1(5.1), 3-2-2009)

Sec 107-118 Permitted Uses

(a) Pursuant to section 107-120, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

(b) Those uses permitted in floodway (section 107-72) and floodfringe areas (section 107-93) are allowed within the General Floodplain District, according to the standards of section 107-119, provided that all permits or certificates required under section 107-167 have been issued.

(Ord. No. 78-08-09, § 1(5.2), 3-2-2009)

Sec 107-119 Standards For Development In The General Floodplain District

Article 107-III applies to floodway areas and article 107-IV applies to floodfringe areas. The rest of this chapter applies to either district.

(Ord. No. 78-08-09, § 1(5.3), 3-2-2009)

Sec 107-120 Determining Floodway And Floodfringe Limits

Upon receiving an application for development within the General Floodplain District, the zoning administrator shall:

(a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with

a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures;

(b) Require the applicant to furnish any of the following information deemed necessary by the department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

(1) A typical valley cross section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information;

(2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

(3) Profile showing the slope of the bottom of the channel or flow line of the stream;

(4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(c) Transmit one copy of the information described in subsections (a) and (b) of this section to the department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of section 107-167(b)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(Ord. No. 78-08-09, § 1(5.4), 3-2-2009)

ARTICLE 107-VI NONCONFORMING USES

Sec 107-139 Generally
Sec 107-140 Floodway Areas
Sec 107-141 Floodfringe Areas

Sec 107-139 Generally

(a) *Applicability*. If these standards conform with Wis. Stats. § 62.23(7)(h), for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of the ordinance from which this chapter is derived or any amendment thereto.

(b) *Modifications*. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

(1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The terms "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

(2) The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(3) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter.

(4) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.

(5) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 107-94(a). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this section.

(c) *Replacement and restoration*.

(1) Except as provided in subsection (c)(2) of this section, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's present equalized assessed value.

(2) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR part 60), or the regulations promulgated thereunder.

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with section 107-73(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with section 107-171 are used.

(Ord. No. 78-08-09, § 1(6.1), 3-2-2009)

Sec 107-140 Floodway Areas

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(1) Has been granted a permit or variance which meets all ordinance requirements;

(2) Meets the requirements of section 107-139;

(3) Will not increase the obstruction to flood flows or regional flood height;

(4) Any addition to the existing structure shall be floodproofed, pursuant to section 107-171, by means other than the use of fill, to the flood protection elevation;

(5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for

every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

d. The use must be limited to parking or limited storage.

(b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code ch. SPS 383.

(c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code chs. NR 811 and NR 812.

(Ord. No. 78-08-09, § 1(6.2), 3-2-2009)

Sec 107-141 Floodfringe Areas

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in section 107-94, except where subsection (b) of this section is applicable.

(b) Where compliance with the provisions of subsection (a) of this section would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in section 107-169, may grant a variance from those provisions of subsection (a) of this section for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

(1) No floor is allowed below the regional flood elevation for residential or commercial structures;

(2) Human lives are not endangered;

(3) Public facilities, such as water or sewer, will not be installed;

(4) Flood depths will not exceed two feet;

(5) Flood velocities will not exceed two feet per second; and

(6) The structure will not be used for storage of materials as described in section 107-94(e).

(c) If neither the provisions of subsection (a) or (b) of this section can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:

(1) Meets all other regulations and will be granted by permit or variance;

(2) Does not exceed 60 square feet in area; and

(3) In combination with other previous modifications or additions to the building, does not equal or exceed 50 percent of the present equalized assessed value of the building.

(d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.

(e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and Wis. Admin. Code chs. NR 811 and 812.

(Ord. No. 78-08-09, § 1(6.3), 3-2-2009)

ARTICLE 107-VII ADMINISTRATION

Sec 107-166 Appointment
Sec 107-167 Zoning Administrator
Sec 107-168 Zoning Agency
Sec 107-169 Board Of Adjustment/Appeals
Sec 107-170 To Review Appeals Of Permit Denials
Sec 107-171 Floodproofing Certification
Sec 107-172 Public Information

Sec 107-166 Appointment

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats. § 62.23(7), those officials shall also administer this chapter.

Sec 107-167 Zoning Administrator

(a) *Duties and powers*. The zoning administrator is authorized to administer this chapter and shall have the following duties and powers:

(1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(2) Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.

(3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

(4) Keep records of all official actions such as:

a. All permits issued, inspections made, and work approved;

b. Documentation of certified lowest floor and regional flood elevations for floodplain development;

c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;

d. All substantial damage assessment reports for floodplain structures.

(5) Submit copies of the following items to the department regional office:

a. Within ten days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

b. Copies of any case-by-case analyses, and any other information required by the department including an annual summary of the number and types of floodplain zoning actions taken;

c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(6) Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.

(7) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(b) *Land use permit*. A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or

structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(1) *General information*.

a. Name and address of the applicant, property owner and contractor;

b. Legal description, proposed use, and whether it is new construction or a modification.

(2) *Site development plan*. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

a. Location, dimensions, area and elevation of the lot;

b. Location of the ordinary highwater mark of any abutting navigable waterways;

c. Location of any structures with distances measured from the lot lines and street centerlines;

d. Location of any existing or proposed on-site sewage systems or private water supply systems;

e. Location and elevation of existing or future access roads;

f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of article III or IV of this chapter are met; and

i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to section 107-38. This may include any of the information noted in section 107-73(a).

(3) *Data requirements to analyze developments*.

a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as the term "subdivision" is defined in Wis. Stats. ch. 236, and other

proposed developments exceeding five acres in area or where the estimated cost exceeds $125,000.00. The applicant shall provide:

1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
2. A map showing location and details of vehicular access to lands outside the floodplain; and
3. A surface drainage plan showing how flood damage will be minimized.

b. The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

(4) *Expiration*. All permits issued under the authority of this chapter shall expire 365 days after issuance.

(c) *Certificate of compliance*. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter;

(2) Application for such certificate shall be concurrent with the application for a permit;

(3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed;

(4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of section 107-171.

(d) *Other permits*. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 USC 1344.

(Ord. No. 78-08-09, § 1(7.1), 3-2-2009)

Sec 107-168 Zoning Agency

(a) The city planning commission shall:

(1) Oversee the functions of the office of the zoning administrator; and

(2) Review and advise the governing body on all proposed amendments to this chapter, maps and text.

(b) This zoning agency shall not:

(1) Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals; or

(2) Amend the text or zoning maps in place of official action by the common council.

(Ord. No. 78-08-09, § 1(7.2), 3-2-2009)

Sec 107-169 Board Of Adjustment/Appeals

The board of adjustment/appeals, created under Wis. Stats. § 62.23(7)(e) is hereby authorized or shall be appointed to act for the purposes of this chapter. The board shall exercise the powers conferred by state statute and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the board.

(a) *Powers and duties*. The board of adjustment/appeals shall hear and decide:

(1) Appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.

(2) Disputes concerning the district boundaries shown on the official floodplain zoning map.

(3) Upon appeal, variances from the ordinance standards.

(b) *Appeals to the board*.

(1) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records

regarding the matter appealed.

(2) Notice and hearing for appeals including variances.

a. *Notice*. The board shall:

1. Fix a reasonable time for the hearing;
2. Publish adequate notice pursuant to state statute, specifying the date, time, place and subject of the hearing;
3. Assure that notice shall be mailed to the parties in interest and the department regional office at least ten days in advance of the hearing.

b. *Hearing*. Any party may appear in person or by agent. The board shall:

1. Resolve boundary disputes according to subsection (c) of this section.
2. Decide variance applications according to subsection (d) of this section.
3. Decide appeals of permit denials according to section 107-170.

(3) *Decision*. The final decision regarding the appeal or variance application shall:

a. Be made within a reasonable time;

b. Be sent to the department regional office within ten days of the decision;

c. Be a written determination signed by the chairperson or secretary of the board;

d. State the specific facts which are the basis for the board's decision;

e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;

f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

(c) *Boundary disputes*. The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:

(1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

(2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.

(3) If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the common council for a map amendment according to article VIII of this chapter.

(d) *Variance*.

(1) The board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:

a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;

b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

c. The variance is not contrary to the public interest; and

d. The variance is consistent with the purpose of this chapter in section 107-3.

(2) In addition to the criteria in subsection (d)(1) of this section to qualify for a variance under FEMA regulations, the following criteria must be met:

a. The variance may not cause any increase in the regional flood elevation;

b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;

c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(3) A variance shall not:

a. Grant, extend or increase any use prohibited in the zoning district.

b. Be granted for a hardship based solely on an economic gain or loss.

c. Be granted for a hardship which is self-created.

d. Damage the rights or property values of other persons in the area.

e. Allow actions without the amendments to this chapter or maps required in section 107-198.

f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(4) When a floodplain variance is granted, the board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

(Ord. No. 78-08-09, § 1(7.3), 3-2-2009)

Sec 107-170 To Review Appeals Of Permit Denials

(a) The zoning agency (section 107-168) or board shall review all data related to the appeal. This may include:

(1) Permit application data listed in section 107-167(b).

(2) Floodway/floodfringe determination data in section 107-120.

(3) Data listed in section 107-73(a)(2) where the applicant has not submitted this information to the zoning administrator.

(4) Other data submitted with the application or submitted to the board with the appeal.

(b) For appeals of all denied permits the board shall:

(1) Follow the procedures of section 107-169;

(2) Consider zoning agency recommendations; and

(3) Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation the board shall:

(1) Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all

appropriate legal arrangements are made with all adversely affected property owners.

(2) Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(Ord. No. 78-08-09, § 1(7.4), 3-2-2009)

Sec 107-171 Floodproofing Certification

(a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

(b) Floodproofing measures shall be designed to:

(1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(2) Protect structures to the flood protection elevation;

(3) Anchor structures to foundations to resist flotation and lateral movement; and

(4) Ensure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

(c) Floodproofing measures could include:

(1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure.

(2) Adding mass or weight to prevent flotation.

(3) Placing essential utilities above the flood protection elevation.

(4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

(5) Constructing water supply wells and waste treatment systems to prevent the entry of floodwaters.

(6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(Ord. No. 78-08-09, § 1(7.5), 3-2-2009)

Sec 107-172 Public Information

(a) Place marks on structures to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations shall be available and widely distributed.

(c) All real estate transfers should show what floodplain zoning district any real property is in.

(Ord. No. 78-08-09, § 1(7.6), 3-2-2009)

ARTICLE 107-VIII AMENDMENTS

Sec 107-198 Generally
Sec 107-199 Procedures

Sec 107-198 Generally

The common council may change or supplement the floodplain zoning district boundaries and this chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

(a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.

(b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.

(c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.

(d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

(e) Any upgrade to the floodplain zoning ordinance text required by Wis. Admin. Code § NR 116.05 or otherwise required by law, or for changes by the municipality.

(f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

Note: Consult the FEMA web site, www.fema.gov, for the map change fee schedule.

(Ord. No. 78-08-09, § 1(8.1), 3-2-2009)

Sec 107-199 Procedures

Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stats. § 62.23. Such petitions shall include all necessary data required by sections 107-120 and 107-167(b).

(a) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the common council. The amendment and notice of public hearing shall be submitted to the department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stats. § 62.23.

(b) No amendments shall become effective until reviewed and approved by the department.

(c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the common council.

(d) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the department, the zoning administrator's visual on-site inspections and other available information. (See section 107-8.)

(Ord. No. 78-08-09, § 1(8.2), 3-2-2009)

CHAPTER 109 SHORELAND-WETLAND ZONING

Sec 109-1 Statutory Authorization
Sec 109-2 Findings Of Fact And Purpose
Sec 109-3 Compliance
Sec 109-4 Municipalities And State Agencies Regulated
Sec 109-5 Abrogation And Greater Restrictions
Sec 109-6 Interpretation
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Sec 109-9 Effect Of Existing Land Division, Sanitary, Zoning And Other Regulations
Sec 109-10 Setbacks From The Water
Sec 109-11 Vegetative Buffer Zone
Sec 109-12 Definitions

Sec 109-1 Statutory Authorization

This chapter is adopted pursuant to the authorization in Wis. Stats. §§ 62.23 and 62.233.

(Ord. No. 30-14-15, § 1(1.1), 10-20-2014)

Sec 109-2 Findings Of Fact And Purpose

Uncontrolled use of shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The state legislature has delegated responsibility to all municipalities to:

(a) Promote the public health, safety, convenience and general welfare;

(b) Limit certain land use activities detrimental to shorelands; and

(c) Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas and restricting the removal of natural shoreland vegetation.

(Ord. No. 30-14-15, § 1(1.2), 10-20-2014)

Sec 109-3 Compliance

The use of shorelands within the shoreland area of the municipality shall be in full compliance with the terms of this chapter and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this chapter.

(Ord. No. 30-14-15, § 1(2.1), 10-20-2014)

Sec 109-4 Municipalities And State Agencies Regulated

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies.

(Ord. No. 30-14-15, § 1(2.2), 10-20-2014)

Sec 109-5 Abrogation And Greater Restrictions

(a) This chapter supersedes all the provisions of any other applicable municipal ordinance except that where another municipal ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(Ord. No. 30-14-15, § 1(2.3), 10-20-2014)

Sec 109-6 Interpretation

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the state statute or constitution.

(Ord. No. 30-14-15, § 1(2.4), 10-20-2014)

Sec 109-7 Applicability Of Shoreland District Regulations

The Shoreland Zoning District regulations apply only to the following shorelands:

(a) A shoreland that was annexed by the city after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stats. § 59.692; and

(b) A shoreland that before incorporation by the city was part of a town that was subject to a county shoreland zoning ordinance under Wis. Stats. § 59.692 if the date of incorporation was after April 30, 1994.

(Ord. No. 30-14-15, § 1(2.6), 10-20-2014)

Sec 109-8 District Boundaries

The Shoreland District areas regulated by this chapter shall include all the lands

(referred to herein as "shorelands") in the city that are:

(a) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the state department of natural resources surface water data viewer available on the DNR website or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

(b) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

(c) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the state department of natural resources for a final determination of navigability or ordinary highwater mark.

(d) Pursuant to Wis. Stats. § 61.353(7) or 62.233, the Shoreland District does not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.

(Ord. No. 30-14-15, § 1(2.6.1), 10-20-2014)

Sec 109-9 Effect Of Existing Land Division, Sanitary, Zoning And Other Regulations

The lands within the shoreland zoning district are subject to all applicable provisions of this Code. When the provisions of this article are more restrictive than other regulations in this Code, the provisions of this article shall apply.

(Ord. No. 30-14-15, § 1(2.6.2), 10-20-2014)

Sec 109-10 Setbacks From The Water

(a) *Principal building setbacks*.

(1) All principal buildings shall be set back at least 50 feet from the ordinary high-water mark.

(2) *Adjustment of shore yards*. A setback less than that required by subsection (a)(1) of this section may be allowed if all of the following

apply:

a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building; and

b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

(b) Accessory structures meeting all applicable requirements of the underlying zoning district and this Code may be placed in side and street yards.

(Ord. No. 30-14-15, § 1(3.1), 10-20-2014)

Sec 109-11 Vegetative Buffer Zone

Pursuant to Wis. Stats. § 61.353(3) or 62.233, a landowner must maintain a vegetative buffer zone, as follows:

(a) A person who owns shoreland property that contains vegetation must maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in subsection (b) of this section.

(b) If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

(c) A person who is required to maintain or establish a vegetative buffer zone under subsection (a) of this section may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and extends no more than 35 feet inland from the ordinary high-water mark.

(Ord. No. 30-14-15, § 1(4.1), 10-20-2014)

Sec 109-12 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Principal building means the main building or structure on a single lot or parcel of land

and includes any attached garage or attached porch.

Shoreland setback area has the meaning given in Wis. Stats. § 59.692(1)(bn).

Shorelands has the meaning given in Wis. Stats. § 59.692(1)(b).

(Ord. No. 30-14-15, § 1(5.0), 10-20-2014)

CODE COMPARATIVE TABLE LEGISLATION

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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CODE COMPARATIVE TABLE 1997 CODE

This table gives the location within this Code of those sections of the 1997 Code, as updated through April 19, 2021, which are included herein. Sections of the 1997 Code, as updated, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature.

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94-152	42-202
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CODE COMPARATIVE TABLE 2007 CODE

This table gives the location within this Code of those sections of the 2007 Code, which are included herein. Sections of the 2007 Code, as updated, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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VIII

R. C. No. 19 - 23 - 24. By LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE. June 5, 2023.

Your Committee to whom was referred Direct Referral Res. No. 10-23-24 by Alderpersons Salazar and Felde establishing a Joint Municipal Court Advisory Committee to identify qualified candidates for interim appointment as the Sheboygan Area Municipal Court Judge; recommends adopting the Resolution.

_____ _____

_____ _____

_____ _____

Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

III

DIRECT REFERRAL TO LICENSING, HEARINGS, AND PUBLIC SAFETY COMMITTEE

Res. No. 10 - 23 - 24. By Alderpersons Salazar and Felde. May 24, 2023.

A RESOLUTION establishing a Joint Municipal Court Advisory Committee to identify qualified candidates for interim appointment as the Sheboygan Area Municipal Court Judge.

WHEREAS, the Honorable Natasha Torry, Sheboygan Area Municipal Court Judge, has been elected to serve as a Sheboygan County Circuit Court Judge effective August 1, 2023; and

WHEREAS, 2023 Sheboygan Municipal Code § 2-469(g) outlines the process for filling the vacant municipal court judge position until such time as an election may be held, and provides in relevant part as follows:

> Mid-term vacancies in the office of municipal judge shall be filled by temporary appointment jointly by the governing bodies of all municipalities served by the judge, pursuant to Wis. Stats., § 8.50(4)(fm). The salary of a municipal judge who is designated or appointed under Wis. Stats. § 8.50(4)(fm) or § 800.06 shall be determined by contract between the City of Sheboygan and the judge. The judge may not serve until the contract is entered into. The office shall then be permanently filled pursuant to state law.

and

WHEREAS, the Sheboygan Area Municipal Court currently serves the City of Sheboygan and the Village of Kohler.

NOW, THEREFORE, BE IT RESOLVED: That the City establishes a Joint Municipal Court Advisory Committee ("Committee") whose function shall be to make recommendations to the City's Common Council and the Kohler Village Board of candidates for temporary appointment as municipal judge pending election.

BE IT FURTHER RESOLVED: That the Committee shall consist of five total members; three of whom shall be appointed by the Mayor subject to confirmation by the City's Common Council. The remaining two members shall be selected by the Kohler Village Board. The municipal judge shall serve as ex-officio, non-voting member of the Committee.

_____

_____

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

Gen. Ord. No. 5 - 23 - 24. By Alderpersons Dekker and Rust. June 5, 2023.

AN ORDINANCE repealing various ordinances so as to remove the one-way street designation for South 19th Street, South 20th Street, South 21st Street, South 22nd Street, South 23rd Street, and South 24th Street between Indiana Avenue and Georgia Avenue; removing parking on the west side of South 19th Street, South 20th Street, South 21st Street, South 22nd Street, and South 24th Street between Indiana Avenue and Georgia Avenue; and removing parking on the east side of South 23rd Street between Indiana Avenue and Georgia Avenue.

WHEREAS, construction on Indiana Avenue is set to begin shortly, which will cause significant issues with travel on a number of streets south of Indiana Avenue that are currently signed as one-way streets; and

WHEREAS, the streets affected are narrow and will not be able to handle parking on both sides of the street if they are two-way streets; and

WHEREAS, it is anticipated that at some point this ordinance will be able to be repealed and the prior designations set back in place; and

WHEREAS, suspension of the rules is warranted to prevent certain residents from losing access to their homes should the one-way restrictions remain in place.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Gen. Ord. No. 27-72-73, which designated South 19th Street and South 20th Street between Indiana Avenue and Georgia Avenue a one-way street is hereby repealed.

Section 2. Gen. Ord. No. 67-79-80, which designated South 21st Street and South 22nd Street between Indiana Avenue and Georgia Avenue a one-way street is hereby repealed.

Section 3. Gen. Ord. No. 52-75-76, which designated South 24th Street between Indiana Avenue and Georgia Avenue as a one-way street is hereby repealed.

Section 4. Pursuant to Section 118-126 of the Municipal Code entitled "Prohibitions and Restrictions Authorized," the west side of South 19th Street from the south curb line of Indiana Avenue to the north curb line of Georgia Avenue is hereby added to the list of locations where parking is not permitted.

Section 5. Pursuant to Section 118-126 of the Municipal Code entitled "Prohibitions and Restrictions Authorized," the west side of South 20th Street from the south curb line of Indiana Avenue to the north curb line of Georgia Avenue is hereby added to the list of locations where parking is not permitted.

Suspend Rule
Adopt Ord

Section 6. Pursuant to Section 118-126 of the Municipal Code entitled "Prohibitions and Restrictions Authorized," the west side of South 21st Street from the south curb line of Indiana Avenue to the north curb line of Georgia Avenue is hereby added to the list of locations where parking is not permitted.

Section 7. Pursuant to Section 118-126 of the Municipal Code entitled "Prohibitions and Restrictions Authorized," the west side of South 22nd Street from the south curb line of Indiana Avenue to the north curb line of Georgia Avenue is hereby added to the list of locations where parking is not permitted.

Section 8. Pursuant to Section 118-126 of the Municipal Code entitled "Prohibitions and Restrictions Authorized," the west side of South 24th Street from the south curb line of Indiana Avenue to the north curb line of Georgia Avenue is hereby added to the list of locations where parking is not permitted.

Section 9. Pursuant to Section 118-126 of the Municipal Code entitled "Prohibitions and Restrictions Authorized," the east side of South 23rd Street from the south curb line of Indiana Avenue to the north curb line of Georgia Avenue is hereby added to the list of locations where parking is not permitted.

Section 10. The Department of Public Works and the Police Department are hereby authorized and directed to install and remove all signs necessary to remove and give notification of the aforementioned traffic regulation.

Section 11. It appearing that the designation of South 23rd Street between Indiana Avenue and Georgia Avenue as a one-way street may never have been properly approved by the Common Council, the Department of Public Works and the Police Department are hereby authorized and directed to remove all signage designating South 23rd Street between Indiana Avenue and Georgia Avenue as a one-way street.

Section 12. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

Gen. Ord. No. 4 - 23 - 24. By Alderpersons Dekker and Rust.
June 5, 2023.

AN ORDINANCE amending Section 8-16 of the 2023 Sheboygan Municipal Code relating to allowing pets in parks and on public grounds.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Sec 8-16 of the 2023 Sheboygan Municipal Code entitled "Pets Prohibited In Parks And On Public Grounds Except In Designated Areas; Regulations" is hereby repealed and recreated to read as follows:

"Sec 8-16. - Pets Prohibited In Parks And On Public Grounds Except In Designated Areas; Regulations.

(a) Pets are prohibited in all city parks, beaches or other public grounds, except in areas designated by the common council and posted by the superintendent of parks as either off-leash or on-leash areas, or in areas designated by the common council for the training or showing of pets.

(b) Designated off-leash areas.

(1) Unleashed pets shall be allowed at the following locations provided that they are at all times under immediate control, such as by voice command of the owner or other person physically capable of restraining the pet:

a. Lakeview Park Beach area delineated by the superintendent of parks with signage;

b. City-owned property east of Lakeshore Road (County LS) north of the Pigeon River, within the Pigeon River Environmental Corridor.

c. City-owned property on the northwest corner of the intersection of Center Avenue and North 9th Street.

d. The Sheboygan Dog Run Park located at 4108 South 18th Street.

(c) On-leash areas.

(1) Pets shall be allowed at the following locations: provided they are restrained by a substantial leash or chain not exceeding eight feet in length, or a retractable leash not exceeding 15 feet in length in the hands of a person directly

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controlling the movement of the animal. Pets are not allowed within 20 feet of playground and splash pad areas or in park shelters and buildings:

a. Lakeview Park;

b. North Point Park, north of the northernmost jetty;

c. North Point overlook;

d. The city's urban recreational trails;

e. City-owned Green Wing Drive retention ponds;

f. The city-owned green space area adjacent to Fisherman's Creek on the south side of Camelot Boulevard between 1211 and 1411 Camelot Boulevard.

g. Area 8 of Kiwanis Park unless off-leash signage applies.

h. Evergreen Park.

i. Jaycee Park excluding the Quarry Beach area.

j. Jaycee Park to Mill Road along the Pigeon River Corridor.

k. Moose Park unless off-leash signage applies.

l. Cleveland Park unless off-leash signage applies.

m. Any City-owned property when requested as part of a special event. Requests shall be submitted with the special events application and approval may be given by the Director of Public Works in his or her discretion. A copy of the written approval shall be maintained by the event organizer throughout the event when a pet is onsite and shall be presented to law enforcement upon request. Law enforcement may revoke permission if the pets create a disturbance.

(d) Any person owning or having charge, custody, care or control of a pet who shall permit the pet to be present in any of the prohibited areas or in any of the designated areas in violation of the provisions of this section shall be subject to penalty as provided in section 8-4.

(e) Any person owning or having charge, custody, care or control of a pet in a designated off-leash or on-leash area who fails to clean up the pet's feces shall be subject to a forfeiture of $125.00, together with the costs of prosecution, and in default of payment thereof, imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 30 days.

(f) The superintendent of parks shall post areas designated as off-leash and on-leash areas where pets are allowed, shall post the forfeiture amount for violations for subsection (e) above, and shall supply waste receptacles for the public's use in complying with the requirements of subsection (e) above.

(g) This section shall not apply to police dogs."

Section 2. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

Gen. Ord. No. 6 - 23 - 24. By Alderpersons Dekker and Rust. June 5, 2023.

AN ORDINANCE repealing portions of Section 21 of Subs. of Gen. Ord. 28-14-15, relating to certain parking restrictions on the east side of the 2200 block of North 5th Street and the 400 block of Euclid Avenue.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subsection b) of Section 21 of Subs. of Gen. Ord. 28-14-15, which restricted all parking on the east side of North 5th Street from the south curb line of Euclid Avenue to a point 120 feet south thereof between the hours of 7:00 a.m. and 4:00 p.m. during school days, is hereby repealed.

Section 2. Subsection c) of Section 21 of Subs. of Gen. Ord. 28-14-15, which restricted all parking on the south side of Euclid Avenue from North 4th Street to North 5th Street between the hours of 7:00 a.m. and 4:00 p.m. during school days, is hereby repealed.

Section 3. Gen. Ord. 94-65-66, relating to parking restrictions on the north side of Geele Avenue, remains in full effect.

Section 4. The Department of Public Works and the Police Department are hereby authorized and directed to install and remove all signs necessary to remove and give notification of the removal of the aforementioned traffic regulation.

Section 5. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

Gen. Ord. No. 7 - 23 - 24. By Alderpersons Dekker and Rust. June 5, 2023.

AN ORDINANCE repealing Section 11 of Subs. of Gen. Ord. 28-14-15 and Gen. Ord. 25-03-04, relating to parking restrictions on the north side of the 1600 block of Illinois Avenue.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Section 11 of Subs. of Gen. Ord. 28-14-15 and Gen. Ord. 25-03-04, which restricted all parking on the north side of Illinois Avenue from the east curb line of South 17th Street to a point 255 feet east thereof between the hours of 7:00 a.m. and 4:00 p.m. during school days, is hereby repealed.

Section 2. The Department of Public Works and the Police Department are hereby authorized and directed to install and remove all signs necessary to remove and give notification of the removal of the aforementioned traffic regulation.

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

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I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated_____ 20____. _____, City Clerk

Approved_____ 20____. _____, Mayor

OTHER MATTERS

II

UPDATED
R. O. No. 17 - 23 - 24. By CITY CLERK. June 5, 2023.

Submitting various license applications.

City Clerk

CHANGE OF PREMISE

No.	Name	Address
3001	Ranieri's Four of a Kind	811 Indiana Avenue - One day event to be held 7/1/23: To include East and West parking lots, garage and parking area behind garage to include the current premise.
3001	Ranieri's Four of a Kind	811 Indiana Avenue - Three day event to be held 8/11/23 - 8/13/23: To include East and West parking lots, garage and parking area behind garage to include the current premise.
3576	Driftwood	518 S. Pier Drive - Two day event to be held 7/3/23-7/4/23: To include 510 and 518 S. Pier (Driftwood) will be open for business with outside services to the green space to the East.
3576	Driftwood	518 S. Pier Drive - Three day event to be held 8/11/23-8/13/23: To include 510 and 518 S. Pier (Driftwood) will be open for business with outside services to the green space to the East.

CLASS "A" BEER/"CLASS A" CIDER ONLY LICENSE (June 30, 2024) (RENEW)

LHPS

No.	Name	Address
3597	SSS Wisconsin LLC (SQRL Service Station #716)	3715 Washington Avenue
3596	SSS Wisconsin LLC (SQRL Service Station #713)	2235 North Avenue

"CLASS B" LIQUOR LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
2135	Keg I LLC (Sandee's Cool Runnings)	1202 Michigan Avenue
2943	Superior Bar & Grill LLC (Superior Bar & Grill LLC)	2607 Superior Avenue
2949	Prohibition Bistro Inc. (Harrys Prohibition Bistro)	668 South Pier Drive
3159	Big Mikes Sports Bar & Grill LLC (Big Mikes Sports Bar & Grill)	911 Indiana Avenue
2121	El Camino LLC (El Camino)	823 Michigan Avenue

CLASS "B" BEER LICENSE (June 30, 2024) (RENEW)

No.	Name	Address
3051	Mid-Lake Softball Organization (Mid-Lake Softball Organization)	2213 New Jersey Avenue
3412	Local Hospitality Group LLC (Local Press Eatery)	502 S. 8th Street

"CLASS C" LICENSE (June 30, 2024) (RENEW)

3412	Local Hospitality Group LLC (Local Press Eatery)	502 S. 8th Street