MUNICIPAL CODE

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Chapter 1 GENERAL PROVISIONS

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Sec. 1.01. Form of government.

The city shall be organized and governed under the provisions of Wis. Stats. ch. 62, known as the mayor-alderperson plan.

(Code 2011, § 1.01)

Sec. 1.02. Elected officials.

Elected officials of the city shall be the mayor, city clerk-treasurer, city attorney, municipal judge, and the councilmembers.

(Code 2011, § 1.02)

Sec. 1.03. Appointed officials.

The following shall be appointed officials:

Official	*How Appointed*	*Term*
Building inspector	City council	Indefinite
Chief of police	Police and fire commission	Indefinite

City assessor	City council	Indefinite
City engineer	City council	Indefinite
City librarian	Library board	Indefinite
Director of planning and community development	City council	Indefinite
Finance director	City council	Indefinite
Fire chief	Police and fire commission	Indefinite
Recreation director	City council	Indefinite
Street superintendent	City council	Indefinite

(Code 2011, § 1.03)

Sec. 1.04. Terms.

(1) *Elected officials*. The terms of the mayor, city clerk-treasurer and city attorney shall be for two years.

(2) *Alderperson*. One alderperson shall be elected from each aldermanic district each year for a two-year term.

(3) *Municipal judge*. The municipal judge shall be elected to a four-year term in even-numbered years.

(4) *Term of office*. The term of the mayor and councilmembers shall commence on the third Tuesday of April following their election. The term of all other officials shall commence on May 1 following their election or appointment, except officers appointed for indefinite terms shall take office upon appointment and qualification.

(Code 2011, § 1.04)

Sec. 1.05. Qualifying.

(1) *Oath*. Every person elected or appointed to an office shall take and file the oath within ten days after notice of his election or appointment.

(2) *Official bonds*. Official bonds may be required by the city council.

(3) *Certificate of appointment*. When an appointed official has filed the oath and bond as required, the clerk-treasurer shall issue to him a certificate of appointment. If the appointment is to a board or commission, the appointee shall file the certificate with the secretary thereof.

(Code 2011, § 1.05)

Sec. 1.06. Removals.

(1) *Elected officers*. Elected officers may be removed by recall as provided in Wis. Stats. § 9.10, or by the city council for cause, pursuant to Wis. Stats. §§ 17.12(1)(d) and 17.16.

(2) *Appointed officers*. Appointed officers may be removed as provided in Wis. Stats. § 17.12(1)(c) and (d) and 17.16, except as provided otherwise by charter ordinance.

(Code 2011, § 1.06)

Sec. 1.07. Vacancies.

(1) *How occurring*. Vacancies in elected or appointed positions are caused as provided in Wis. Stats. §§ 17.03 and 17.035.

(2) *How filled*. Vacancies in elective and appointive offices shall be filled as provided in Wis. Stats. § 17.23.

(Code 2011, § 1.07)

Sec. 1.08. Salary.

Salaries of all elected and appointed officials, including members of boards and commissions, shall be as determined by the city council from time to time, provided that the salary of the mayor and members of the council shall not be increased during their terms of office.

(Code 2011, § 1.08; Ord. No. 1702, 12-16-2014; Ord. No. 1703, 12-16-2014; Ord. No. 1704, 12-16-2014)

Sec. 1.09. Retirement.

The city has elected, pursuant to charter ordinance, to include all eligible city personnel under the state retirement fund.

(Code 2011, § 1.09)

Sec. 1.10. Reserved.

ELECTED OFFICERS

APPOINTED OFFICIALS

BOARDS AND COMMISSIONS

CITY EMPLOYEES

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ELECTED OFFICERS

Sec. 1.11. Mayor.

Sec. 1.12. City clerk-treasurer.

Sec. 1.13. Reserved.

Sec. 1.14. City attorney.

Sec. 1.15. Municipal judge and municipal court.

Sec. 1.16. City council.

Secs. 1.17—1.19. Reserved.

Sec. 1.11. Mayor.

(1) *Applicable statutes*. See Wis. Stats. § 62.09(8).

(2) *Other*. The mayor shall have such other powers and duties as provided by state law.

(Code 2011, § 1.11)

Sec. 1.12. City clerk-treasurer.

(1) *Charter ordinance*. A charter ordinance, approved at the spring election in 1987, created the position of city clerk-treasurer as an elected position.

(2) *Duties*. The city clerk-treasurer shall perform the duties as prescribed in Wis. Stats. §§ 62.09(9) and (11) and all other duties as prescribed by state law.

(Code 2011, § 1.12)

Sec. 1.13. Reserved.

Sec. 1.14. City attorney.

(1) *Charter ordinance*. A charter ordinance, approved at the spring election of 1973, provides for the election of the city attorney.

(2) *Applicable statutes*. See Wis. Stats. § 62.09(12).

(Code 2011, § 1.14)

Sec. 1.15. Municipal judge and municipal court.

(1) *Municipal court*. Pursuant to Wis. Stats. § 755.01, there is hereby established the municipal court for the city.

(2) *Office of municipal judge*. Pursuant to Wis. Stats. § 755.01, there is hereby created the office of municipal judge for the city.

(3) *Election; term*. The municipal judge shall be elected at large at the spring election in alternate, even-numbered years, for a term of four years, commencing on May 1 succeeding his election.

(4) *Salary*. The municipal judge shall receive a salary as determined from time to time by the council, which shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during his term for which he has not executed and filed his official bond and oath as required by subsection (5) of this section.

(5) *Bond; oath*. The municipal judge shall execute and file, with the clerk of the county circuit court, the oath prescribed by Wis. Stats. § 757.02 and a bond in the penal sum of $1,000.00.

(6) *Jurisdiction*. The municipal judge shall have such jurisdiction as provided by law and Wis. Stats. § 755.045 and exclusive jurisdiction of violations of city ordinances.

(7) *Procedure*.

(a) The municipal court for the city shall be open as determined by order of the municipal judge.

(b) The municipal judge shall keep his office and hold court in the municipal services building.

(c) The procedure in municipal court for the city shall be as provided in this section and state law, including, but not excluding because of enumeration, Wis. Stats. chs. 755 and 800.

(8) *Contempt of court*. The municipal judge may punish, for contempt of municipal court for the city, persons guilty of either of the following acts and no other:

(a) Disorderly, contemptuous, or insolent behavior committed during the court's sittings, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due its authority.

(b) Resistance or disobedience to any lawful order or process made or issued by him.

(9) *Forfeiture*. The municipal judge may, upon finding any person guilty of contempt, order such person to forfeit not more than $50.00. In default of payment of the forfeiture, the person found guilty of contempt may be imprisoned in the county jail, not to exceed seven days.

(10) *Alternative juvenile dispositions and sanctions*. The municipal judge has authority to impose alternative juvenile dispositions and sanctions.

(a) For a juvenile adjudged to have violated an ordinance, the municipal judge is authorized to impose any of the dispositions listed in Wis. Stats. §§ 938.343 and 938.344 in accordance with the provisions of those statutes.

(b) For a juvenile adjudged to have violated an ordinance who violates a condition of a dispositional order of the court under Wis. Stats. §§ 938.343 and 938.344, the municipal judge is authorized to impose any of the sanctions listed in Wis. Stats. § 938.355(6)(d) in accordance with the provisions of those statutes.

(c) This section is enacted under the authority of Wis. Stats. § 938.17(2)(cm).

(Code 2011, § 1.15)

Sec. 1.16. City council.

Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, 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, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

(Code 2011, § 1.16)

Secs. 1.17—1.19. Reserved.

APPOINTED OFFICIALS

Sec. 1.20. City engineer.

Sec. 1.21. Reserved.

Sec. 1.22. Chief of police.

Sec. 1.23. Fire chief.

Sec. 1.24. City librarian.

Sec. 1.25. Finance director.

Sec. 1.26. Reserved.

Sec. 1.27. City assessor.

Secs. 1.28, 1.29. Reserved.

Sec. 1.20. City engineer.

(1) *Appointment and qualifications*. The city engineer shall be appointed by the city council. He shall be a United States citizen, 21 years of age or older, and he shall have such qualifications as the council may prescribe.

(2) *Duties*.

(a) See Wis. Stats. § 62.14(7).

(b) The city engineer shall, subject to the regulations and directions of the council, be under the direct supervision of the board of public works.

(c) Any city committee, board, or official desiring the services of the city engineer shall direct their request for such services to the board of public works.

(Code 2011, § 1.20)

Sec. 1.21. Reserved.

Sec. 1.22. Chief of police.

(1) *General duties*. The chief of police shall be appointed by the police and fire commission and shall hold office during good behavior, subject to suspension or removal by the commission. He shall perform such duties as are prescribed by chapter 4 of this Code.

(2) *Duty of reporting*. The chief of police shall turn over, at least monthly, to the city clerk-treasurer all fees, forfeitures, receipts, and other monies received by his department. He shall also make annual reports to the council and all such other reports as are required of him by state laws and the ordinances of the city. The chief of police shall, at the time of making his report to the council as to the efficiency of the police force, number of arrests made, the occasions therefor, and such other matters as he shall embody in his reports, make and attach to each of such reports a brief summary or recapitulation showing the number of police officers and their respective salaries, total number of arrests made, the occasions therefor, and such other matters in brief as he shall deem to be important.

(Code 2011, § 1.22)

Sec. 1.23. Fire chief.

(1) *Appointment*. The fire chief shall be appointed by the police and fire commission to a full-time office and shall hold office during good behavior, subject to suspension or removal by the commission. He shall perform such duties as are prescribed by chapter 4 of this Code.

(2) *Duty of reporting*. The fire chief shall make annual reports to the council of the condition of the fire department of the city, recommend the purchase of such supplies and apparatus for the fire department as he may deem necessary and perform such other duties as may be required of him by the council. The fire chief shall, in addition to the making of the annual reports to the council, make and attach to each report a brief summary or recapitulation showing the number of fire alarms given to which the department responded during the previous year, as well as the number and salaries of the members of the department for the previous annual period.

(Code 2011, § 1.23)

Sec. 1.24. City librarian.

The city librarian shall be appointed by the library board. The city librarian shall be subject to removal by such board and may have his term, salary, and duties defined by contract with the city.

(Code 2011, § 1.24)

Sec. 1.25. Finance director.

(1) *Appointment*. The finance director shall be appointed by the city council for an indefinite term.

(2) *Duties*. The finance director shall perform the duties of comptroller, as outlined in Wis. Stats. § 62.09(10), and shall further perform such duties as are prescribed from time to time by the city council.

(Code 2011, § 1.25)

Sec. 1.26. Reserved.

Sec. 1.27. City assessor.

(1) *Applicable statutes*. See Wis. Stats. §§ 70.12, 70.13, 70.17, 70.18, 70.23, 70.29, 70.30, 70.32, 70.34, 70.345, 70.35, 70.365, 70.43, 70.44, 70.45, 70.48, 70.49, 70.50, 70.501 and 70.503.

(2) *Duties*. The city assessor shall perform such other duties as shall be prescribed by state law and supervisory personnel of the state department of revenue.

(Code 2011, § 1.27)

Secs. 1.28, 1.29. Reserved.

BOARDS AND COMMISSIONS

Sec. 1.30. Board of public works.

Sec. 1.31. City plan commission.

Sec. 1.32. Utility commission.

Sec. 1.33. Industrial and commercial development commission.

Sec. 1.34. Library board.

Sec. 1.35. Reserved.

Sec. 1.36. Board of review.

Sec. 1.37. Board of police and fire commissioners.

Sec. 1.38. Board of appeals.

Sec. 1.39. Grignon Home Board.

Secs. 1.40, 1.41. Reserved.

Sec. 1.42. Board of electrical examiners.

Sec. 1.43. Alcohol, tobacco and other drug abuse prevention board.

Secs. 1.44, 1.45. Reserved.

Sec. 1.46. Redevelopment authority.

Secs. 1.47—1.50. Reserved.

Sec. 1.30. Board of public works.

The board of public works for the city shall consist of eight councilmembers. The city clerk-treasurer, city engineer, and city attorney shall be ex officio members of the board. The members of the board shall choose a chairperson. The city clerk-treasurer shall be clerk of the board.

(Code 2011, § 1.30)

Sec. 1.31. City plan commission.

(1) *Composition*. The city plan commission shall consist of eight members and one alternate member. The mayor, who shall be the presiding officer, the city engineer, the building inspector, the chairperson of the board of public works, an alderperson, and three citizens, shall be the eight members. Citizen members shall be persons of recognized experience and qualifications and shall receive no compensation. The deputy director of public works shall be the alternate member to act with full authority in the absence of the city engineer.

(2) *Appointments*.

  (a) *Citizens*. One citizen member shall be appointed by the mayor, subject to confirmation by the council, annually for a three-year term.

  (b) *Councilmembers.* The councilmembers of the commission shall be appointed by the mayor, subject to confirmation by the council, at the annual organization meeting of the council.

(3) *Organization*. The members of the commission shall annually organize by the election of a vice-president, secretary, and such other officers as may, in their judgment, be necessary. All the members of the commission shall serve without compensation, except the secretary may receive such compensation as may be fixed from time to time by the council in the annual budget.

(4) *Powers and duties; applicable statute*. See Wis. Stats. § 62.23.

(5) *Matters referred to commission*.

  (a) *Mandatory reference*.

1. The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission for its consideration and report before final action is taken by the council, public body, or officer, the following matters:
   a. The location and architectural design of any public building;
   b. The location of any statute or other memorial;
   c. The location, acceptance, extension, alteration, vacation, abandonment, or authorization for any public utility whether publicly or privately owned;
   d. All plats of lands in the city or within the territory over which the city is given platting jurisdiction by Wis. Stats. ch. 236;
   e. The location, character, and extent or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion or vacation camps for children; and
   f. The amendment or repeal of any ordinance adopted pursuant to this section.
2. Unless such report is made within 30 days, or such longer period as may be stipulated by the council, the council or other public body or officer may take final action without it.

(b) *Public works*. The council may refer to the commission, the construction or carrying out of any public work not expressly within the province of other boards or commissions and may delegate to such commission all powers necessary to carry out the details thereof.

(6) *Employment of experts*. The commission may employ expert advice upon authority granted by the council and an appropriation made by the council therefor. The commission shall, as far as possible, use the facilities of such other public agencies as may be of assistance to it and shall keep written records of its proceedings, which shall be open to inspection at all times.

(Code 2011, § 1.31)

Sec. 1.32. Utility commission.

(1) *Construction; definition*. This section shall be liberally construed to affect its purpose. As used in this section, the term "management and control" or "management and operation" shall be construed broadly and shall include, without limitation by enumeration, all authority related to purchasing, acquiring, leasing, constructing, adding to, improving, conducting, controlling, operating, or managing the city's electric, water, and communications utilities, except as specifically withheld by statute.

(2) *Creation*. There is hereby created an independent and nonpartisan utility commission to manage and operate the electric, water, and communications utilities of the city.

(3) *Membership; terms*. The utility commission shall consist of seven commissioners. The mayor shall serve as one of the commissioners for a term that coincides with his term of office. The alderperson who is elected as chairperson of the board of public works shall also serve as a commissioner for a term that coincides with his term as chairperson of the board of public works. The mayor and the alderperson member shall serve on the commission without additional compensation. The remaining five commissioners shall be residents of the city, who shall each serve a five-year term. These terms shall be staggered so that no more than one commissioner's term shall expire each year. The salary of the members of the commission, except the mayor and alderperson, shall be such amount as is fixed by the council from time to time.

(4) *Appointments*. Except for the mayor and alderperson members, the common council shall elect the commissioners at its second regular meeting in September for terms to commence on October 1 following election. In the case of a vacancy on the commission, the common council, at a regular meeting, may appoint a commissioner to fill the vacancy for the remainder of the term.

(5) *Powers of commission*.

(a) *Charge and management*. The commission shall take entire charge and management of the city's electric, water, and communications utilities and any other public utility as authorized by the common council. The commission shall have full authority to supervise the operation of such utilities, subject only to the general control and supervision of the common council, such control and supervision to be exercised through the enactment and amendment of this section.

(b) *Manager*. The commission shall appoint a utility manager, fix his compensation and duties and provide for the authority of the manager to act on behalf of the commission.

(c) *Other employees; consultants*. The commission may employ and fix the compensation of such other employees as the commission deems necessary or convenient for the management and operation of the city's electric, water, and communications utilities. The commission also may employ the services and fix the compensation of such other agents or consultants as the commission deems necessary or convenient for the operation and management of the utilities.

(d) *Rates, rules, and regulations*. The commission shall have the authority to fix rates and establish rules and regulations for the governance, management, and operation of the utilities, subject to the jurisdiction of the applicable governmental regulatory bodies or agencies, and establish rules for the governance of its own proceedings.

(e) *Contract*. The commission shall have full authority to let bids and enter into contracts in the name of the city, provided that such contracts are necessary or convenient to the management and operation of the electric, water, and communications utilities.

(f) *Other powers.* The commission shall have such other powers as are necessary or convenient to the management and operation of the city's electric, water, and communications utilities and shall have full authority respecting such utilities, unless that authority is specifically withheld by statute.

(6) *Organization*. The commissioners shall choose, from among their number, a president and secretary and shall appoint a utility clerk who shall perform the duties of a bonded cashier, shall keep accurate books and accounts of utility revenues and expenses and perform such other duties as the commission shall from time to time direct. The utility clerk, before taking office, shall give a bond to the city for the faithful performance of the duties of his office in such amount as the utility commission shall direct. The bond shall be approved by the mayor and filed with the city clerk-treasurer.

(7) *Utility expenses*.

(a) Payment of all financial claims against city utility, other than claims subject to Wis. Stats. § 893.80, may be made from the city treasury after the general manager and the manager of finance of the utility audit and approve each claim as a proper charge against the treasury and endorse their approval on the claim after having determined that the following conditions have been complied with:

1. That funds are available therefor, pursuant to the budget approved by the utility commission.

2. That the item or service covered by such claim has been authorized by the proper official, department head, board, or commission.

3. That the item or service has been actually supplied or rendered in conformity with such authorization.

4. That the claim is just and valid, pursuant to law.

(b) The general manager shall file with the utility commission, on a monthly basis, a list of the claims approved, showing the date paid, name of claimant, purpose, and amount.

(c) The utility commission shall authorize an annual detailed audit of its financial transactions and accounts by a public accountant, licensed under Wis. Stats. ch. 442 and designated by the utility commission.

(d) The general manager, in conducting his activities, pursuant to this section, shall be covered by a fidelity bond in the sum of $100,000.00.

(e) Payment of regular wages and salaries of city utility officials and employees, pursuant to the budget and salary schedules adopted by the utility commission, shall be paid by payroll, verified by the proper city utility officials and filed with the city clerk-treasurer in time for payment on the regular payday.

(8) *Receipts*. All utility receipts shall be paid to the utility clerk, who shall turn them over to the city clerk-treasurer at least once a month. Utility funds shall be separately accounted for by the water, electric, and communications utilities and shall be subject to disposition as the commission shall direct.

(Code 2011, § 1.32)

Sec. 1.33. Industrial and commercial development commission.

(1) *Composition*. The development, promotion, and sale of the city industrial park is under the direction of the city industrial and commercial development commission, which consists of nine citizen members.

(2) *Appointments*. Three citizen members shall be appointed annually by the mayor, subject to confirmation by the council, for three-year terms. Appointments shall be from a list of not less than five persons, submitted to the mayor by the commission, at least 30 days prior to the appointment date, in the order of the commission's preference. If the commission fails to submit the list within the time required, the mayor shall make such appointments as he determines to be in the public interest.

(3) *Compensation*. Members of the commission shall serve without compensation but shall receive such reimbursement of expenses as the commission shall direct.

(4) *Budget*. Annually, at the time the regular city budget is prepared, the commission shall submit, to the council for approval, a budget regarding the operations of the commission for the succeeding year. Such budget, as approved by the council, shall become part of the regular city tax levy. Expenditures of such appropriated monies are under the direction of the commission, which shall submit requisitions to the city for payment as part of the regular payment by the city of its monthly bills.

(5) *Powers and duties*.

(a) *Deed restrictions*. The commission shall study the establishment and use of deed restrictions for the industrial park and shall recommend to the council such restrictions most advantageous to the development and sale of the park. No deed restrictions shall be implemented without final approval of the council.

(b) *Conduct of affairs*. The commission may establish rules for the conduct of its affairs, including the time and place of meetings, rules governing the transaction of business at such meetings, the formation of any subcommittees it deems advisable, and the organization of the commission.

(c) *Contracts*. The commission may enter into contracts, except final contracts for the sale of land and construction contracts, subject to the monetary limitations of its annual budget. The commission may further enter into preliminary contracts for the sale of land in the industrial park, subject to final approval of the council. All monies received by the commission for the sale of lands in the industrial park shall be turned over to the city.

(d) *Development of industrial park*. The commission shall make specific recommendations regarding the future development of the industrial park, including the need for installing additional sewer and water facilities, rail sidings, and roads. However, all construction contracts relating thereto shall be let by and remain under the supervision of the city until completion.

(e) *Commission assistance.* The commission shall assist the city in the development and sale of areas in the city, other than the industrial park, when requested to do so by the council.

(Code 2011, § 1.33)

Sec. 1.34. Library board.

(1) *Composition*. The library board shall consist of the superintendent of schools or his representative and eight citizens.

(2) *Appointments*. Three members shall be appointed for one year, three members for two years, and three members for three years. Thereafter, each regular appointment shall be for a term of three years.

(3) *Powers and duties*. See Wis. Stats. §§ 43.52, 43.54 and 43.58.

(Code 2011, § 1.34)

Sec. 1.35. Reserved.

Sec. 1.36. Board of review.

(1) *Composition*. The board of review shall consist of the mayor, city clerk-treasurer, building inspector, and two citizens, who shall be residents of the city, neither of whom shall be an office holder or employee of the city.

(2) *Appointments*. The two citizen members shall be appointed by the mayor, subject to confirmation by the common council. One citizen member shall be appointed for three years and the other for five years. Thereafter, each regular appointment shall be for a term of five years.

(3) *Meeting*. The board shall meet annually on the second Monday of May and from day to day thereafter as may be necessary. A majority shall constitute a quorum.

(4) *Compensation*. Each member, except members who are full-time employees or officers of the city, shall receive compensation of $75.00 per day.

(5) *Duties and functions*. The duties and functions of the board shall be as prescribed in Wis. Stats. § 70.47.

(Code 2011, § 1.36)

Sec. 1.37. Board of police and fire commissioners.

(1) *Composition*. The board of police and fire commissioners shall consist of five citizens. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a five-year term. All members shall be subject to confirmation by the council. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The board shall keep a record of its proceedings and shall act without compensation.

(2) *Powers and duties*. See Wis. Stats. § 62.13.

(Code 2011, § 1.37)

Sec. 1.38. Board of appeals.

(1) *Composition*.

(a) *Board members*. The board of appeals shall consist of five members, appointed by the mayor and confirmed by the city council. The mayor shall designate one of the board members as

chairperson. Board members shall be removable by the mayor for cause upon written charges and after a public hearing. A secretary, who does not have to be a board member, shall be appointed by the board.

(b) *Alternate members*. The mayor shall appoint two alternate members to the board. 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 is absent or refuses to vote because of interest. The second alternate shall act with full power only when the first alternate so refuses to vote because of a conflict of interest or is absent or when two members of the board are absent or refuse to vote because of a conflict of interest. The provisions for removing board members shall apply to the removal of alternates.

(2) *Terms*. Board members shall be appointed to three-year terms, except for those first appointed, in which case one member shall serve for one year, two members for two years, and two members for three years. Alternate members shall serve staggered terms of three years.

(3) *Vacancies*. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

(4) *Powers and duties*. See section 17.50 of this Code.

(Code 2011, § 1.38)

Sec. 1.39. Grignon Home Board.

(1) *Composition.* The Grignon Home Board shall consist of nine members, comprised of one alderperson, a nominee of the Kaukauna Area Historical Society, a city staff employee and six other interested citizens, who may reside outside the city limits.

(2) *Appointments*.

(a) The initial appointments to the board shall be as follows:

1. Three members to be appointed for one year.
2. Three members to be appointed for two years.
3. Three members to be appointed for three years.

(b) Thereafter, all appointments shall be for a term of three years, except that the alderperson's term shall cease sooner, if no longer holding the office. Appointments shall be made by the mayor, subject to confirmation by the council.

(3) *Powers and duties*.

(a) The board may establish such rules for the conduct of its affairs as it deems advisable to cover such matters as the time and place of board meetings, the transaction of business at such meetings, the formation of any subcommittees by the board and the basic organization of the board itself.

(b) The board shall take such steps as it determines necessary to promote, protect and preserve the Grignon Home, to educate the public regarding the home and to develop public information programs in relation thereto.

(c) To the extent possible, the board shall coordinate all activities related to the Grignon Home.

(d) The area subject to the management and control of the board is described as follows:

Commencing at a six-inch by six-inch concrete monument at the intersection of the northeasterly line of Private Claim 34, and the northerly line of the Heart of the Valley Metropolitan Sewage Treatment Facility; thence northerly along the Private Claim line, which is assumed to bear N40° 17' 20" W, 295.57 feet to a two-inch iron pipe located in the Augustine Street R.O.W.; thence continuing N40° 17' 20" W, 4.21 feet to the point of beginning, the point

being on the northerly line of Augustine Street; thence S60° 15' 10" W, along the northerly line of Augustine Street, 240 feet to a point; thence N30° 58' 15" W, 70 feet to a point; thence S60°15' 10" W, 40 feet to a point; thence N30° 58' 15" W, 317.70 feet to a point; thence N56° 38' 20" E, 214.07 feet to a point on the northeasterly line of Private Claim 34; thence S40° 17' 20" E, 407.77 feet to the point of beginning.

(4) *Budget*. Annually, at the time the regular city budget is prepared, the board shall submit to the council, for approval, a budget regarding the operations of the board for the succeeding year. The budget, as approved by the council, may become part of the regular city tax levy. The expenditures of such appropriated money, and any other funds received and designated for use in conjunction with the Grignon Home, is under the direction of the board. The board shall submit requests to the city for payment on a monthly basis as expenses are incurred.

(5) *Compensation*. The members of the board shall serve without compensation but shall receive reimbursement of reasonable and necessary expenses as the board directs.

(Code 2011, § 1.39)

Secs. 1.40, 1.41. Reserved.

Sec. 1.42. Board of electrical examiners.

(1) *Composition*. The board of electrical examiners shall consist of five members as follows:

(a) One member of the city council.

(b) One master electrician.

(c) One journeyman electrician.

(d) One industrial electrician.

(e) One city utility representative.

(2) *Terms*.

(a) The city council member shall be appointed by the mayor for a term of two years. In the event such appointee ceases to be a member during his term, the mayor will appoint another council member for the unexpired term. The council member shall act as chairperson of the board.

(b) The master electrician, journeyman electrician, industrial electrician, and the city utility representative shall be appointed by the mayor, subject to confirmation by the city council. The initial appointment shall be for terms of one, two, three and four years, and all subsequent appointments shall be for three-year terms.

(c) The terms of all members shall commence on June 1 in the year of their appointments. All members shall serve without compensation. Vacancies shall be filled in the same manner as the initial appointment.

(3) *Organization and procedure*.

(a) Three members of the board shall constitute a quorum for the transaction of business, but no recommendation for the suspension or revocation of a license shall be adopted except by a majority vote of all members of the board. The board shall meet quarterly or at the request of its chairperson for the disposal of such business as may come before them.

(4) *Appeals*. The board of electrical examiners shall act as an appeals board and also shall have the power to suspend or revoke electrical licenses upon complaint by the electrical inspector.

(Code 2011, § 1.42)

Sec. 1.43. Alcohol, tobacco and other drug abuse prevention board.

(1) *Composition.* The alcohol, tobacco, and other drug abuse prevention board shall consist of 12 voting members, comprised of nine nonstudent citizen members, one alderperson, and two Kaukauna High School student members.

(2) *Appointments*.

(a) The initial appointments to the board shall be as follows:

1. Four members to be appointed for one year.
2. Four members to be appointed for two years.
3. Four members to be appointed for three years.

(b) Thereafter all nonstudent citizen member appointments shall be for a term of three years. The alderperson member and all student members' appointments shall be for a term of one year. The appointments shall be made by the mayor, subject to confirmation by the council.

(3) *Powers and duties*.

(a) The board may establish such rules for the conduct of its affairs as it deems advisable to cover such matters as the time and place of board meetings, the transaction of business at such meetings, the formation of any subcommittees by the board, and the basic organization of the board itself.

(b) The board shall take such steps as it determines necessary to educate the public regarding the problems of alcohol, tobacco, and other drug abuse and to develop public information programs in relation thereto.

(c) The board shall make recommendations to the council in cases where council action is required on matters pertaining to the prevention of alcohol, tobacco, and other drug abuse.

(d) To the extent possible, the board shall coordinate all activities related to the prevention of alcohol, tobacco, and other drug abuse in the city and shall cooperate with other county and state agencies organized for a similar purpose.

(4) *Budget*. Annually, at the time the regular city budget is prepared, the board shall submit to the council, for approval, a budget regarding the operations of the board for the succeeding year. The budget, as approved by the council, shall become part of the regular city tax levy. The expenditures of such appropriated money is under the direction of the board. The board shall submit requests to the city for payment on a monthly basis as expenses are incurred.

(5) *Compensation*. The members of the board shall serve without compensation but shall receive reimbursement of expenses as the board directs.

(Code 2011, § 1.43; Ord. No. 1685, 4-3-2013)

Secs. 1.44, 1.45. Reserved.

Sec. 1.46. Redevelopment authority.

(1) *Appointment*. The city redevelopment authority shall consist of seven commissioners, appointed as provided in Wis. Stats. § 66.1333(3).

(2) *Powers and duties*. In addition to those powers and duties described under Wis. Stats. § 66.1333, the redevelopment authority shall have the power to hear and decide applications for a certificate of appropriateness under section 17.48. The redevelopment authority's jurisdiction under section 17.48 shall be limited to the commercial core district. The redevelopment authority shall be concerned with the visual and functional effects of the erection, construction, reconstruction, movement,

enlargement, or alteration of any exterior architectural feature of any building or structure. The redevelopment authority shall not be concerned with interior alterations or design features not subject to any public view or ordinary repairs and maintenance to the exterior of any building or structure where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, its prior condition.

(Code 2011, § 1.46)

Secs. 1.47—1.50. Reserved.

CITY EMPLOYEES

Sec. 1.51. Retirement.

Secs. 1.52—1.54. Reserved.

Sec. 1.51. Retirement.

(1) *State retirement fund*. See section 1.09

(2) *Mandatory*. All employees of the city shall be subject to mandatory retirement at the end of the month in which they become 70 years of age.

(Code 2011, § 1.51)

Secs. 1.52—1.54. Reserved.

ELECTIONS

Sec. 1.55. Voting places and aldermanic districts.

Sec. 1.56. Poll hours.

Sec. 1.57. Election officials.

Secs. 1.58, 1.59. Reserved.

Sec. 1.55. Voting places and aldermanic districts.

The voting places and aldermanic districts for the city shall be as follows:

(1) *First aldermanic district*. The first aldermanic district shall consist of wards 1, 2 and 3

(2) *Second aldermanic district*. The second aldermanic district shall consist of wards 4 and 5

(3) *Third aldermanic district*. The third aldermanic district shall consist of Wards 6 and 7

(4) *Fourth aldermanic district*. The fourth aldermanic district shall consist of wards 8, 9, and 10.

(5) *Voting place.* The voting place for all aldermanic districts shall be in the municipal services building, unless otherwise provided by resolution of the common council, as authorized by Wis. Stats. § 5.25.

(Code 2011, § 1.55)

Sec. 1.56. Poll hours.

The polls shall open at 7:00 a.m. and close at 8:00 p.m. for all elections, regular or special, held in the city.

(Code 2011, § 1.56)

Sec. 1.57. Election officials.

(1) *Quantity*. Election officials for the aldermanic districts in the city shall be as follows:

(a) First aldermanic district: Five officials.

(b) Second aldermanic district: Five officials.

(c) Third aldermanic district: Five officials.

(d) Fourth aldermanic district: Five officials.

(2) *Inspectors*. Three election officials in each aldermanic district shall be designated inspectors, and the other two election officials shall be chosen and appointed as provided by state law.

(3) *Duties*. See Wis. Stats. § 7.30.

(Code 2011, § 1.57)

Secs. 1.58, 1.59. Reserved.

PUBLIC RECORDS

Sec. 1.60. Definitions.

Sec. 1.61. Duty to maintain records.

Sec. 1.62. Legal custodian.

Sec. 1.63. Public access to records.

Sec. 1.64. Access procedures.

Sec. 1.65. Limitations on right to access.

Sec. 1.66. Destruction of records.

Sec. 1.60. 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:

Authority means any of the following city entities having custody of a city record: an office, elected official, agency, board, commission, committee, council, department, or public body corporate and politic created by constitution, law, ordinance, rule, or order; or a formally constituted subunit of the foregoing.

Custodian means the officer, department head, division head, or employee of the city, designated under section 1.62, or otherwise responsible by law, to keep and preserve any city records on file, deposit or keep such records in his office, or is lawfully in possession or entitled to possession of such public records and who is required by this subchapter to respond to requests for access to such records.

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

(Code 2011, § 1.60)

Sec. 1.61. Duty to maintain records.

(1) Except as provided under section 1.66, each officer and employee of the city shall safely keep and preserve all records received from his predecessor or other persons and required by law to be filed, deposited, or kept in his office or which are in the lawful possession or control of the officer or employee or his deputies, or to the possession or control of which he or they may be lawfully entitled as such officers or employees.

(2) 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 his successor all records then in his custody, and the successor shall receipt therefor to the officer or employee, who shall file such receipt with the city clerk-treasurer. If a vacancy occurs before a successor is selected or qualifies, such records shall be delivered to, and receipted for by the city clerk-treasurer, on behalf of the successor, to be delivered to such successor upon the latter's receipt.

(Code 2011, § 1.61)

Sec. 1.62. Legal custodian.

(1) Each elected official is the legal custodian of his records and the records of his office, but the official may designate an employee of his staff to act as the legal custodian.

(2) Unless otherwise prohibited by law, the city clerk-treasurer or the city clerk-treasurer's designee shall act as legal custodian for the city council and for any committees, commissions, boards, or other authorities created by ordinance or resolution of the city council.

(3) For every authority not specified in subsection (1) or (2) of this section, the authority's chief administrative officer is the legal custodian for the authority, but the officer may designate an employee of his staff to act as the legal custodian.

(4) Each legal custodian shall name a person to act as legal custodian in his absence or the absence of his designee.

(5) The legal custodian shall have full legal power to render decisions and to carry out the duties of an authority under Wis. Stats. § 19.21 through 19.39. The designation of a legal custodian does not affect the powers and duties of an authority under this section.

(Code 2011, § 1.62)

Sec. 1.63. Public access to records.

(1) Except as provided in section 1.65, 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).

(2) Records will be available for inspection and copying during all regular office hours.

(3) 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.

(4) A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy, or abstract a record.

(5) 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.

(6) A requester shall be charged a fee to defray the cost of locating and copying records as follows:

(a) The cost of photocopying shall be $0.10 per page, except that in the police department, copies of public records requested over the counter shall be $2.00 each and copies requested by mail shall be $3.00 each. Such cost has been calculated not to exceed the actual, necessary, and direct costs of reproduction.

(b) If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.

(c) The actual full cost of providing a copy of records not in printed form or on paper, such as films, computer printouts, and audiotapes or videotapes, shall be charged.

(d) If mailing or shipping is necessary, the actual cost thereof shall also be charged.

(e) 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.

(f) 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.

(g) Elected and appointed officials of the city shall not be required to pay for public records that they may reasonably require for the proper performance of their official duties.

(h) The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.

(7) 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 its offices, for the guidance of the public, a notice containing a description of its organization and the method to be used for requesting and obtaining copies of records and the costs thereof, including:

(a) Established times and places that records are available;

(b) The legal custodian of the records; and

(c) The procedure for submitting requests.

Each authority shall also prominently display, at its offices for the guidance of the public, a copy of Wis. Stats. §§ 19.31 to 19.39. This subsection does not apply to members of the city council.

(Code 2011, § 1.63)

Sec. 1.64. Access procedures.

(1) A request to inspect or copy a 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 (3) of this section, 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 1.63(6)(f). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons, federal law, or regulations so require.

(2) 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 therefore. 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 his request in a manner which would permit reasonable compliance.

(3) A request for a record may be denied as provided in section 1.65. 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, then 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 2011, § 1.64)

Sec. 1.65. Limitations on right to access.

(1) As provided by Wis. Stats. § 19.36, the following records are exempt from inspection under this section:

(a) Records specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law.

(b) 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.

(c) 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.

(d) A record or any portion of a record containing information qualifying as a common law trade secret.

(e) Any income and expense information obtained or requested by the city assessor in the performance of his duties pursuant to Wis. Stats. § 70.47(7)(af) or any successor statute thereto, shall be held by the assessor on a confidential basis, except, however, that the information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by 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).

(2) As provided by Wis. Stats. § 43.30, public library circulation records are exempt from inspection under this section.

(3) 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 he 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:

(a) Records obtained under official pledges of confidentiality which were necessary and given in order to obtain the information contained in them.

(b) Records of current deliberations after a quasi-judicial hearing.

(c) 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.

(d) Records concerning current strategy for crime detection or prevention.

(e) 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.

(f) 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.

(g) Communications between legal counsel for the city and any officer, agent, or employee of the city, 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.

(4) 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 2011, § 1.65)

Sec. 1.66. Destruction of records.

(1) See section 3.10 of this Code.

(2) Municipal court records. The municipal judge may destroy those public records regarding traffic forfeitures, conservation forfeitures and ordinance violation cases, of which he is the legal custodian, five years after the entry of final judgment therein, which records include, but are not limited to, the case file, court record, minute record, and tape recording. This authority is subject to compliance by the municipal judge with the procedures and notice requirements established by state law for disposal of court records.

(Code 2011, § 1.66)

Chapter 2 THE GOVERNING BODY

Sec. 2.01. Rule 1: Meetings.

Sec. 2.02. Rule 2: Quorum; attendance.

Sec. 2.03. Rule 3: Order of business.

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Sec. 2.13. Rule 13: Committees, meetings.
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Sec. 2.20. Rule 20: Expiration of bonds and insurance.
Sec. 2.21. Rule 21: Physical examinations; vacancies, filling.
Sec. 2.22. Rule 22: City hall office hours.

Sec. 2.01. Rule 1: Meetings.

The regular meetings of the city council shall be held on the first and third Tuesday in each month at 7:00 p.m., except when such Tuesday falls on a holiday or Election Day, the meeting shall be held on the Wednesday following such Tuesday. Special meetings may be called in accordance with Wis. Stats. § 62.11(2).

(Code 2011, § 2.01)

Sec. 2.02. Rule 2: Quorum; attendance.

When the presiding officer has called the members to order, the city clerk-treasurer shall proceed to call the roll in alphabetical order, noting who is present and who is absent. If, after going through with the call, it appears that a quorum (six councilmembers) is present, the council shall proceed to business and, if there is not a quorum, the mayor, or, in his absence, the president of the council, may order the attendance of absentees. If, within 30 minutes, no quorum appears, the council may adjourn to any time agreed upon.

(Code 2011, § 2.02)

Sec. 2.03. Rule 3: Order of business.

(1) Roll call, one minute of silent prayer, Pledge of Allegiance to the American flag.

(2) Reading and approval of minutes.

(3) Presentation of letters, petitions, remonstrances, memorials, and accounts.

(4) Public appearances.

(5) Business presented by the mayor.

(6) Reports of standing and special committees.

(7) Reports of city officers.

(8) Presentation of ordinances and resolutions.

(9) Consideration of miscellaneous business.

(Code 2011, § 2.03)

Sec. 2.04. Rule 4: Matters to be in writing.

All resolutions, ordinances, and amendments to any document before the council shall be reduced in writing before they shall be acted upon. The minutes of all boards, commissions, authorities, and committees shall be in writing when presented to the council for adoption or approval.

(Code 2011, § 2.04)

Sec. 2.05. Rule 5: Reading at length.

All letters, petitioners, remonstrances, and memorials, when presented to the committee of jurisdiction or the council, shall be read at length by the presiding officer, secretary, or city clerk-treasurer, unless otherwise ordered. All resolutions and ordinances, and all board, commission, authority, or committee reports which require council adoption shall be read at length by the alderperson or official introducing the same, unless ordered otherwise. All department reports, committee reports, and board reports which do not require council adoption may be read at length, summarized by the presenting alderperson or official or received as presented.

(Code 2011, § 2.05)

Sec. 2.06. Rule 6: Addressing council.

No member shall speak more than twice on any question and only ten minutes at a time without permission. When the mayor or presiding officer shall deny a council member the right to speak a third time, he may appeal to the council and a three-fourths vote of the members present may overrule the presiding officer's decision.

(Code 2011, § 2.06)

Sec. 2.07. Rule 7: Motions.

When a motion is made, it shall be stated by the chairperson or read by the city clerk-treasurer previous to debate. If required by the chairperson or by any member, any motion, except to adjourn, to postpone, or to commit, shall be reduced to writing.

(Code 2011, § 2.07)

Sec. 2.08. Rule 8: Members to vote.

Every member present, when a question is put or when his name is called, shall vote, unless the council shall, for special cause, excuse him.

(Code 2011, § 2.08)

Sec. 2.09. Rule 9: Voting order.

At all council meetings, voting shall proceed in alphabetical order on a progressive basis so that the alderperson whose name is first alphabetically will vote first on the first issue presented, the second alderperson alphabetically will vote first on the second issue presented, etc. Such voting order shall not carry over from one meeting to another, and the first alderperson alphabetically will vote first on the first issue presented at every meeting.

(Code 2011, § 2.09)

Sec. 2.10. Rule 10: Ayes and nays.

The ayes and nays shall be ordered upon any question at the request of any member, and the city clerk-treasurer shall call the roll in alphabetical order.

(Code 2011, § 2.10)

Sec. 2.11. Rule 11: Motion to reconsider.

No motion to reconsider shall be made, except by a member who voted on the prevailing side, and such motion to reconsider shall be made at the same or next succeeding regular meeting of the council.

(Code 2011, § 2.11)

Sec. 2.12. Rule 12: Standing committees.

(1) *Enumerated*. The standing committees shall be appointed by the mayor and confirmed by the council, as follows:

(a) *Finance and personnel committee*.

1. *Composition*. The finance and personnel committee shall consist of five councilmembers, in addition to the mayor, who shall be the chairperson. The mayor shall not have the power to vote.

2. *Duties*. The duties of the committee shall be to:

a. Provide policy and legislative direction relative to all financial, personnel, employee benefit, and employer insurance matters.

b. Review all sales and purchase contracts of city property which are not under the jurisdiction of the industrial and commercial commission and make appropriate recommendations to the council.

c. Recommend appropriate fee and license structure for all services under the jurisdiction of the committee.

(b) *Health and recreation committee*.

1. *Composition*. The health and recreation committee shall consist of four councilmembers.

2. *Duties*. The duties of the committee shall be to:

a. Provide policy and legislative direction relative to all recreational facilities.

b. Consider all health programs, act on any problems involving health and ensure that health standards are maintained in the city.

c. Receive and make recommendations on all applications for beer and liquor licenses. License applications shall be investigated to determine their compliance with local and state laws.

d. Review beer and liquor license holders' performance on a quarterly basis and recommend appropriate council action.

e. Recommend appropriate fee and license structure for all services under the jurisdiction of the committee.

(c) *Public protection and safety committee*.

1. *Composition*. The public protection and safety committee shall consist of four councilmembers.

2. *Duties*. The duties of the committee shall be to:

a. Provide policy and legislative direction to the police and fire departments for all matters which are not under the jurisdiction of the police and fire commission. The matters which are under the jurisdiction of this committee shall include, but not be limited to, parking lot operations, traffic patterns, traffic control, rescue squad operations, fire department operations, and police department operations.

b. Recommend appropriate fee and license structure for all services under the jurisdiction of the committee.

(d) *Legislative committee*.

1. *Composition*. The legislative committee shall consist of four councilmembers.

2. *Duties*. The duties of the committee shall be to:

a. Supervise the introduction of all ordinances, resolutions, and other written rules for adoption by the council.

b. Supervise all elections to ensure they are conducted in an orderly manner.

c. Work with other committees in preparing ordinances and resolutions, study existing ordinances, and make suggestions and recommendations to the council relative to changing or adding ordinances to increase efficiency in the operations of the city.

(e) *Board of public works*.

1. *Composition*. The board of public works shall consist of eight councilmembers, the city attorney, who shall act as legal advisor, the city clerk-treasurer, who shall be the recording secretary, and the city engineer. The city attorney, city clerk-treasurer, and city engineer shall not have the power to vote. The board of public works shall elect a chairperson who shall also serve as the council representative on the utility commission. Five councilmembers shall constitute a quorum.

2. *Duties*. The duties of the board shall be to:

a. Provide policy and legislative direction relative to garbage collection and disposal, bridges, streets, sidewalks, storm, and sanitary sewers, curb and gutter, and park facilities.

b. Approve and monitor all new construction, or reconstruction of, bridges, streets, sidewalks, storm and sanitary sewers, curb and gutter, and park facilities.

c. Perform all such duties so prescribed by state law and any other duties delegated by the council.

d. Recommend appropriate fee and license structure for all services under the jurisdiction of the board.

(2) *Mayor*. The mayor shall be the ex officio member of all standing committees and the board of public works.

(Code 2011, § 2.12)

Sec. 2.13. Rule 13: Committees, meetings.

The committees shall meet as required to consider and make recommendations on all matters before the committees.

(Code 2011, § 2.13)

Sec. 2.14. Rule 14: Action on committee reports.

Any alderperson may, without a second, require a separate vote on any item in a committee report that requires council action.

(Code 2011, § 2.14)

Sec. 2.15. Rule 15: Licenses.

All applications for liquor and beer licenses shall be referred to the health and recreation committee. Where approval must be given by the board of health, chief of police, or other public officers, such approval shall be attached to the application before presentation to the council.

(Code 2011, § 2.15)

Sec. 2.16. Rule 16: New work.

All letters, petitions, and resolutions, which have been presented to the council, shall be referred to the committee of jurisdiction and reported upon before any action shall be initiated.

(Code 2011, § 2.16)

Sec. 2.17. Rule 17: Rules; suspension, rescission, amendment.

No rule shall be suspended, rescinded, or amended without the consent of two-thirds of the members present at any meeting.

(Code 2011, § 2.17)

Sec. 2.18. Rule 18: Extraordinary majorities.

The city is presently composed of four aldermanic districts with two councilmembers from each district, making a total membership in the council of eight. Where a two-thirds majority of the entire council is called for, such shall be a majority of six votes, and where a three-fourths majority of the entire council is called for, such shall consist of six votes.

(Code 2011, § 2.18)

Sec. 2.19. Rule 19: Council elections and appointments.

Where the council has the authority to make appointments to the various boards, commissions, or positions, the council procedure shall be as follows:

(1) Nominations and ballots shall be by open ballot.

(2) The first ballot shall be informal and shall be considered the nominating ballot. Where there are more than three candidates, the three persons receiving the highest number of votes shall be considered nominated.

(3) The second ballot shall be a formal ballot and, if one of the nominees receives a clear majority of the number of votes cast, he shall be declared elected. If, on the first formal ballot, no one receives a clear majority, a second ballot shall be taken, but such shall be on the two persons receiving the highest number of votes. The balloting shall then continue until one of the nominees has received the majority of the votes cast.

(Code 2011, § 2.19)

Sec. 2.20. Rule 20: Expiration of bonds and insurance.

The finance director shall notify the chairperson of the finance and personnel committee at least 30 days prior to the expiration of all bonds and insurance policies affecting city property.

(Code 2011, § 2.20)

Sec. 2.21. Rule 21: Physical examinations; vacancies, filling.

Any vacancy for permanent employment shall be advertised. Any prospective employee for a regular position with the city shall submit to a physical examination at the city's expense, certifying such applicant is in good health before being hired.

(Code 2011, § 2.21)

Sec. 2.22. Rule 22: City hall office hours.

The office hours of the city shall be recommended by the finance and personnel committee and approved by the council.

(Code 2011, § 2.22)

Chapter 3 FINANCE AND TAXATION

Sec. 3.01. Preparation of tax roll and tax receipts.

Sec. 3.02. Fiscal year.

Sec. 3.03. Budget.

Sec. 3.04. Changes in budget.

Sec. 3.05. Accounting.

Sec. 3.06. City funds to be spent in accordance with appropriation.

Sec. 3.07. Funds; appropriations; debts.

Sec. 3.08. City depositories.

Sec. 3.09. Claims procedure.

Sec. 3.10. Destruction of obsolete public records.

Sec. 3.11. Duplicate clerk-treasurer's bond eliminated.

Sec. 3.12. Temporary investment of funds not immediately needed.

Sec. 3.13. Mayor's countersignature not required.

Sec. 3.14. Room tax.

Sec. 3.15. Energy efficiency improvement loans.

Sec. 3.01. Preparation of tax roll and tax receipts.

(1) *Aggregate tax stated on roll*. Pursuant to Wis. Stats. § 70.65(2), the city clerk-treasurer shall, in computing the tax roll, insert only the aggregate amount of state, county, school, and local taxes in a single column in the roll opposite the parcel or tract of land against which the tax is levied or, in the case of personal property, in a single column opposite the name of the person against whom the tax is levied.

(2) *Rates stamped on receipts*. The city clerk-treasurer shall cause to be printed or stamped on the tax receipt the information required by Wis. Stats. § 74.09, including, without limitation, the separate proportion or rate of taxes levied for state, county, school, local, or other purposes.

(Code 2011, § 3.01)

Sec. 3.02. Fiscal year.

The calendar year shall be the fiscal year.

(Code 2011, § 3.02)

Sec. 3.03. Budget.

(1) *Departmental estimates*. When requested by the mayor, each year, each officer, department, and committee shall file with the mayor an itemized statement of disbursements made to carry out the powers and duties of such officer, department, or committee during the preceding fiscal year, a detailed statement of the receipts and disbursements on account of any special fund under the supervision of such officer, department, or committee during such year, and of the conditions and management of such fund; 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 mayor, shall be designated as departmental estimates and shall be as nearly uniform as possible for the main division of all departments.

(2) *Mayor to prepare*.

(a) Each year, the mayor shall prepare and submit to the finance and personnel committee a proposed budget presenting a financial plan for conducting the affairs of the city for the ensuing calendar year. The budget shall include the following information:

1. The expense 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 increase and decrease recommended as compared with appropriations for the current year.

2. An itemization of all anticipated income of the city from sources other than general property taxes and bonds issued, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal year.

3. An itemization 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.

4. Such other information as may be required by the mayor and by state law.

(b) The city shall provide a reasonable number of copies of the budget thus prepared for distribution to citizens.

(3) *Hearing*. The council shall hold a public hearing on the budget as required by law. Following the public hearing, the proposed budget may be changed or amended and shall follow the same procedure before city council as ordinances.

(Code 2011, § 3.03)

Sec. 3.04. Changes in budget.

The amount of the tax to be levied or certified, the amounts of the various appropriations, and the purposes thereof shall not be changed after approval of the budget except by a two-thirds vote of the entire membership of the city council. Notice of such transfer shall be given by publication within 15 days thereafter in the official city newspaper.

(Code 2011, § 3.04)

Sec. 3.05. Accounting.

The city clerk-treasurer shall keep separate all special funds, and the city clerk-treasurer shall keep a separate account with the general fund for each officer or department to which disbursements are made from the general fund to carry out the powers and duties of such officer or department. The council shall examine and adjust the accounts of the clerk-treasurer and all other officers or agents of the city after the same have been ordered by the city clerk-treasurer.

(Code 2011, § 3.05)

Sec. 3.06. City funds to be spent in accordance with appropriation.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except in pursuance of the annual appropriation in the adopted budget or when changed as authorized by section 3.04. At the close of each fiscal year, any unencumbered balance of an appropriation shall revert to the general fund and shall 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. Any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(Code 2011, § 3.06)

Sec. 3.07. Funds; appropriations; debts.

(1) *Funds*. Unless otherwise provided by law, city funds shall be paid out only by authority of the council. Such payment shall be made in the manner provided by Wis. Stats. § 66.0607.

(2) *Appropriations*. The council shall not appropriate, nor the city clerk-treasurer pay out:

(a) Funds appropriated by law to a special purpose, except for that purpose.

(b) Funds for any purpose not authorized by state law.

(c) From any fund in excess of the monies therein.

(3) *Debts*. No debt shall be contracted against the city, or evidence thereof given, unless authorized by a majority vote of the council.

(Code 2011, § 3.07)

Sec. 3.08. City depositories.

The council shall designate a public depository within the state, with which city funds shall be deposited, and when the money is deposited in such depository in the name of the city, the city clerk-treasurer and his bondsman shall not be liable for such losses as defined by Wis. Stats. § 34.01(2). The interest arising therefrom shall be paid into the city treasury.

(Code 2011, § 3.08)

Sec. 3.09. Claims procedure.

(1) All financial claims against the city treasury, other than claims subject to Wis. Stats. § 893.80, may be made from the city treasury after the city comptroller audits and approves each claim as a proper charge against the treasury and endorses his approval on the claim after having determined that the following conditions have been complied with:

   (a) That funds are available therefor pursuant to the budget approved by the city council.

   (b) That the item or service covered by such claim has been authorized by the proper official, department head, board, or commission.

   (c) That the item or service has been actually supplied or rendered in conformity with such authorization.

   (d) That the claim is just and valid pursuant to law.

(2) The comptroller shall file with the city council, on a monthly basis, a list of the claims approved, showing the date paid, name of claimant, purpose, and amount.

(3) The city council shall authorize an annual detailed audit of its financial transactions and accounts by a public accountant licensed under Wis. Stats. ch. 442 and designated by the city council.

(4) The comptroller, in conducting his activities pursuant to this section, shall be covered by a fidelity bond in the sum of $100,000.00.

(5) Payment of regular wages and salaries of city officials and employees, pursuant to the budget and salary schedules adopted by the council, shall be paid by payroll, verified by the proper city officials and filed with the city clerk-treasurer in time for payment on the regular payday.

(Code 2011, § 3.09)

Sec. 3.10. Destruction of obsolete public records.

(1) *Financial records*. The city clerk-treasurer may destroy the following nonutility records, of which he is the legal custodian and which are considered obsolete after completion of an audit by state auditors or an auditor licensed under Wis. Stats. ch. 442, but not less than seven years after payment or receipt of any sum involved in the particular transaction unless a shorter period has been fixed or will in the future be fixed by the committee on public records, pursuant to Wis. Stats. § 16.61(3)(e), and then after such shorter period:

   (a) Bank statements, deposit books, slips, and stubs.

   (b) Bonds and coupons after maturity.

   (c) Canceled checks, duplicates, and check stubs.

(d) License and permit applications, stubs, and duplicates.

(e) Official bonds.

(f) Payrolls and other time and employment records of personnel included under the state retirement plan.

(g) Receipt forms.

(h) Special assessment records.

(i) Vouchers, requisitions, purchase orders, and all other supporting documents pertaining thereto.

(j) Vouchers and supporting documents pertaining to charges not included in plant accounts of city utilities and the sewer department.

(k) Other city utility and sewer department records with the written approval of the state public service commission.

(2) *Utility records*. The city clerk-treasurer may destroy the following records of any city utility subject to the regulations by the state public service commission, and of the sewer department of the city, of which he is the legal custodian and which are considered obsolete, after completion of an audit by the state auditors or by an auditor, licensed under Wis. Stats. ch. 442, but not less than two years after payment or receipt of the sum involved in the applicable transaction:

(a) Water stubs.

(b) Sewer rental charge stubs.

(c) Receipts of current billings.

(d) Customer's ledgers.

(3) *Other records*. The city clerk-treasurer may destroy the following records, of which he is the legal custodian and which are considered obsolete, but not less than seven years after the record was effective:

(a) Assessment rolls and related records, including board of review minutes.

(b) Contracts and papers relating thereto.

(c) Correspondence and communications.

(d) Financial reports, other than annual financial reports.

(e) Insurance policies.

(f) Oaths of office.

(g) Reports of boards, commissions, committees, and officials duplicated in the city council minutes.

(h) Resolutions and petitions.

(i) Voter cards.

(4) *Time authorization*. This section shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulation.

(Code 2011, § 3.10)

Sec. 3.11. Duplicate clerk-treasurer's bond eliminated.

(1) *Bond eliminated*. The city elects not to give the bond on the city clerk-treasurer provided for by Wis. Stats. § 70.67(1).

(2) *City liable for default of clerk-treasurer*. Pursuant to Wis. Stats. § 70.67(2), the city shall pay, if the clerk-treasurer fails to do so, all state and county taxes required by law to be paid by such clerk-treasurer to the county treasurer.

(Code 2011, § 3.11)

Sec. 3.12. Temporary investment of funds not immediately needed.

The clerk-treasurer may invest any city funds, not immediately needed, pursuant to Wis. Stats. § 66.0603.

(Code 2011, § 3.12)

Sec. 3.13. Mayor's countersignature not required.

Pursuant to Wis. Stats. § 66.0607(3), city orders may be issued over the signature of the city clerk-treasurer, and such shall be valid without being countersigned by the mayor.

(Code 2011, § 3.13)

Sec. 3.14. Room tax.

(1) *Definitions*. For the purpose of this section, the following terms shall be defined as follows:

Gross receipts means as defined in Wis. Stats. § 77.51(12m)(a), (b) and (c), insofar as applicable.

Hotel or *motel* means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, such establishments as inns, motels, hotels, tourist homes, tourist houses or courts, lodging houses, roominghouses, summer camps, apartment hotels, resort lodges and cabins and any other building in which accommodations are available to the public, except accommodations rented for a continuous period of more than one month and accommodations furnished by any hospitals, sanitariums, or nursing homes, or by corporations or associations organized and operated exclusively for religious, charitable, or educational purposes, provided that no part of the net earnings of such corporations and associations are inured to the benefit of any private shareholder or individual.

Transient means any person residing for a continuous period of less than one month in a hotel, motel, or other furnished accommodations available to the public.

(2) *Statutory authority*.

(a) Pursuant to Wis. Stats. § 66.0615, a tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotel keepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of five percent of the gross receipts from such retail furnishing of rooms or lodging, effective June 1, 2000, and continuing at that rate until such time as certain bonds or refinancing bonds to be issued by the redevelopment authority of the City of Appleton to help finance the construction of a performing arts center are paid, at which time the rate shall become three percent. Such tax shall not be subject to the selective sale tax imposed by Wis. Stats. § 77.52(2). The proceeds of such tax shall be remitted quarterly to the city clerk-treasurer.

(b) The city clerk-treasurer shall direct five percent of the tax revenues in subsection (2)(a) of this section to the general fund. During the bond repayment period discussed in subsection (2)(a) of this section, 60 percent of the balance of the proceeds are directed to the Fox Cities Convention and Tourist Bureau, to be used for the promotion of the Fox Cities as a convention location and tourist area, and 40 percent of the balance to the room tax commission established to collect and direct a two percent room tax rate for the payment of the above bonds. After the bond

payment has been completed and the room tax rate is reduced to three percent, the balance of the proceeds are directed to the Fox Cities Tourist and Convention Bureau, to be used for the promotion of the Fox Cities as a convention location and tourist area.

(3) *Administration*.

(a) This section shall be administered by the city clerk-treasurer. The tax shall be payable quarterly and shall be due on the last day of the month next succeeding the calendar quarter for which imposed. A return shall be filed with the city clerk-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 room 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 city clerk-treasurer deems necessary. Every person required to file such quarterly return shall, with his first return, elect to file an annual calendar year or fiscal year return. Such annual return shall be filed within 90 days of the close of each such calendar or fiscal year.

(b) The annual return shall summarize the quarterly returns and reconcile and adjust for errors in the quarterly returns, and shall contain such additional information as the city clerk-treasurer requires. Such annual returns shall be signed by the person required to file a return or his duly authorized agent but need not be verified by oath. The city clerk-treasurer may, for good cause, extend the time of filing any return but in no event longer than one month from the filing date.

(4) *Application for permit*. Every person furnishing rooms or lodging under subsection (2) of this section shall file with the city clerk-treasurer an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the city clerk-treasurer and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business, and such other information as the city clerk-treasurer 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 clerk-treasurer an initial fee of $5.00 for each permit.

(5) *Compliance and grant of permit*. After compliance with subsections (4) and (13) of this section by the applicant, the city clerk-treasurer shall grant and issue to each applicant a separate permit 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. It shall, at all times, be conspicuously displayed at the place for which issued.

(6) *Revocation*. When any person fails to comply with this section, the city clerk-treasurer may, upon ten days' notification, and after affording such person the opportunity to show cause why his permit should not be revoked, revoke or suspend any or all of the permits held by such person. The city clerk-treasurer shall give to such person written notice of the suspension or revocation of any of his permits. The city clerk-treasurer shall not issue a new permit after the revocation of a permit unless he is satisfied that the former holder of the permit will comply with the provisions of this section. A fee of $2.00 shall be imposed for the renewal or issuance of a permit which has been previously suspended or revoked.

(7) *Withholding*. If any person liable for any amount of tax under this section sells out his business or stock of goods, or quits the business, his successors or assigns shall withhold a sufficient amount from the purchase price to cover such amount until the former owner produces a receipt from the city clerk-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 section fails to withhold such amount from the purchase price as required, he shall become personally liable for payment of the amount required to be withheld by him to the extent of the price of the accommodations valued in money.

(8) *Taxes*.

(a) *Office audit*. The city clerk-treasurer may, by office audit, determine the tax required to be paid to the city or the refund due to any person under this section. This determination may be made upon the basis of the facts contained in the return being audited or on the basis of the other

information within the city clerk-treasurer's possession. One or more such office audit determinations may be made of the amount due for any one, or more than one, period.

(b) *Field audit*. The city clerk-treasurer may, by field audit, determine the tax required to be paid to the city or the refund due to any person under this section. The determination may be made upon the basis of the facts contained in the return being audited or upon any other information within the city clerk-treasurer's possession. The city clerk-treasurer is authorized to examine and inspect the books, records, memoranda, and property of any person in order to verify that the tax is the liability of that person or another person. Nothing in this section shall prevent the city clerk-treasurer from making a determination of tax at any time.

(9) *Failure to file*. If any person fails to file a return as required by this section, the city clerk-treasurer shall make an estimate of the amount of the gross receipts under subsection (2) of this section. Such estimate shall be made for the period from which such person failed to make a return and shall be based upon any information which is in the city clerk-treasurer's possession or may come into his possession. On the basis of this estimate, the city clerk-treasurer shall compute and determine the amount required to be paid to the city, adding to the sum arrived at a penalty equal to ten percent thereof. One or more such determinations may be made for one, or more than one, period.

(10) *Unpaid taxes*. All unpaid taxes under this section shall bear interest at the rate of 12 percent per annum from the due date of the return until the first day of the month following the month in which the tax is paid or deposited with the city clerk-treasurer. All refunded taxes shall bear interest at 12 percent per annum from the due date of the return until the first day of the month following the month in which such taxes are refunded. An extension of time within which to file a return shall not operate to extend the due date of the return for purposes of interest computation. If the city clerk-treasurer determines that any overpayment of tax has been made, intentionally or by reason of carelessness or neglect, or if the tax which was overpaid was not accompanied by a complete return, it shall not allow any interest thereon.

(11) *Delinquent tax returns*. Delinquent tax returns shall be subject to a $10.00 late filing fee. The tax imposed by this section shall become delinquent if not paid:

(a) In the case of a timely filed return, within 30 days after the due date of the return, or within 30 days after the expiration of an extension period, if one has been granted.

(b) In the case of no return filed, or a return filed late, by the due date of the return.

(12) *Penalty due to negligence*. If, due to negligence, no return is filed, a return is filed late, or an incorrect return is filed, the entire tax finally determined shall be subject to a penalty of 25 percent of the tax, exclusive of any interest or other penalties. If a person fails to file a return when due or files a false or fraudulent return with the intent in either case to defeat or evade the tax imposed by this section, a penalty of 50 percent shall be added to the tax required to be paid, exclusive of interest and other penalties.

(13) *Security*. In order to protect the revenue of the city, the city clerk-treasurer may require any person liable for the tax imposed by this section to place with him, before or after a permit is issued, such security not in excess of an amount equal to the maximum possible revenue to be derived from such property per quarter of operation, to be determined by the city clerk-treasurer. If any taxpayer fails or refuses to place such security, the city clerk-treasurer may refuse or revoke such permit. If any taxpayer is delinquent in the payment of the taxes imposed by this section, the city clerk-treasurer may, upon ten days' notice, recover the taxes, interest, and penalties from the security placed with the city clerk-treasurer by such taxpayer. No interest shall be paid or allowed by the city to any person for the deposit of such security.

(14) *Records*. Every person liable for the tax imposed by this section shall keep or cause to be kept such records, receipts, invoices, and other pertinent information essential to the proper recording and payment of such tax.

(15) *Confidentiality*.

(a) All tax returns, schedules, exhibits, writings, or audit reports relating to such returns on file with the city clerk-treasurer are deemed to be confidential, except the city clerk-treasurer may divulge their contents to the following, and no others:

1. The person who filed the return.
2. Officers, agents, or employees of the federal internal revenue service or the state department of revenue.
3. Officers, employees, or agents of the city as may be necessary to enforce collection.

(b) No person having an administrative duty under this section shall make known, in any manner, the business affairs, operations, or information obtained by an investigation of records of any person on whom a tax is imposed by this section, the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any return, or to permit any return or copy thereof to be seen or examined by any person, except as provided in subsection (15)(a) of this section.

(16) *Penalty*. Any person who is subject to the tax imposed by this section who fails to obtain a permit as required in subsection (4) of this section, fails or refuses to permit the inspection of his records by the city clerk-treasurer after such inspection has been duly requested by the city clerk-treasurer; fails to file a return as provided in this section or violates any provision of this section, shall be subject to a forfeiture not to exceed $200.00.

(Code 2011, § 3.14)

Sec. 3.15. Energy efficiency improvement loans.

The city may make a loan to an owner or lessee of a premises located in the city for making or installing an energy efficiency improvement, a water efficiency improvement or a renewable resource application to the premises or enter into an agreement with the owner or lessee regarding loan repayments to a third party for owner-arranged or lessee-arranged financing for such purposes. If the city makes such a loan or enters into such an agreement, the city may collect the loan repayment as a special charge under Wis. Stats. § 66.0627. A special charge imposed under this section for such a loan may be collected in installments and may be included in the current or next tax roll for collection and settlement under Wis. Stats. ch. 74, even if the special charge is not delinquent.

(Code 2011, § 3.15)

Chapter 4 PUBLIC SAFETY

POLICE AND FIRE COMMISSION

POLICE DEPARTMENT

FIRE DEPARTMENT

POLICE AND FIRE COMMISSION

Sec. 4.01. Board of police and fire commissioners.

Sec. 4.02. Chiefs.

Sec. 4.03. Subordinates; appointment.

Sec. 4.04. Disciplinary actions against subordinates.

Secs. 4.05—4.09. Reserved.

Sec. 4.01. Board of police and fire commissioners.

(1) See section 1.37 of this Code.

(2) The term "board," when used in this chapter, means the board of police and fire commissioners.

(Code 2011, § 4.01)

Sec. 4.02. Chiefs.

The board shall appoint the chief of police and the fire chief, who shall hold their offices during good behavior, subject to suspension or removal by the board for cause.

(Code 2011, § 4.02)

Sec. 4.03. Subordinates; appointment.

The chief of police and fire chief shall appoint subordinates, subject to approval by the board. 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 and kept on file with the city clerk-treasurer.

(Code 2011, § 4.03)

Sec. 4.04. Disciplinary actions against subordinates.

(1) Charges may be filed against a subordinate by the chief of police or fire chief, a member of the board, the board as a body, or by an elector of the city. Such charges shall be in writing and shall be filed with the president of the board. Pending disposition of such charges, the board or chief may suspend such subordinate.

(2) A subordinate may be suspended for cause by the chief of police or fire chief or the board as a penalty. The chief shall file a report of such suspension with the board immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the chief requests a hearing before the board, the chief shall file with the board charges upon which such suspension was based.

(3) The procedure following filing of charges shall be as provided in Wis. Stats. § 62.13(5)(d) through (j).

(Code 2011, § 4.04)

Secs. 4.05—4.09. Reserved.

POLICE DEPARTMENT

Sec. 4.10. Powers and duties of chief of police.

Sec. 4.11. Police officers.

Sec. 4.12. Police powers of mayor and councilmembers.

Sec. 4.13. Building inspector.

Sec. 4.14. Reserved.

Sec. 4.10. Powers and duties of chief of police.

(1) The chief of police shall possess the powers, enjoy the privileges, and be subject to the liabilities, conferred and imposed by law upon marshals and constables.

(2) He shall obey all lawful written orders of the mayor and the council.

(3) He shall cause the public peace to be preserved and see that all laws and ordinances of the city and state are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

(4) He shall be under the supervision of the mayor and shall exercise supervisory control over all the personnel of his department.

(5) He shall cooperate with other state, county, and federal enforcement agencies in the apprehension of fugitives from justice, and aid and assist all law enforcement bodies, whenever possible, in the enforcement of law.

(6) He, or any officer directed by him, shall attend all fires, riots, and tumultuous assemblages and shall take charge, save, and protect property, disperse mobs and arrest such persons as may be engaged in disturbing the peace or aiding and abetting others in doing so.

(7) He, or another police officer appointed by him, shall attend all meetings of the council and, under the direction of the presiding officer, shall preserve order and decorum.

(8) He shall make a monthly report to the council of the arrests, investigations, and other activities carried out by the police department during the previous month, which report shall also disclose the amount of all forfeitures imposed for violation of the city ordinances. On the first Monday of January of each year, he shall make an annual report of all arrests made by the department, the disposition of the persons arrested, together with all forfeitures imposed, and any other matters relevant and pertinent to the operation of such department.

(9) He shall, at least once each month, remit to the city clerk-treasurer all fees or charges collected by the department for services of process or for any other services performed.

(Code 2011, § 4.10)

Sec. 4.11. Police officers.

(1) *General powers and duties*. Each officer of the department shall possess the powers conferred on marshals and constables by law, shall preserve the public peace, and shall enforce the laws and ordinances of the state and city, subject to the orders, rules, and regulations of the chief, the mayor, and the city council.

(2) *Power of arrest*. The chief of police and any police officer shall arrest all persons in the city found in the act of violating any law or ordinance of the city or state or aiding or abetting in such violation, and they shall arrest without warrant all persons whom they have reasonable grounds to believe have violated any law or ordinance and who will not be apprehended unless immediately arrested, shall take all arrested persons in charge and confine them and shall, within a reasonable time, bring such persons before the court having jurisdiction thereof to be dealt with according to law.

(3) *Badge of office to be displayed*. Police officers of the city, when on duty, shall wear the badge or insignia of their office on the outside of the outermost garment, over the left breast, conspicuously displaying the same so the entire surface thereof may be seen, except when caution may dictate that the same shall not be exposed. The mayor and councilmembers shall also have a suitable badge or insignia of their office, to be displayed as occasion may require.

(Code 2011, § 4.11)

Sec. 4.12. Police powers of mayor and councilmembers.

The mayor and councilmembers shall have and exercise the powers of peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the city.

(Code 2011, § 4.12)

Sec. 4.13. Building inspector.

(1) *General powers and duties*. The building inspector and his delegated assistants shall enforce the building code, as set forth in chapter 14, the zoning code, as set forth in chapter 17, the housing code, as set forth in chapter 19, and remove public nuisances, as described in chapter 10, all as more specifically set forth in this Code.

(2) *Citation authority*. The building inspector and his delegated assistants shall have the authority to issue city citations for violations of chapters 10, 14, 17 and 19 and other sections of this Code that are directly related to the responsibilities of the building inspector or building inspection office. This authority shall be exercised in substantial compliance with the requirements of Wis. Stats. §§ 800.01 and 800.02 as to the service of citations and their form and contents.

(Code 2011, § 4.13)

Sec. 4.14. Reserved.

FIRE DEPARTMENT

Sec. 4.15. Fire department.

Sec. 4.16. Duties of fire chief.

Sec. 4.17. Fire inspector.

Sec. 4.18. Fire alarm systems.

Sec. 4.19. False fire alarms.

Sec. 4.15. Fire department.

The fire department of the city shall be a paid department, consisting of one chief and such assistants, captains, mechanics, members, and additional classifications as the council may from time to time authorize and establish.

(Code 2011, § 4.15)

Sec. 4.16. Duties of fire chief.

(1) The fire chief shall:

(a) Direct the operation of the department at fires, subject to the rules and regulations which may be adopted by the council, and issue and enforce such orders as, in his judgment, may be best calculated for the protection of property and the extinguishment of fires;

(b) Enforce all ordinances, rules, and regulations of the council governing the department;

(c) Report annually to the council all fires occurring in the city, the origin thereof, if possible, together with the amounts and value of property destroyed and the amount of insurance, if any;

(d) Supply a full statement of the conditions of the department at the end of each year;

(e) Make such other and further reports as are ordered by the council, or when required to do so by rules and regulations adopted by the police and fire commission;

(f) Report promptly, to the police and fire commission, any member of the department who may have disobeyed his orders or violated any of the laws or rules governing the department, as well as the absence of any member of the department from fires, together with any dereliction of duty or other violation.

(2) In the absence or disability of the fire chief, his assistant, or such other person as is properly delegated, shall perform his duties.

(Code 2011, § 4.16)

Sec. 4.17. Fire inspector.

The fire chief and the assistant chief or captain, as designated by him, shall be the fire inspectors of the city.

(1) *Powers*. Whenever and wherever in the city any inspection by the fire chief or assistant chief or captain designated by him reveals a fire hazard, the fire inspectors shall serve a notice in writing upon the owner of the property, giving the owner 48 hours in which to remove the hazard. If the fire hazard is not removed within 48 hours, it shall be deemed a nuisance and the fire inspectors shall have the same removed by the city, and the cost of the removal shall be recovered in an action against the owner of the property.

(2) *Duties*. The fire inspectors shall, once every three months and at other times when directed by the council, inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, to ascertain and cause to be corrected any conditions liable to cause fire or any violations of any law or ordinance relating to fire hazards or the prevention of fires. The fire inspectors shall, immediately after each examination, make a report in writing to the council of the number and location of buildings put in such condition as not to cause or promote fires. The fire inspectors may make a complaint for any violation of this section.

(Code 2011, § 4.17)

Sec. 4.18. Fire alarm systems.

The fire chief shall have the entire control, management, and supervision of the fire alarm system, and all apparatus, instruments, wires, batteries, boxes, and signal stations belonging to any part of the system operated in the city and shall see that the same are, at all times, kept in proper working order.

(Code 2011, § 4.18)

Sec. 4.19. False fire alarms.

See section 9.941.13 on the table in section 9.01 of this Code.

(Code 2011, § 4.19)

Chapter 5 RESERVED

Chapter 6 CIVIL DEFENSE

Sec. 6.01. County ordinance; ratification.

Sec. 6.02. City head of emergency government services.

Sec. 6.03. Penalty.

Sec. 6.01. County ordinance; ratification.

(1) The council hereby ratifies and accepts the joint action ordinance of the board of supervisors of the county adopted March 12, 1974, providing for a county-city action for emergency government plan of organization. A copy of such county ordinance is on file and available for inspection in the city clerk-treasurer's office.

(2) This ratification and acceptance of the joint action ordinance shall constitute a mutual agreement between the city and the county as provided by section II of the joint action ordinance.

(Code 2011, § 6.01)

Sec. 6.02. City head of emergency government services.

The county head of emergency government services, appointed by the county board as provided in the joint action ordinance, is hereby designated and appointed municipal head of emergency government services for the city, subject to state law and the county joint action ordinance.

(Code 2011, § 6.02)

Sec. 6.03. Penalty.

Any person who shall violate any provision of the joint action ordinance shall, upon conviction thereof, be subject to a penalty as provided in section 25.04 of this Code.

(Code 2011, § 6.03)

Chapter 7 TRAFFIC CODE

Sec. 7.01. State traffic laws adopted.

Sec. 7.02. Speed limits.

Sec. 7.03. Official traffic map.

Sec. 7.04. One-way traffic.

Sec. 7.045. No exit.

Sec. 7.05. U-turns prohibited.

Sec. 7.06. No passing zones.

Sec. 7.07. Truck routes.

Sec. 7.08. Railroad crossings.

Sec. 7.09. Neighborhood electric vehicles and other motorized vehicles.

Sec. 7.10. Snowmobiles.

Sec. 7.11. Bicycles.

Sec. 7.12. Parking regulations.

Sec. 7.125. Traffic regulations during snow emergencies.

Sec. 7.13. Erection of official traffic signs and signals.

Sec. 7.14. Skateboards, roller skates, roller skis, and play vehicles.

Sec. 7.15. Disorderly conduct with a motor vehicle prohibited.

Sec. 7.16. Jake-braking; use of compression brakes.

Secs. 7.17, 7.18. Reserved.

Sec. 7.19. Penalty.

Sec. 7.20. Enforcement.

Sec. 7.01. State traffic laws adopted.

Except as otherwise specifically provided in this chapter, the statutory provisions in Wis. Stats. chs. 340 to 348 and the administrative code provisions of 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 and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions, recreations, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic and of motor vehicle equipment on the highways, streets, and alleys of the state.

(Code 2011, § 7.01)

Sec. 7.02. Speed limits.

(1) *City streets*. The following speed limits have been established at the following locations upon the erection of standard traffic signs giving notice thereof:

(a) Haas Road: 40 miles per hour from C.T.H. "CE" to C.T.H. "Z."

(b) Thilmany Road: 15 miles per hour from the Island Street Bridge to a point 275 feet east on Thilmany Road and from the Heart of the Valley Metropolitan Sewerage District wastewater treatment plant south to the Fox River.

(c) Badger Road: 30 miles per hour from Delanglade Street to C.T.H. "OO."

(d) Tower Drive: 30 miles per hour from Prospect Avenue to East Line Road.

(e) Prospect Lane: 30 miles per hour from Tower Drive to Badger Road.

(f) East Line Road: 30 miles per hour from Tower Drive to Badger Road.

(g) Progress Way: 30 miles per hour.

(2) *County trunk highways*. The following speeds have been established for certain county trunk highways, subject to approval by the state highway division, and upon the erection of standard traffic signs giving notice thereof:

(a) C.T.H. "CE": 35 miles per hour from the centerline of S.T.H. "55" westerly to Fieldcrest Drive and 45 miles per hour from Fieldcrest Drive westerly for a distance of 750 feet.

(b) C.T.H. "CE": 35 miles per hour from the centerline of S.T.H. "55" easterly for a distance of 1,200 feet.

(c) C.T.H. "J," Lawe Street: 30 miles per hour from its intersection with Delanglade Street in the city, northerly and easterly to the north corporate limits of the city.

(d) C.T.H. "OO," Hyland Avenue:

1. 35 miles per hour from its intersection with the west corporate city limits to its intersection with S.T.H. "55."

2. 45 miles per hour from its intersection with S.T.H. "55" easterly to the corporate city limits.

(e) C.T.H. "Q": 35 miles per hour from the centerline of C.T.H. "CE" northerly to a point being 200 feet north of the northernmost leg of Woodhaven Drive and 25 miles per hour within the rest of the city.

(f) C.T.H. "Z":

1. 25 miles per hour from its intersection with S.T.H. "55" westerly to the corporate city limits.

2. 25 miles per hour from its intersection with S.T.H. "55" easterly and northerly to a point 0.1 of a mile east of its intersection with Eagles Court.

3. 35 miles per hour from a point 0.1 of a mile east of its intersection with Eagles Court to the easterly corporate limits of the city

(3) *Parks and recreational areas*. No vehicle shall be driven at a speed in excess of ten miles per hour on the streets, roads, and parking areas within all parks and recreational areas.

(4) *S.T.H. "55."*

(a) The maximum speed limit on S.T.H. "55" shall be 35 miles per hour from C.T.H. "CE" to 0.2 miles south of C.T.H. "CE" and 45 miles per hour from 0.2 miles south of C.T.H. "CE" to 0.2 miles south of Morningside Drive.

(b) The maximum speed limit on S.T.H. "55" northbound shall be 45 miles per hour from 0.1 miles north of Hyland Avenue northerly to 0.2 miles north of U.S. "41"; and on S.T.H. "55" southbound from 0.3 miles north of U.S. "41" southerly to 0.1 miles north of Hyland Avenue.

(c) The maximum speed limit on S.T.H. "55" shall be 35 miles per hour from C.T.H. "CE" to 0.2 miles south of C.T.H. "CE"; and 45 miles per hour from 0.2 miles south of C.T.H. "CE" to 0.2 miles south of Morningside Drive.

(Code 2011, § 7.02; Ord. No. 1691, 10-15-2013)

Sec. 7.03. Official traffic map.

There is hereby established an official map upon which shall be indicated arterial highways, stop signs, and yield signs. A violation of the restrictions or limitations shown on the official traffic map shall be maintained in the office of the city clerk-treasurer, the police department, and the municipal court. The city council may from time to time make additions to or deletions from the official traffic map, and the city engineer shall keep such map current.

(Code 2011, § 7.03)

Sec. 7.04. One-way traffic.

The following streets or portions thereof shall be one-way streets, and traffic shall move in the direction indicated:

(1) Alley connecting Crooks Avenue and Main Avenue through the 200 Block: easterly only except for the westerly 75 feet thereof.

(2) Pool Road: southerly from the south side of the pool building to the exit at Boyd Avenue.

(3) Pool Road: northerly on the Horseshoe Driveway directly in front of the swimming pool.

(4) Thilmany Road: in an easterly direction from the intersection of Island Street Bridge and Thilmany Road to the intersection of Thilmany Road and Elm Street.

(5) Twelfth Street - westerly on the Horseshoe Driveway and parking area at Horseshoe Valley Park.

(Code 2011, § 7.04)

Sec. 7.045. No exit.

(1) No operator of a vehicle shall exit westbound from First Street Alley onto Crooks Avenue.

(2) No operator of a vehicle shall exit the parking lot of Riverview Middle School onto Crooks Avenue.

(Code 2011, § 7.045)

Sec. 7.05. U-turns prohibited.

U-turns are prohibited at the following intersections in the city:

(1) Crooks Avenue and Second Street.

(2) Second Street and Reaume Avenue.

(3) Wisconsin Avenue and Desnoyer Street.

(Code 2011, § 7.05)

Sec. 7.06. No passing zones.

No vehicle shall pass any other moving vehicle proceeding in the same direction on the following streets or portions thereof in the city:

(1) C.T.H. "Q": from Dodge Street to C.T.H. "CE."

(2) C.T.H. "ZZ":

(a) From Dodge Street to the easterly corporate limits of the city.

(b) Crooks Avenue: from Second Street to 12th Street.

(c) Delanglade Street: from Lawe Street to Hyland Avenue.

(5) Dodge Street: in its entirety.

(6) Draper Street: in its entirety.

(7) Elm Street: in its entirety.

(8) Island Street: in its entirety.

(9) Island Street Bridge.

(10) Kenneth Avenue: from Third Street westerly and southerly to the alley between Park Street and Klein Street.

(11) Lawe Street: from Wisconsin Avenue to Division Street.

(12) Lawe Street Bridge.

(13) Main Avenue: from Fourth Street to the Lawe Street Bridge.

(14) Maple Street: from Main Avenue to Island Street.

(15) Plank Road: from Washington Street to Green Bay Road.

(16) Ryan Street: in its entirety.

(17) Second Street: in its entirety.

(18) Taylor Street: in its entirety.

(19) Tenth Street: from Crooks Avenue to Main Avenue.

(20) Thilmany Road: from Elm Street easterly to the Heart of the Valley Metropolitan Sewerage District water treatment plant.

(21) Third Street: in its entirety.

(22) Wisconsin Avenue: both east and west in its entirety.

(Code 2011, § 7.06)

Sec. 7.07. Truck routes.

(1) *Official map*. There is hereby designated on the "Official Truck Route Map," which is located in the office of the city clerk-treasurer, certain streets and routes within the city which shall be known as truck routes, which map is incorporated herein by reference.

(2) *Weight limitation*. The operator of any commercial motor vehicle having a gross weight of 15,000 pounds or more, other than buses, shall travel on such routes, except when impractical to do so or when loading or unloading.

(3) *Vehicle may be weighed at request of police officer*. Any police officer, if he has good reason to believe that the total weight of any vehicle and load exceeds the load permitted upon the street over which the same is being driven or hauled, may demand that the owner, operator, or driver of such vehicle drive or convey the same to the most convenient scale and weigh it.

(4) *Special permit required*. Any person desiring to operate vehicles with loads of excessive size and weight shall apply to the city engineer for a special permit, and the city engineer may prescribe a route in writing in triplicate; one copy to be retained by the city engineer and two copies given to the applicant. The applicant shall file one of the copies with the police department. When the office of the city engineer is closed, the police department may prescribe such routes upon request.

(Code 2011, § 7.07)

Sec. 7.08. Railroad crossings.

No person shall operate or permit to be operated any railway train, locomotive, or car upon or across any street crossing in the city obstructing public travel thereon for more than ten minutes.

(Code 2011, § 7.08)

Sec. 7.09. Neighborhood electric vehicles and other motorized vehicles.

(1) *Definition.* The term "neighborhood electric vehicle" means any self-propelled electrically-powered motor vehicle, excluding golf carts, that has a maximum speed of 20 to 25 miles per hour, that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the federal department of energy, and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low-Speed Vehicles under 49 CFR 571.3(b) and 571.500.

(2) *Limitations*. Neighborhood electric vehicles, authorized pursuant to Wis. Stats. § 349.26, are allowed to be operated on all public roads with posted speeds of 35 miles per hour or less within the city,

except not on those city streets on the state trunk network, marked with S.T.H. or U.S.H. route. Notwithstanding the above, such operation is permitted on: S.T.H. "55" north of C.T.H. "CE" and south of Desnoyer Street and on S.T.H. "96" from the west city limits to Claribel Street.

(3) *State driver's license and registration required*.

(a) Any person who operates a neighborhood electric vehicle on any city street must hold a valid state driver's license.

(b) Any person who operates a neighborhood electric vehicle on any city street must register the neighborhood electric vehicle with the state, if required by state law.

(4) *Other motorized vehicles*. Except as provided for neighborhood electric vehicles within this section, no person shall operate any motorized vehicle on any city highway or sidewalk, or within any park or recreation areas in the city, except in areas specifically designated and marked for such use by the city. This section shall not apply to the operation of a properly licensed vehicle on any highway, or to the operation of motorized farm, lawn, or garden equipment.

(Code 2011, § 7.09)

Sec. 7.10. Snowmobiles.

(1) *State snowmobile laws adopted*. Except as otherwise provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following sections of the state statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section: Wis. Stats. §§ 350.02 to 350.05, 350.07 to 350.107, 350.11, 350.12, 350.13, 350.135, 350.15 to 350.17, 350.19 and 350.99.

(2) *Applicability of the rules of the road to snowmobiles*. The operator of a snowmobile upon a roadway shall, in addition to the provisions of Wis. Stats. ch. 350, be subject to Wis. Stats. § 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9).

(3) *Written consent of owner required*. The consent required under Wis. Stats. §§ 350.10(6), (11) through (13) shall be written consent, dated, and limited to the year in which the consent was given. If the property is owned or leased by more than one person, the consent of each must be obtained.

(4) *Snowmobiles prohibited on public property*. Except as provided in Wis. Stats. § 350.02 and 350.03 or for snowmobile events authorized in accordance with Wis. Stats. § 350.04, no person shall operate a snowmobile upon a public right-of-way, in any public park, or on any public property in the city.

(5) *Future amendments, revisions, or modifications*. Any future amendments, revisions, or modifications of the state statutes incorporated in this section are intended to be and hereby are made part of this chapter.

(Code 2011, § 7.10)

Sec. 7.11. Bicycles.

(1) *Registration*.

(a) No person shall operate a bicycle, customarily kept within the city, upon any street in the city unless the bicycle is registered and tagged as provided in this section.

(b) Registration shall be made by filing with the police department the name and address of the owner, together with a complete description of the bicycle, on forms provided by the department and paying a registration fee of $2.00. Registration shall be serially numbered and kept on file in the police department as a public record. Upon such registration, the police department shall

affix an identification tag to the bicycle registered and serially numbered to correspond to the registration number. Such tag shall remain affixed to the bicycle unless removed by the police department for cause or upon re-registration by a new owner of the bicycle. All bicycle registrations, and therefore all bicycle tags, shall be issued on a permanent licensing fee basis.

(c) Bicycle owners will be required to obtain a new tag if the original tag was painted over, obliterated, or defaced in any manner.

(d) No bicycle in unsafe mechanical condition shall be registered. The chief of police may suspend registration and remove the identification tag from any bicycle operated contrary to any state law or city ordinance, or operated while in unsafe mechanical condition, such suspension or removal to continue for not to exceed ten days, provided that such registration shall not be reinstated or such identification tag replaced while such bicycle is in unsafe mechanical condition. Such suspension and removal shall be in addition to other penalties provided in this section.

(e) No person shall willfully remove, deface, or destroy any such identification tag.

(f) Within ten days after any bicycle registered under this section shall have changed ownership or been dismantled and taken out of operation, the person in whose name the bicycle has been registered shall report such information to the police department. In case of change of ownership, new registration shall be obtained by the new owner.

(2) *Rental agencies*. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided in this section and such bicycle is equipped with the lamps and other equipment required by the state motor vehicle code.

(3) *Bicycle dealers*. Every person engaged in the business of buying or selling secondhand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and the number of the license plate, if any, found thereon.

(4) *Applicable traffic laws*. Every person riding a bicycle upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle, except as to the special regulations and provisions of laws and ordinances which, by their nature, can have no application.

(5) *Obedience to traffic control device*.

(a) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating no right, left, or U-turn is permitted, no person operating a bicycle shall disobey any such sign, except where such person dismounts from the bicycle to make any such turn, in which case such person shall then obey the regulations applicable to pedestrians.

(6) *Parking*. No person shall park a bicycle upon a street other than upon the roadway against the curb, upon the sidewalk in a rack to support the bicycle, or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

(7) *State traffic forfeiture laws adopted*. Except as otherwise specifically provided in this section, all the provisions of Wis. Stats. §§ 346.77, 346.78, 346.79, 346.80, 346.803, 346.804, 346.82 and 347.489, relating to bicycles and play vehicles, are hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute is required or prohibited by this section.

(8) *Sidewalks*.

(a) *Business district*. No person shall operate or ride a bicycle on the sidewalks in any business district in the downtown area, on the Lawe Street Bridge, on the Veteran's Memorial Bridge, and on connecting sidewalks between the north side and south side business districts from Wisconsin Avenue to Second Street on Main Avenue or Crooks Avenue.

(b) *Other districts*. On sidewalks in districts other than described in subsection (8)(a) of this section, no person may operate or ride a bicycle except for the following:

1. A person under the age of 13 years.
2. A person over the age of 12 years who is accompanying a bicycle rider who is under the age of 13 years.
3. Newspaper carriers in the performance of their duties.

(c) *Physically handicapped persons*. A physically handicapped person with a motor-driven three-wheel scooter, wheelchair, or three-wheel bicycle is not affected by this subsection (8).

(d) *Right-of way.* All persons operating or riding a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and, within a crosswalk, to any motor vehicle, and shall give an audible signal before passing any pedestrian or bicycle rider proceeding in the same direction.

(e) *Penalty*. Any person violating this subsection (8) may be required to forfeit not more than $10.00.

(Code 2011, § 7.11)

Sec. 7.12. Parking regulations.

(1) *No parking*. The following streets or portions thereof are hereby designated as "No Parking" areas upon which no vehicles shall be parked at any time:

(a) Altendorf Place: On the south side.

(b) Ann Street:

1. On the north side of the street from the curbline of Crooks Avenue westerly 144 feet.
2. On the north and south sides of the street from the east right-of-way line of De Bruin Road easterly 87 feet.

(c) Armstrong Court: On the north, south and east sides.

(d) Augustine Street:

1. On the west side of the street from the curbline of Tobacnoir Street north for a distance of 58 feet.
2. On the east side of the street from the curbline of Tobacnoir Street north for a distance of 60 feet.

(e) Bank Avenue: On the south side of the street between Crooks Avenue and Quinney Avenue.

(f) Bicentennial Court: On the north side of the street from the west curbline of Fox Shores Court westerly for a distance of 115 feet and from the east curbline of Fox Shores Court easterly for a distance of 147 feet.

(g) Boyd Avenue:

1. On the west side of the street from Dodge Street to Tenth Street.
2. On the east side of the street from 31 feet south of the crosswalk at Boyd Avenue and Dodge Street to Tenth Street.

(h) Brill Road: On the west side of the street from Seventh Street to Tenth Street.

(i) Brothers Street: On the south side of the street from Lawe Street to Desnoyer Street from 7:30 a.m. to 4:30 p.m. on school days.

(j) Canal Street:

1. On the north side of the street from the curbline of Catherine Street easterly for a distance of 77 feet.
2. On the south side of the street from the curbline of Catherine Street easterly for a distance of 85 feet.
3. On both the east and west sides of the street from Veterans Memorial Bridge to Catherine Street.

(k) Catherine Street:

1. On the east side of the street from Lawe Street southerly through the intersection of John Street.
2. On the east side of the street from the curbline of Canal Street northerly for a distance of 50 feet.
3. On the west side of the street from Lawe Street to Canal Street.

(l) Cleveland Avenue: On the east and west sides of the street between Dodge Street and Eighth Street.

(m) Crooks Avenue:

1. On the west side of the street from Main Avenue to Second Street.
2. On the west side of the street from the alley in the 200 block of Crooks Avenue south 5.5 feet and from the north curbline of Third Street 44 feet north.
3. On the east side of the street from Main Avenue southerly to the city limits.
4. On the west side of the street from Fourth Street southerly to the city limits.

(n) Depot Street: On the east side of the street between Wisconsin Avenue and Doty Street.

(o) Desnoyer Street:

1. On the west side of the street from Wisconsin Avenue to a point 77 feet north of the curbline of Doty Street.
2. On the west side of the street from a point 255 feet south of the intersection of Desnoyer Street and Tobacnoir Street to a point 44 feet south of the intersection of Desnoyer Street and Tobacnoir Street.

(p) Dodge Street:

1. On the north side of the street from the curbline of Crooks Avenue easterly for a distance of 100 feet.
2. On the north side of the street between Island Street easterly to a point 80 feet east of the extension of the east right-of-way line of Boyd Avenue.
3. On the south side of the street from Island Street easterly to the west right-of-way line of Eagles Court.
4. On both sides of the street from First Street Alley to Dodge Street Bridge.

(q) Doty Street: on the south side of the street from the curbline of Lawe Street westerly for a distance of 82 feet.

(r) Draper Street:

1. On the south side of the street from the curbline of Gertrude Street westerly for a distance of 79 feet.
2. On the north side of the street from the curbline of Gertrude Street for a distance of 62 feet.

3. On the north side of the street from the curbline of Gertrude Street westerly for a distance of 79 feet.

(s) East Eighteenth Street:

1. On the south side of East Eighteenth Street from the east curbline of Crooks Avenue easterly 100 feet.

2. On the north side of the street from the east curbline of Crooks Avenue easterly 135 feet.

(t) Eighth Street:

1. On the south side of the street between Metoxen Avenue and Spring Street.

2. On the south side of the street between Boyd Avenue and Cleveland Avenue.

(u) Elm Street:

1. On the south side of the street from the curbline of Island Street easterly for a distance of 80 feet.

2. On the north side of the street from the curbline of Island Street easterly for a distance of 135 feet.

(v) Fourteenth Street: On the north side of the street from 54 feet east of to 54 feet west of the ingress/egress to the St. Paul Elder Services at 312 East Fourteenth Street.

(w) Fourth Street: On the south side of the street from Crooks Avenue westerly to Main Avenue.

(x) Fourth Street Plaza: On the north side between Crooks Avenue and Quinney Avenue.

(y) Frances Street:

1. On the north side of the street for a distance of 132 feet east from and 50 feet west from the west lot line of Outlot 1, Fieldcrest Subdivision, city.

2. On the north side of the street for a distance of 20 feet on either side of the entrance to the walkway tunnel.

(z) Gertrude Street: On the west side of the street from the north curbline of Draper Street northerly to the railroad tracks.

(aa) Grignon Street:

1. On the west side of the street between Division Street and Tobacnoir Street.

2. On the east side of the street between Ducharme Street and Terry Lane.

(ab) Hendricks Avenue:

1. On the east side of the street for a 42-foot section near the side door to St. Mary's Church.

2. On the east side of the street starting at the north curbline of the alley between Fifth Street and Sixth Street on Hendricks Avenue northerly and easterly onto Reaume Avenue for a distance of 48 feet.

(ac) Hyland Avenue Access: On the north side of the street from Diedrich Street to Idlewild Street.

(ad) Island Street:

1. On the west side of the street from the curbline of Maple Street northerly for a distance of 109 feet.

2. On the west side of the street from the curbline of Oak Street southerly for a distance of 50 feet.

3. On the west side of the street from a point 259 feet south of Oak Street for a distance of 84 feet in a southerly direction.

4. On the east side of the street from the south side of Elm Street for a distance of 83 feet in a southerly direction.

5. On the east side of the street from the north side of Elm Street for a distance of 45 feet in a northerly direction.

(ae) Island Street Bridge.

(af) John Street: On the west side of the street from the curbline of Catherine Street northerly for a distance of 60 feet.

(ag) Joyce Street: On the north side of the street from the curbline of High Street westerly for a distance of 129 feet.

(ah) Kaukauna Street: On the west side of the street from Taylor Street to Wisconsin Avenue.

(ai) Kenneth Avenue: On the east side of the street from Tenth Street to the alley between Tenth Street and Eleventh Street.

(aj) Lawe Street: On both sides of the street from Main Avenue to Delanglade Street.

(ak) Loderbauer Road: On the east side of the street from the south right-of-way line of Andrea Michelle Court southerly 1,500 feet.

(al) Main Avenue:

1. On the east side of the street from the west curbline of Crooks Avenue southerly 126 feet and from the north abutment of the Power Canal Bridge to 80 feet south of the south abutment of the Power Canal Bridge.

2. On the west side of the street from Lawe Street to 80 feet south of the south abutment of the Power Canal Bridge.

3. On the west side of the street from the north curbline of Second Street northerly for a distance of 128 feet.

(am) Maple Street:

1. On the south side of the street from the curbline of Main Avenue easterly for a distance of 81 feet.

2. On the south side of the street from Island Street westerly to the school administration office parking lot entrance/exit between the hours of 7:00 a.m. and 4:00 p.m., except Saturdays, Sundays, and holidays.

3. On the north side of the street from the curbline of Island Street westerly 95 feet and on the north side thereof from the curbline of Main Avenue easterly 170 feet.

4. On the north side of the street between the signs at the entrance to the school parking lot.

5. On the north side of the street from the curbline of Main Avenue easterly for 233 feet.

(an) Maria Street: On the west side of the street beginning at the point of its intersection between the north right-of-way line of Armstrong Court extended to the west right-of-way line of Maria Street, then southerly for a distance of 74 feet.

(ao) Oakridge Avenue: On the west side of the street from 184 feet north of the curbline of Twelfth Street to a point 250 feet north of the curbline of Twelfth Street.

(ap) Plank Road: On the east side of the street from the south curbline of Lawe Street for a distance of 150 feet.

(aq) Quinney Avenue:

1. On the east side of the street from Dodge Street to Seventh Street, except on Saturdays, Sundays, and holidays.

2. On the west side of the street from Crooks Avenue to Seventh Street, except on Saturdays, Sundays, and holidays.

3. On the north side of the street from the curbline of Crooks Avenue easterly for a distance of 60 feet.

(ar) Reaume Avenue:

1. On the west side of the street from the curbline of Hendricks Avenue northerly for a distance of 92 feet.

2. On the west side of the street from the south curbline of Second Street southerly for the length of city hall, except that vehicles owned by the city and used by the city police department may park for short, reasonably limited times in one parking space 20 feet southerly from a point 27 feet south of the curbline of Second Street.

3. On the east side of the street from the curbline of Second Street southerly for a distance of 33 feet.

(as) Sarah Street: On the south side of the street from the west curbline of Lawe Street westerly 56 feet.

(at) Second Street:

1. On the north side of the street from the curbline of Reaume Avenue easterly for a distance of 45 feet.

2. On the south side of the street from the curbline of Reaume Avenue easterly for a distance of 34 feet.

3. On the south side of the street from the curbline of Crooks Avenue easterly for a distance of 48 feet.

4. On the north side of the street from the curbline of Crooks Avenue easterly for a distance of 32 feet.

5. On the north side of the street from the curbline of Crooks Avenue westerly for a distance of 28 feet.

6. On the north side of the street from the curbline of Dodge Street westerly for a distance of 52 feet.

7. On the north and south sides of the street for an 18-foot section near the Second Street door to Carstens Hardware.

8. On the north side of the street from the curbline of Main Avenue easterly for a distance of 35 feet.

9. On the south side of the street from the curbline of Main Avenue easterly for a distance of 33 feet.

10. On the north side of the street from the curbline of Main Avenue westerly for a distance of 59 feet.

11. On the south side of the street from the curbline of Main Avenue westerly for a distance of 64 feet.

12. On the south side of the street from the curbline of Dodge Street westerly for a distance of 27 feet.

(au) Seventh Street: On the south side of the street from the curbline of Hendricks Avenue easterly for a distance of 120 feet.

(av) Sixth Street: On the north side of the street from the curbline of Sullivan Avenue easterly for a distance of 120 feet.

(aw) Taylor Street:

1. On the south side of the street from the curbline of Lawe Street westerly for a distance of 140 feet.
2. On the north side of the street from the curbline of Lawe Street westerly for a distance of 80 feet.

(ax) Tenth Street:

1. On the north and south sides of the street between Boyd Avenue and Cleveland Avenue.
2. On the north side of the street from the curbline of Crooks Avenue easterly for a distance of 80 feet.
3. On the south side of the street from the curbline of Crooks Avenue easterly for a distance of 80 feet.
4. On the south side of the street between Crooks Avenue and Main Avenue.
5. On the south side of the street from the curbline of Kenneth Avenue easterly for a distance of 43 feet.
6. On the north side of the street from the curbline of Kenneth Avenue easterly for a distance of 50 feet.
7. On the north side of the street from the curbline of Kenneth Avenue westerly for a distance of 65 feet.
8. On the south side of the street from the curbline of Kenneth Avenue westerly for a distance of 38 feet.
9. On the south side of the street from the west curbline of Kenneth Avenue westerly for a distance of 64 feet.
10. On the north side of the street from the east curbline of Metoxen Avenue to the west curbline of the alley between Metoxen Avenue and Spring Street.
11. On the south side of the street from the west curbline of Metoxen Avenue easterly for a distance of 340 feet.
12. On the north side of the street from the east curbline of Quinney Avenue to the west curbline of Metoxen Avenue.
13. On the south side of the street from the east curbline of Quinney Avenue easterly for a distance of 170 feet.

(ay) Thilmany Road.

(az) Third Street:

1. On the south side of the street from the curbline of Reaume Avenue easterly for a distance of 114 feet.
2. On the north side of the street from the east side of the fire department to a point 85 feet west of the start of the street department lot.
3. On the south side of the street from the curbline of Reaume Avenue westerly for a distance of 335 feet.
4. On the north side of the street from the curbline of Reaume Avenue easterly for 33 feet.
5. On the north side of the street from the curbline of Main Avenue easterly for 84 feet.
6. On the south side of the street from the curbline of Crooks Avenue westerly for 33 feet.
7. On the north side of the street from the curbline of Crooks Avenue westerly for 37 feet.

8. On the south side of the street from the curbline of Main Avenue westerly for 32 feet.
9. On the north side of the street feet west of the exit gate at the west end of the public works garage to 35 feet east of the gate.

(ba) Tobacnoir Street: On the north side of the street between Grignon Street and Augustine Street.

(bb) Twelfth Street:

1. On the south side of the street for a distance of 55 feet east and 40 feet west of the driveway of the Kaukauna Clinic.
2. On the south side of the street from the right-of-way line of Crooks Avenue easterly a distance of 49 feet.

(bc) Veterans Memorial Bridge, or on the approaches to the bridge.

(bd) Wisconsin Avenue:

1. On the south side of the street from the curbline of Lawe Street westerly for a distance of 43 feet.
2. On the north side of the street from the curbline of Lawe Street easterly for a distance of 114 feet.
3. On the north side of the street from the curbline of Desnoyer Street easterly for a distance of 62 feet.
4. On the north side of the street between Maria Street and Gertrude Street.
5. On the south side of the street from the curbline of Lawe Street easterly for a distance of 25 feet.
6. On the north side of the street from the curbline of Desnoyer Street westerly for a distance of 80 feet.

(be) On any side of a traffic island within the city.

(2) *Limited parking*. Limited parking in the city is hereby established as follows:

(a) *Restrictions on city parking lots*.

1. Lot 1: East Wisconsin Avenue, east of 103 East Wisconsin Avenue. No parking between the hours of 3:00 a.m. and 6:00 a.m.
2. Lot 2: 141 West Wisconsin Avenue. No parking between the hours of 3:00 a.m. and 6:00 a.m. Four-hour parking limit between 6:00 a.m. and 6:00 p.m.
3. Lot 3: Reaume Avenue and Third Street in the southwest corner. No parking shall be permitted in this lot at any time, except by members of the city fire department.
4. Lot 4: Reaume Avenue and Third Street in the northwest corner. No parking between the hours of 3:00 a.m. and 6:00 a.m. Four-hour parking limit between the hours of 6:00 a.m. and 6:00 p.m.
5. Lot 5: Reaume Avenue and Second Street in the northeast corner. No parking between the hours of 2:00 a.m. and 6:00 a.m. Four-hour parking limit without a city permit between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday. Municipal employees' vehicles must display a city permit for all-day parking.
6. Lot 6: Main Avenue and First Street Alley. No parking between the hours of 3:00 a.m. and 6:00 a.m. Four-hour parking limit between the hours of 6:00 a.m. and 6:00 p.m., except for vehicles displaying a city permit for overnight parking in this lot.
7. Lot 7: Main Avenue and Third Street. No parking between the hours of 3:00 a.m. and 6:00 a.m. Four-hour parking limit between the hours of 6:00 a.m. and 6:00 p.m.

8. Lot 8: West of 151/153 East Third Street. No parking between the hours of 3:00 a.m. and 6:00 a.m., except for vehicles displaying a city permit for overnight parking in this lot. No parking in the third stall south from East Third Street, next to the building east of the lot, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, 12 months of the year.
9. Lot 9: Doty Street and Lawe Street. No parking between the hours of 3:00 a.m. and 6:00 a.m., except for vehicles displaying a city permit for overnight parking in this lot.
10. Lot 10: Diamond #1 Parking Lot on Dodge Street. No parking between the hours of 3:00 a.m. and 6:00 a.m.
11. Lot 11: Grignon Home. No parking between the hours of 2:00 a.m. and 6:00 a.m.
12. On all parking lots and driveways located on city-owned property not limited by other sections of this Code, there shall be no parking between the hours of 11:00 p.m. and 6:00 a.m.

(b) *Four-hour parking*.

1. Reaume Avenue: Between Second Street and Third Street.
2. Progress Way: South side, parallel parking only, for 70 feet both easterly and westerly from the center of the fishing pier/dock in Kelso Pond, between the hours of 6:00 a.m. and 11:00 p.m. only.

(c) *Ninety-minute parking.*

1. Crooks Avenue: Between First Alley and Third Street, except as more limited by subsection (9)(p)(1) of this section.
2. Crooks Avenue: West side between Third Street and the alley between Third Street and Fourth Street.
3. Desnoyer Street: East side between Doty Street and Wisconsin Avenue.
4. Dodge Street: Between Crooks Avenue and First Street Alley.
5. First Alley: North side between Main Avenue and Crooks Avenue.
6. Main Avenue: Between First Street Alley and Third Street Alley.
7. Reaume Avenue: East side between Third Street and Fourth Street.
8. Second Street: Between Reaume Avenue and Dodge Street.
9. Third Street: Between Reaume Avenue and Dodge Street.
10. Wisconsin Avenue: Between Kaukauna Street and the dead end of East Wisconsin Avenue.

(d) *Thirty-minute parking*.

1. The first five parking stalls on the south side of Second Street and immediately west of Reaume Avenue.
2. The first parking stall on the east side of Island Street immediately north of Maple Street.

(e) *Fifteen-minute parking*. To be in effect from 8:00 a.m. to 5:00 p.m. daily in the following areas:

1. Crooks Avenue: On the west side of Crooks Avenue, the first parking stall south of East Second Street, and the first parking stall south of East Third Street.
2. Dodge Street: On the south side of Dodge Street, the first parking stall east of Quinney Avenue.
3. Dodge Street: On the south side of Dodge Street, from 80 feet east of the curbline of Quinney Avenue to 98 feet easterly of the curbline.

4. Main Avenue: On the east side of Main Avenue, each of the first parking stalls north and south of East Second Street.

5. Second Street: On the south side of East Second Street, the first parking stall east of Main Avenue and the first parking stall west of Crooks Avenue.

6. Second Street: On the north side of East Second Street, the first parking stall east of Main Avenue.

7. Third Street: On the south side of East Third Street, the first parking stall west of Crooks Avenue.

(f) *Ten-minute parking*.

1. On the north side of Third Street from Reaume Avenue to the corner of the fire department building.

(g) *From Thanksgiving to Christmas*. From Thanksgiving to Christmas each year, parking on all of the streets listed in subsection (2)(a) of this section shall be limited to 90 minutes between the hours of 8:30 a.m. and 8:30 p.m., Monday through Friday.

(h) *General information*. Except for the four-hour limited parking areas which shall be in effect between 6:00 a.m. and 6:00 p.m. and except for the 15 minutes limited parking areas, the period of limited parking shall be between the hours of 8:30 a.m. and 4:00 p.m. for all weekdays except Sundays and legal holidays. In addition, the limited parking to be in effect on Thursdays shall be extended from 8:30 a.m. to 8:30 p.m. The time periods as indicated under this section shall be effective unless modified by ordinances relating to specific streets or portions of streets.

(i) *Police-permitted parking*. No parking at any time on the following city streets, except upon prior written permission from the city police department, or unless expressly permitted elsewhere within this section:

1. Badger Road.

2. Tower Drive.

3. Prospect Lane.

4. East Line Road.

5. Driessen Drive.

6. Progress Way.

7. North Ridge Drive.

(j) *Leased downtown parking*. A limited number of designated parking spaces may be leased to residential or business tenants for the purpose of overnight parking, subject to the terms, rules, regulations, and limitations set forth within a downtown parking space lease agreement, as adopted hereby and as amended from time to time. Downtown parking space lease agreement applications and permits shall be available from the city clerk-treasurer's office.

(3) *All-night parking prohibited*.

(a) No vehicle shall be left parked or standing unattended between the hours of 2:00 a.m. and 6:00 a.m. on any street in the business district.

(b) Subject to other parking restrictions, no vehicle shall be left parked or standing unattended between the hours of 2:00 a.m. and 6:00 a.m. on any street outside of the business district, except for the following vehicles as defined in Wis. Stats. § 340.01: automobile, commercial motor vehicle, moped, motor bus, motorcycle, motor truck, school bus, tow truck, truck tractor, and road tractor. No trailer, as defined in Wis. Stats. § 340.01(71), shall become a permitted exception to this prohibition by reason of it being attached to a permitted vehicle so as to form a combination or articulated vehicle. Further, a permitted parked vehicle must be currently

licensed, fully legally road operable, and on a street permitted for its weight and in a spot otherwise legal to park.

(4) *Winter parking restrictions*. During December, January, February, and March, no vehicle shall be left parked or standing unattended as follows:

(a) On any public street of the city between the hours of 2:00 a.m. until 6:00 a.m.

(b) On the southeast side of Roosevelt Street and on the northwest side of Wilson Street at any time.

(5) *Street storage prohibited*. No vehicle shall be left parked or standing on any street or parkway in the city for more than 24 continuous hours unless a permit to do so has first been obtained from the chief of police. The term "parkways" means that area between the sidewalk and the nearest curbline running parallel, or generally parallel, thereto.

(6) *Terrace parking*. The parking of vehicles shall be permitted on the terrace on the south side of West Third Street from Reaume Avenue to Hendricks Avenue extended, subject, however, to all other parking restrictions presently in effect for that particular area.

(7) *Alley parking in a business district*. There shall be no parking of vehicles in any alley in a business district at any time, except for the loading and unloading of merchandise, but at no time shall any vehicle block the traffic in such alley.

(8) *Reserved handicapped parking areas*.

(a) Handicapped parking. The police department shall designate the following areas as handicapped parking, that is parking only for motor vehicles being used by a physically disabled person, as defined in Wis. Stats. § 345.503:

1. Six handicapped parking spaces diagonally abutting the sidewalk in front of the rectory of St. Mary of the Annunciation Parish at 119 W. 7th Street.

2. One handicapped parking space on the east side of Main Avenue beginning 15 feet south of the crosswalk, which is also the south right-of-way of Eighth Street.

3. One handicapped parking space diagonally abutting the sidewalk in front of the easterly half of 130 E. Second Street.

4. Two handicapped parking spaces on the southeast side of Grignon Street beginning 15 feet northeasterly of the crosswalk, which is also the northeast right-of-way of Tobacnoir Street.

5. Two handicapped parking spaces on the north side of Augustine Street beginning 15 feet east of the crosswalk, which is also the northeast right-of-way of Tobacnoir Street.

6. Three handicapped parking spaces on the northwest side of Desnoyer Street beginning 15 feet north of the crosswalk, which is also the northeast right-of-way of Doty Street.

(b) No vehicle, other than those as permitted subsection (8)(a) of this section, shall be left parked or standing in the reserved or handicapped parking areas.

(9) *School bus loading and unloading zones*. During the hours of 7:30 a.m. to 4:30 p.m. during school days, no person may park, stop, or leave any vehicle standing, whether temporarily or otherwise, upon the following designated areas, except school buses shall be permitted to park in the following designated areas for loading and unloading purposes:

(a) Ann Street: On the south side of West Ann Street from a point 132 feet west of the curbline on Thelen Avenue to a point 456 feet west of the curbline on Thelen Avenue.

(b) Brothers Street: On the south side of Brothers Street from a point 57 feet west of the curbline on Lawe Street to a point 184 feet west of the curbline on Lawe Street.

(c) Doty Street:

1. On the north side of Doty Street from a point 30 feet west of the curbline on Desnoyer Street to a point 174 feet west of the curbline on Desnoyer Street.
2. On the north side of Doty Street from a point 199 feet west of the curbline on Desnoyer Street to a point 360 feet west of the curbline on Desnoyer Street.

(e) Eighth Street: On the south side of East Eighth Street from a point 52 feet east of the curbline on Main Avenue to a point 125 feet east of the curbline on Main Avenue.

(f) High Street: On the south side of High Street from a point 202 feet west of the curbline on Fern Street to a point 490 feet west of the curbline on Fern Street.

(g) Main Avenue: On the west side of Main Avenue from a point 58 feet north of the curbline on West Eighth Street to a point 131 feet north of the curbline on West Eighth Street.

(h) Main Avenue: On the west side of Main Avenue from a point 171 feet north of the curbline on West Eighth Street to a point 207 feet north of the curbline on West Eighth Street.

(i) Main Avenue: On the west side of the 2400 block of Main Avenue starting at a point 60 feet north of the south driveway entrance to St. Aloysius School to a point 144 feet north of the south driveway entrance to St. Aloysius School.

(j) Main Avenue: On the east side of Main Avenue from a point 80 feet north of the curbline of East Ninth Street to a point 130 feet north of the curbline on East Ninth Street.

(k) Seventh Street: On the south side of West Seventh Street from a point 107 feet west of the curbline on Main Avenue to a point 177 feet west of the curbline on Main Avenue.

(l) Sullivan Avenue: On the west side of the 2400-2500 block of Sullivan Avenue starting at a point 34 feet south of the north driveway entrance to Quinney School to a point 195 feet south of the north driveway entrance to Quinney School.

(m) Taylor Street: On the north side of Taylor Street from a point 98 feet west of the curbline on Lawe Street to a point 188 feet west of the curbline on Lawe Street.

(10) *Other loading zones*. No person may park, stop, or leave any vehicle standing upon the following designated areas, except for loading or unloading purposes:

(a) Crooks Avenue: On the west side, the first parking stall north of the alley mid-block between Second Street and Third Street from 9:00 a.m. to 3:00 p.m. daily.

(11) *Removing illegally parked vehicles*. The police department or the street department shall remove, or cause to be removed, any vehicle found parked or unattended, contrary to the provisions of this chapter, to the city garage or other suitable place, and the cost of such removal and storage shall be added to the cost of prosecution and shall be paid by the owner or operator before such vehicle is returned.

(Code 2011, § 7.12; Ord. No. 1676, 2-22-2012; Ord. No. 1678, 6-6-2012; Ord. No. 1686, 5-7-2013; Ord. No. 1690, 10-1-2013; Ord. No. 1692, 10-15-2013; Ord. No. 1697, 1-7-2014)

Sec. 7.125. Traffic regulations during snow emergencies.

(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:

Emergency snowstorm means a snowstorm in which snow is falling in such a manner as to produce a congestion of traffic or impede the operation of emergency vehicles.

Emergency vehicles includes police squad cars, firefighting apparatus, ambulances, rescue squad cars, city-owned or -hired snow plows, snow removal equipment and machinery, or emergency vehicles.

(2) *Declaration of an emergency*. The mayor, or, in his absence, the president of the council, or the chairperson of the board of public works, shall, during the periods of emergency and immediately thereafter, declare a state of public emergency and the duration thereof, and designate emergency thoroughfares by public proclamation which may be done through the medium of the radio, placards, newspapers, or other means of communications.

(3) *Parking on emergency thoroughfares prohibited*. No person shall park or abandon any vehicle or load or unload any merchandise or freight truck or vehicle in any street, alley, or lane designated in the manner set out above to be an emergency thoroughfare during a snowstorm or immediately thereafter until the thoroughfare has been plowed of snow or when temporarily posted "No Parking - Snow Removal."

(4) *Emergency thoroughfares*. The city council may from time to time designate emergency thoroughfares which shall be shown on an emergency thoroughfare map on file in the office of the city engineer. Additions to such map, when directed by the city council, shall be made by the city engineer.

(5) *Emergency parking restrictions*. During emergency snowstorms or when the city has experienced heavy snowfalls in which the accumulation of snow has narrowed streets or impeded normal traffic flow, the mayor or, in his absence, the president of the council or, in the absence of both, the chairperson of the board of public works, may declare a snow emergency and the duration thereof and may impose emergency parking restrictions while the emergency is in effect.

(a) During a class II snow emergency, there shall be no parking on any city street from 2:00 a.m. until 5:00 a.m. and, at all other times, parking is restricted to the even-numbered side of the street on even-numbered days and to the odd-numbered side of the street on odd-numbered days. The term "day" means the day beginning at 5:00 a.m. and ending at 2:00 a.m. the following day.

(b) During a class III snow emergency, there shall be no parking on any city street at any time.

(c) Snow emergency parking restrictions do not apply where snow has been removed to the curb.

(Code 2011, § 7.125)

Sec. 7.13. Erection of official traffic signs and signals.

(1) *Chief of police to erect*. The chief of police shall cause to be procured, erected, and maintained appropriate standard traffic signs, signals, and markings conforming to the rules of the state highway division, giving notice of the provisions of sections 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07 and 7.12. Signs shall be erected in such locations and manner authorized by the city council as to give adequate warning to users of the street, alley, or highway in question.

(2) *Removal of unofficial signs and signals*. The chief of police may order the removal of a sign, signal, marking or device placed, maintained, or displayed in violation of this section or Wis. Stats. § 346.41. Any charge imposed on a premises for removal of such an illegal sign, signal, or device shall be reported to the council at its next regular meeting for review and certification.

(Code 2011, § 7.13)

Sec. 7.14. Skateboards, roller skates, roller skis, and play vehicles.

(1) No person shall operate or ride a skateboard, roller skates, roller skis or play vehicle, as defined in Wis. Stats. § 340.01, in any of the following places:

(a) On any sidewalk and street in any business district. For purposes of this section, the term "business district" shall be defined as any area primarily commercial in nature.

(b) On any public property where signs prohibit it.

(c) On private property, unless permission has been received from the owner, lessee, or person in charge of that property.

(2) Operators or riders of skateboards, roller skates, roller skis, or play vehicles shall yield the right-of-way to other pedestrians using city sidewalks and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.

(Code 2011, § 7.14)

Sec. 7.15. Disorderly conduct with a motor vehicle prohibited.

Whoever, on public streets or private property, operates a motor vehicle in a dangerous, or unreasonably loud or reckless, or otherwise disorderly fashion under circumstances in which the operation tends to create the danger of injury to the operator, his passengers, pedestrians, or other persons, or tends to cause or provoke a disturbance shall be guilty of violating this section and shall be subject to a forfeiture imposed under section 25.04 of this Code.

(Code 2011, § 7.15)

Sec. 7.16. Jake-braking; use of compression brakes.

No person shall use motor vehicle brakes within the city which are in any way activated or operated by the compression of the engine of any such vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that the compression brakes were applied in an emergency and were necessary for the protection of persons or property.

(Code 2011, § 7.16)

Secs. 7.17, 7.18. Reserved.

Sec. 7.19. Penalty.

The penalty for violation of any provision of this chapter shall be a forfeiture and penalty assessment if required by Wis. Stats. § 757.05, a jail assessment if required by Wis. Stats. § 302.46(1), plus any applicable fees prescribed in Wis. Stats. ch. 814.

(1) *State forfeiture statutes*. Except as otherwise provided in subsection (4) of this section, any forfeiture for violation of the state statutes or administrative code adopted by reference in section 7.01 shall conform to the forfeiture permitted to be imposed for violation of the statutes or administrative code as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule, including any future amendments, revisions, or modifications thereof, is adopted by reference.

(2) *State fine statutes*. The forfeiture for violation of any statute adopted by reference in this chapter for which the penalty is a fine shall not exceed the maximum fine permitted under such statute.

(3) *Local regulations*. Except as otherwise provided in this chapter, the penalty for violation of sections 7.02 through 7.11, 7.125, 7.14 and 7.16 shall be as provided in section 25.04 of this Code.

(4) *Parking violations*. The forfeiture for violation of parking regulations in section 7.12, except for any specifically established below, shall be $10.00. Failure to remit this sum within ten days of the offense shall increase the forfeiture to $20.00. The forfeitures for offenses described in Wis. Stats. §§ 346.505 through 346.55 shall be:

Statutes		Forfeiture	
		Minimum	Maximum
Wis. Stats. § 346.505(2)	Stopping/standing or parking in areas reserved to vehicles displaying special plates or cards	$20.00	$300.00
Wis. Stats. § 346.51(1)	Improper parking on/off roadway	$3.00	$300.00
Wis. Stats. § 346.52(1)	Stopping/standing in prohibited areas	$2.00	$ 40.00
Wis. Stats. § 346.52(1)	Second conviction within one year	$5.00	$100.00
Wis. Stats. § 346.52(2)	Stopping/standing on highway by grade school	$2.00	$ 40.00
Wis. Stats. § 346.52(2)	Second conviction within one year	$5.00	$100.00
Wis. Stats. § 346.53	Parking/standing where prohibited	$2.00	$ 40.00
Wis. Stats. § 346.53	Second conviction within one year	$5.00	$100.00
Wis. Stats. § 346.54	Improper parking/standing of vehicle	$2.00	$ 40.00
Wis. Stats. § 346.54	Second conviction within one year	$5.00	$100.00
Wis. Stats. § 346.55(1)	Parking on left side of highway	$3.00	$300.00
Wis. Stats. § 346.55(2)	Parking vehicle for sale on highway	$3.00	$300.00
Wis. Stats. § 346.55(3)	Parking on posted private property	$2.00	$40.00
Wis. Stats. § 346.55(1), (2) and (3)	Second conviction within one year	$5.00	$100.00

(5) *Penalty*. For any violation of the parking restrictions believed to be flagrant violations by the police department, or for more than three offenses in any 12-month period, the police department shall file a complaint before a court having jurisdiction and, upon full hearing, if found guilty by the court or jury, a penalty shall be exacted as the court deems proper under the circumstances and within the limits set forth in this section, together with all costs of prosecution.

(Code 2011, § 7.19)

Sec. 7.20. Enforcement.

(1) *Enforcement procedure*. This chapter shall be enforced according to Wis. Stats. §§ 23.33, 66.0114, 345.11 to 345.61 and 350.17 and Wis. Stats. ch. 800.

(2) *Deposit*.

(a) Any person arrested for a violation of this chapter may make a deposit of money as directed by the arresting officer at the police department or the office of the clerk of court or by mailing the deposit to such places. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation, and the person will be deemed to have tendered plea of no contest and submitted to a forfeiture and penalty assessment if required by Wis. Stats. § 757.05, a jail assessment if required by Wis. Stats. § 302.46, plus any applicable fees prescribed in Wis. Stats. ch. 814, not to exceed the amount of the deposit that the court may accept as provided in Wis. Stats. § 345.37.

2. If the person fails to make a deposit for a violation of a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his arrest.

(b) The amount of the deposit shall be determined in accordance with the revised uniform state traffic deposit schedule established by the state judicial conference and shall include the penalty assessment established under Wis. Stats. § 757.05, a jail assessment if required by Wis. Stats. § 302.46, and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this chapter, which shall include the penalty assessment established under Wis. Stats. § 757.05. Deposits for nonmoving violations shall not include the penalty assessment.

(c) The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefor as required by Wis. Stats. § 345.26(3)(b).

(3) *Petition to reopen judgment*. Whenever a person has been convicted in this state on the basis of a forfeiture of deposit or a plea of guilty or no contest and the person was not informed as required under Wis. Stats. § 345.27(1) and (2), the person may, within 60 days after being notified of the revocation or suspension of the operating privilege, petition the court to reopen the judgment and grant him an opportunity to defend on merits. If the court finds that the petitioner was not informed as required under Wis. Stats. § 345.27(1) and (2), the court shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

(Code 2011, § 7.20)

Chapter 8 PUBLIC WORKS

Sec. 8.01. Official street map.

Sec. 8.02. Street and sidewalk grades.

Sec. 8.03. Street construction.

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Sec. 8.05. Sidewalk builder's licenses.

Sec. 8.06. Street excavations.

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Sec. 8.14. Building and lot numbering.

Sec. 8.15. Public construction without bids.

Secs. 8.16—8.19. Reserved.

Sec. 8.20. Penalty.

Sec. 8.01. Official street map.

(1) *Establishment*. An official street map of the city is established showing the location and width of streets, highways, and parkways as laid out, adopted and established. This official map consists of two sheets: Sheet 1 (street development plan) shows the location and width of streets within the city limits and adjacent thereto, and sheet 2 (street extension plan) shows the location and width of the extension of the major street system of the city into the adjacent unincorporated areas over which the city exercises extraterritorial jurisdiction in accordance with Wis. Stats. § 62.23(6).

(2) *Plat approval*. No land subdivision plat shall be approved unless the plat conforms to the official street map.

(3) *Permits*. In order to preserve the integrity of the official street map, no building shall be erected or located within the bed of any street, highway, or parkway shown on the official street map unless a permit is first applied for and issued. The applicant shall submit to the building inspector, with his application, an accurate plat plan, certified by a qualified surveyor, showing the location of the proposed building with reference to any street, highway, or parkway shown on the official street map.

(4) *Changes and amendments*. The council may, as often as it deems it in the public interest, and after a public hearing, change or add to the official street map of the city in order to establish the exterior lines of planned new streets, highways, and parkways or to widen, narrow, extend, or close existing streets, highways, and parkways.

(5) *Registration*. The city clerk-treasurer shall file a certificate with the register of deeds of the county showing that the city has established an official street map and shall do likewise for changes or additions.

(Code 2011, § 8.01)

Sec. 8.02. Street and sidewalk grades.

(1) *Establishment*. The grade of all streets, alleys, and sidewalks shall be established and described by the council and shall be recorded by the city clerk-treasurer in his office. No street, alley, or sidewalk shall be worked until the grade thereof is established.

(2) *Public property*. No person shall alter, change or cause to be altered or changed the grade of any street, sidewalk, alley, park, or other public grounds within the city.

(Code 2011, § 8.02)

Sec. 8.03. Street construction.

(1) *Specifications*.

(a) A standard residential street shall consist of curb and gutter and a road bed consisting of nine inches of crushed compacted stone, a three-inch asphalt surface, or six inches of concrete in a four-inch salvage road mat.

(b) A standard residential street shall be 37 feet back-to-back of curb, where possible.

(c) Acceptance. All roads in newly developed areas in the city shall be set at a standard width of 37 feet, having a base of eight inches of coarse stone and a two-inch topping of fine stone. All sewer laterals shall be installed by the developers before the street will be accepted by the city.

(d) Sidewalks.

1. Building permits issued for new construction or relocated buildings between January 1 and September 1 shall have sidewalks installed during the same construction season as the building permit was issued. The person, company, or authorized agent to whom the building permit was issued shall be responsible for causing the sidewalk to be installed within the same construction season, but not later than November 1 of that construction season.

2. Building permits issued for new construction or relocated buildings between September 2 and December 31 shall have sidewalks installed during the following construction season, but not later than November 1 of that construction season. The person, company, or authorized agent to whom the building permit was issued shall be responsible for causing the sidewalk installation.

3. Building permits issued for new construction in subdivisions created after January 1, 1991, may have sidewalks installed per subsections (1)(d)1 and 2 of this subsection or shall have sidewalks installed per subsection (1)(d)4 of this section.

4. All properties, whether vacant or improved, abutting streets that are planned for new pavement and curb and gutter, or replacement of same, shall have sidewalks installed in conjunction with the street improvement.

5. At such time that two-thirds of the properties on any block face or on any entire block have had sidewalks installed, the remaining properties shall have sidewalks installed at the property owner's expense.

6. Sidewalks, when damaged or removed due to construction, shall be replaced in new condition by the general contractor. All walks subject to the subsections (1)(d)1 through 4 of this section, shall receive approval of the building inspector before a certificate of occupancy will be issued.

7. When curb and gutter or sidewalks are undermined to install sewer laterals, water services, gas piping, or electric services to such an extent that, in the opinion of the building inspector, backfilling and backtamping under curbing or sidewalks would not restore the soil to the original condition, the inspector shall order one or more stones removed and shall advise the technique of ditching to be used to install such utilities.

8. Where extraordinary hardship may result from strict compliance with this subsection due to physical features of the site, an appeal for a variance may be requested in writing to the board of public works.

9. The building inspector shall take necessary action to see to it that violations of this subsection are prosecuted in the city court. The building inspector, in the performance of his duties, shall receive the assistance of all other appropriate city officials, including the city attorney, in prosecuting violations hereof.

10. Any person who violates any provision of this section, upon conviction thereof, shall forfeit not less than $100.00 for the first offense, not less than $200.00 for the second offense and, for any subsequent offense, not less than $300.00, together with the cost of prosecution or, in default of payment thereof, by imprisonment in the county jail for a period not to exceed 30 days. Each and every day during which such violation occurs shall be deemed a separate offense.

(e) Fill. All fill removed in preparing for paving shall remain the property of the city.

(f) Underground street improvements. No street shall be improved by high-type surfacing unless water, sanitary sewer, and storm sewers are first installed pursuant to Wis. Stats. § 62.16.

(g) Determination. Need for road improvements shall be determined by either the petition of abutting property owners or by order of the board of public works.

(2) *Assessments*.

(a) All assessments in residential districts will be based on a street not to exceed 37 feet in width. All costs of paving, widening, and resurfacing in excess of 37 feet shall be paid by the city.

(b) The cost of paving with asphalt or concrete for a standard residential street shall be divided as follows: Abutting property owners shall pay two-thirds of the cost and the city shall pay one-third of the cost.

(c) When a residential concrete or asphalt street is resurfaced or reconstructed with concrete or asphalt, the abutting property owners shall pay two-thirds of the cost and the city shall pay one-third of the cost, regardless of whether or not the abutting property owners were previously assessed for the cost of the pavement. The common council may alter this ratio if it determines that fairness and equity require that the city pay a greater share.

(d) The owners of property zoned as commercial core district, commercial highway district, central business district, and commercial shopping center district shall be assessed two-thirds of all costs of paving, widening, or resurfacing, and the city shall pay one-third, regardless of the width of the street.

(e) Property zoned for industrial park district or industrial district shall be assessed 100 percent of all costs of paving, widening, or resurfacing regardless of the width of the street.

(f) The cost per foot for each side of the street shall be set based on current bid prices and include reasonable engineering fees. If the city does all or part of the work, the cost per foot for that portion done by the city shall be set based on the total cost of the work, including reasonable engineering fees.

(g) A storm sewer special assessment of $13.25 per side lineal foot shall be assessed against property on all streets which will be opened, developed, and accepted by the city. Corner lots shall pay this assessment only on the short side of the lot.

(h) All special assessments for sanitary sewer mains, sanitary sewer laterals, water mains, water laterals, storm sewers, storm sewer laterals, and all street work, except sidewalks, seal coating, and reconstruction street work on corner lots, shall be paid over a period of eight years or less. Reconstruction street work on corner lots shall be paid over a period of ten years or less. If the cost of the project was included as part of the city budget, interest on the unpaid special assessments shall be charged at the current interest rate being charged for loans from the state trust fund plus one percent. If the city borrowed the money for the project, the interest rate shall be the interest rate paid by the city on the borrowed funds plus one percent.

(i) Special assessments for sidewalks and seal coating shall be paid for over a period of five years or less. If the cost of the project was included as part of the city budget, interest on the unpaid special assessments shall be charged at the current interest rate being charged for loans from the state trust fund plus one percent. If the city borrowed the money for the project, the interest rate shall be the interest rate paid by the city on the borrowed funds plus one percent.

(j) All other special assessments shall be paid for over a period of eight years or less. If the cost of the project was included as part of the city budget, interest on the unpaid special assessments shall be charged at the current interest rate being charged for loans from the state trust fund plus one percent. If the city borrowed the money for the project, the interest rate shall be the interest rate paid by the city on the borrowed funds plus one percent.

(k) When the city receives aid from any governmental unit for paving, widening, or resurfacing or for curb and gutter, the aid received shall apply toward the city's share of the cost of the project. Any balance shall apply toward the property owner's share of the cost of the project.

(3) *Repairs and life expectancy*. The city estimates that hot mix blacktop should last 15 years and concrete should last 30 years. If any surface repairs are necessary during the life expectancy of 15 or 30 years for hot mix blacktop and concrete, respectively, they shall be made at the city's general expense and not by special assessment against abutting property owners, except that seal coating shall be assessed against abutting property owners when the need is apparent. Any resurfacing done after the expiration of the life expectancy shall be paid for by special assessment to the abutting owners.

(Code 2011, § 8.03)

Sec. 8.04. Sidewalk construction.

(1) *Portland cement concrete only*. All sidewalks to be built or rebuilt in the city shall be constructed of Portland cement concrete and shall conform to the standard concrete sidewalk specifications as prescribed by the city engineer.

(2) *Grade and line observation*. Every sidewalk constructed upon any street shall conform to the grade and line furnished by the city engineer. After the grade and line has been set, the contractor shall preserve the grade stakes until the sidewalk has been constructed. Failure to preserve the grade stakes, necessitating the return of the engineer to reset the stakes, will subject the contractor or any person constructing the sidewalk on his own behalf to the expense involved in resetting the grade stakes, as determined by the city engineer.

(3) *Specifications*. Specifications and instructions for building concrete sidewalks may be obtained at the city engineer's office. Such specifications shall indicate the mixture to be used and the method of construction to be employed and shall remain in force until new specifications are adopted by the council.

(Code 2011, § 8.04)

Sec. 8.05. Sidewalk builder's licenses.

(1) *Required*. No person shall build, rebuild, or construct, except as provided, any sidewalk upon any street in the city unless he first obtains a sidewalk builder's license, issued by the council. However, no license shall be required of any landowner who satisfies the city engineer that he owns such land and desires to build, rebuild, or construct a sidewalk over that portion abutting his land, and he notifies the city engineer and lays the sidewalk under the supervision of, and according to the plans and specifications required by, the city engineer.

(2) *Application for license*. Any person, except as otherwise provided in this section, intending to construct sidewalks upon streets in the city, shall first apply to the council for a license as a sidewalk builder. After the council is furnished with satisfactory evidence that the applicant is capable of building concrete walks according to the city's requirements, the council shall instruct the city clerk-treasurer to issue a license in conformity with this section.

(3) *Fee, bond, insurance coverage*.

(a) *Fee and bond*. Each applicant shall deposit, with his application, a fee of $15.00 and, before such license is issued, shall furnish a bond in the sum of $5,000.00, conditioned that he will

observe and obey all requirements of the city relating to the construction of sidewalks and that he will indemnify the city or any person, in front of whose property he constructs a sidewalk, against loss by reason of his failure to observe all of the requirements of the city or of the grade and line furnished by the city engineer. The bond shall also support the guarantee of the sidewalk builder that he will rebuild, replace, restore, or repair any imperfect work or defective sidewalk construction within one year from the time of completion by such applicant.

(b) *Insurance*. Workmen's compensation, property damage, and public liability shall be kept in force during the construction period, including preliminary work and follow-up. Property damage insurance shall be not less than $20,000.00 and public liability insurance not less than $50,000.00. A certificate showing such coverage shall be filed with the city clerk-treasurer before construction is begun.

(4) *License revocation*. If any person holding a license as a sidewalk builder violates any of the ordinances of the city relating to the construction of cement sidewalks, the council may revoke his license after giving the offender written notice and opportunity to be heard. No license as a sidewalk builder shall be given to any person whose license has been revoked within three months of such revocation.

(5) *Public protection*. Any person who takes up or removes any portion of any sidewalk or of any street or alley within the city shall take all necessary precautions to guard the public against accidents therefrom.

(6) *City work crews exempt*. City employees or crews hired for the purpose of constructing city sidewalks, while in the employ of the city, need not obtain the license or file the bond or insurance coverage required for sidewalk builders.

(Code 2011, § 8.05)

Sec. 8.06. Street excavations.

(1) *Permit required*. No cut, excavation, or service connection shall be made in a gravel, oiled gravel, blacktop, or permanently improved street in the city unless a permit is obtained from the city engineer.

(2) *Fees*. A minimum permit fee of $5.00 shall be charged for cuts in gravel, oiled gravel, or blacktop streets, based on a cut 2½ feet wide by 18 feet long. This fee shall be prorated for cuts of greater length. A minimum permit fee of $5.00 shall be charged for cuts in permanently improved streets based on a cut 2½ feet wide by eight feet long. As used in this section, the term "permanently improved streets" means those of concrete or concrete base with asphalt surface. No cut shall be made in a permanently improved street that cuts off the traffic flow completely except by permission of the council. The permit fees shall be credited to the street maintenance fund.

(3) *Regulations for filling cuts or excavations*.

(a) All service connections made in gravel, blacktop, and in all permanently improved streets, shall be backfilled with sand or gravel and flushed to maximum compaction with water. The top of the compacted backfill shall be ten inches to 12 inches from the surface of the existing roadway. Twelve inches of gravel shall be placed upon this compacted backfill and leveled off to a grade of two inches above the existing roadway surface.

(b) The contractor shall inform the street superintendent when backfilling is completed. The excavated matter shall be hauled away by the contractor, and the street cleaned of clay or other material from the excavation. If any additional gravel is deemed necessary by the street superintendent, it shall be placed by the contractor. If the contractor fails to place additional gravel or clean the area to the satisfaction of the street superintendent, the work will be done by the city crews and charged to the contractor.

(c) In the case of permanently improved streets, the contractor shall replace the concrete, at his own expense, not less than two days or more than four days after placing the backfill. If a cut is

made in an asphalt street, eight inches of concrete of a mixture of five bags of cement per cubic yard of concrete shall be placed and finished one inch below the surface of the asphalt. If a cut is made in a concrete street, eight inches of concrete of a mixture of six bags of cement per cubic yard of concrete shall be placed and finished off level with, and in the same manner as, the existing concrete pavement. If the concrete is not replaced by the contractor within seven days after backfilling the cut, the street department will replace the concrete and charge the contractor or utility for the actual cost of replacement plus ten percent.

(4) *Purpose of permit*. Every person applying for a written permit shall present to the council by application in writing, a statement of the work or purpose for which the permit is desired, and state his name and residence, the time required to complete the work, when the work will begin, the location of the work; and also an agreement that the applicant will conform to all ordinances and laws, rules and regulations of the city covering the work to be performed, that he will pay all damages caused to private or public ground, or caused to any private person by the performance of the work, and that he will not hold the city liable for damages or claims made of it resulting from failure, neglect or fault of the applicant or his agents in the performance of the work for which the permit is issued. He shall also satisfy the council, if asked to do so, that he is financially responsible and able to pay any damages that might arise from the work, or he may be required to file a good and sufficient bond with the city clerk-treasurer for this purpose, approved by the mayor, before the permit is issued. The application shall be signed by the applicant or his authorized agent and filed with the city clerk-treasurer. The council may refuse to grant or may grant the permit upon conditions and, when granted, the permit shall be issued by the city clerk-treasurer and shall contain the name of the person, his residence, the location and purpose of the work permitted, time to be completed, date of issue of the permit, and date when the permit will expire. This permit is not required of the city utilities.

(5) *Appurtenances*. The right and privilege of using streets and alleys of the city for installing, enlarging, operating, repairing, and maintaining, in and across the same, all appurtenances used in connection with the operation of these public utilities, is hereby granted to Wisconsin Gas Company, Wisconsin Telephone Company, and the city electrical and water departments. These appurtenances shall be located so they do not interfere with safety and convenience of travel along and over the streets and alleys. These public utilities, in the installation, enlargement, operation, repair, maintenance, and removal of such appurtenances, are subject to state laws and reasonable city regulations.

(6) *Site to be in good condition*. In erecting, installing, enlarging, repairing, maintaining, moving, removing, or replacing appurtenances, the public utilities named in subsection (5) of this section are responsible for placing any streets or alleys damaged in as good a condition as they were prior to any excavation made by the public utilities. They shall defend, indemnify, and hold harmless the city against all claims for injury or damage to persons or property resulting from such operations. The public utility shall remove all materials excavated from the street or alley and install sand or gravel in the excavation. This material shall be tamped, flushed or compacted in some manner acceptable to the city. The utility shall notify the city in writing of the excavation location. The city will maintain the excavation from that time on and replace the street surface, and this shall be billed to the public utility at a reasonable rate. All street excavations shall be repaired in this manner except by permit granted by the council.

(7) *Warning signs required*. Every person to whom a permit is granted under this section shall enclose, or cause to be enclosed, on all sides within or exposed to a public street, alley, sidewalk, park, or other public place, any obstruction, excavation, cellar, vault, coal bin, or other room, well, cistern, hole or depression, passageway, trench, drain, sewer, open area, opening, building, building material, broken-up sidewalk, pavement, macadam, gravel, earth, or other obstruction, by guards, fences, or barriers at least three feet high; and at night, a red light shall be placed and kept at either end or the sides thereof, or both, as best may warn and protect the users thereof.

(Code 2011, § 8.06)

Sec. 8.07. Ornamental street lighting system.

(1) The city ornamental lighting district lies within the following limits: on Seventh Street from Crooks Avenue to Sullivan Avenue; on Crooks Avenue from Second Street to Tenth Street; on Main Avenue from the Lawe Street Bridge to Ninth Street; on Oak Street from Main Avenue to Island Street; on Dodge Street, 800 feet east; on Wisconsin Avenue from Canal Street to Black Street; on Lawe Street from Wisconsin Avenue to Delanglade Street; on Taylor Street from Lawe Street to where it meets Draper Street; on Draper Street from where it meets Taylor Street to Jefferson Street; on Depot Street from Wisconsin Avenue to Draper Street; on Desnoyer Street from Wisconsin Avenue to Taylor Street; on Second Street from Dodge Street to Reaume Avenue; on Third Street from Crooks Avenue to Reaume Avenue; on Reaume Avenue from Second Street to where it meets Hendricks Avenue; on Hendricks Avenue from where it meets Reaume Avenue to Seventh Street.

(2) The entire cost of lighting shall be paid by the city in the ornamental lighting district.

(3) The term "ornamental lighting system" means lights of a uniform character, supported by uniform fixtures of a design, adopted by the council and installed at regular intervals as appears on the blueprint on file with the city.

(4) The provisions of this section are applicable to the lighting of streets, highways, and public places by ornamental street lighting systems erected prior to the adoption of this Code and to the maintenance of such systems.

(5) In all other parts of the city where ornamental lighting systems are desired, the cost of installation and lighting shall be apportioned between the city and abutting owners as set forth in subsection (6) of this section. The cost of installation and lighting may be apportioned separately.

(6) Upon petition of owners of two or more of the taxable frontage on any street not included in the ornamental lighting district, the council may install and maintain an ornamental lighting system by apportioning the cost to the abutting owners and the city on the following basis: 50 percent to the city and 50 percent to the property owner. The costs apportioned to the abutting owner shall be assessed against the property and collected from the owner in the manner provided for street improvement assessments, and the cost of lighting apportioned at the council's direction, before granting the petition.

(7) The term "frontage," on any one block, street, or part thereof, means the frontage on both sides of any street, highway, or public place between two designated points.

(8) The cost apportioned to the abutting owners shall be assessed to them respectively, in the ratio of each owner's frontage on the street or parts thereof covered by the petition.

(Code 2011, § 8.07)

Sec. 8.08. Obstructions and encroachments.

(1) *Prohibited*. No person shall encroach upon, or in any way obstruct or encumber, any street, alley, sidewalk, public grounds, or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsections (2) and (4) of this section.

(2) *Exceptions*. The prohibition of subsection (1) of this section shall not apply to the following:

(a) Signs and clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk, street, or alley.

(b) Awnings which do not extend below any point seven feet above the sidewalk, street, or alley.

(c) Public utility encroachments authorized by the city.

(d) Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided that such goods, wares, etc., do not remain thereon for more than three hours.

(e) Building materials when placed upon the street, alley, or sidewalk upon conditions prescribed by the street superintendent. He may require such materials to be protected by barricades or appropriate lights.

(f) Temporary street closures.

1. The street superintendent or designee may order the temporary closing of a city street for the purpose of authorizing a street party to be held thereon.

2. The term "street party" means a gathering of abutting neighbors and their relatives and friends held within a city street which has been temporarily closed for the occasion.

3. A request in writing for such closure must be made to the street superintendent or designee at least ten days in advance of the event desired to be held.

4. Before ordering any temporary street closing, the street superintendent or designee shall consult with the police and fire departments. The street superintendent or designee may decline to order the temporary street closing for good cause, including, but not limited to, his determination that the street closing would cause or tend to cause unreasonable traffic congestion, result in a disturbance of the peace, or endanger the public health, safety, or welfare.

5. Street parties shall start no earlier than 10:00 a.m. and shall terminate no later than 11:00 p.m. Amplified noise or music is prohibited at such parties.

6. The street department shall deliver and pick up barricades to close off the street which is the subject of the street party. It shall be the responsibility of the person requesting the temporary closure of the street to put in place and maintain the barricades during the hours of the street closing.

(g) Mailboxes and newspaper boxes used for the receipt by the occupant of the premises for the delivery of U. S. mail or regularly published newspapers, provided that such boxes do not extend into the traveled right-of-way as determined by the outermost edge of the road shoulder and further provided that the same shall be mounted or set securely upon a pipe or wooden post, which pipe shall not exceed 1¼ inch in diameter, and any wooden post shall not exceed four inches square, which pipe or post shall be set back a minimum of two feet from the shoulder.

(3) *Building construction prohibited on public ground*. No person shall use any street, sidewalk, park, or other public ground for the deposit of building materials, supplies or machinery or the doing of any work or labor within the same, in the moving, taking down, raising, erection, and construction of any building.

(4) *Merchandise on sidewalks*.

(a) No person shall place any goods or merchandise for exhibit or sale on any sidewalk or parkway or suspend any goods over the same for sale or show, or place or deposit thereon any type of vending machine, except as permitted in a sidewalk display and use permit.

(b) Variations from the provisions of subsection (4)(a) of this section shall be granted for special events, such as sidewalk sales or other city-wide merchandising events, subject to approval of the city council.

(Code 2011, § 8.08)

Sec. 8.09. Prohibited uses of streets.

(1) *Injury to street structures*. No person shall leave any animal attached to any structure or tree, or injure or destroy the same, within or on any street, sidewalk, alley, park, or other public ground within the city.

(2) *Rubbish in streets prohibited*. No person shall place, or cause to be placed, any rubbish or refuse, or other waste material, in any public street except when placed on the boulevard in containers for the regular city rubbish pickup.

(3) *Rubbish accumulations on sidewalks prohibited*. No owner or occupant of any premises shall create or permit any accumulation of dirt, rubbish, or other refuse on the public sidewalk adjoining his property. If such has been created or permitted to accumulate, it shall be removed by the city under the direction of the street superintendent and shall be a special tax against the lot, and the person causing or permitting such accumulation shall be subject to forfeiture.

(4) *Interference with barricades, etc., prohibited*. No person shall interfere with, break down or remove any guard, protection, barrier, barricade, or warning light or flare placed in any street, sidewalk, alley, or other public ground as a protection of the traveling public against injury or of the city against damages.

(Code 2011, § 8.09)

Sec. 8.10. Uses of streets; permits.

Except upon issuance of a permit, as provided in section 8.06, no person shall, within a street, alley, sidewalk, park, or other public ground in the city:

(1) Excavate for or build under a sidewalk or street.

(2) Excavate so as to endanger the public use thereof.

(3) Excavate for or build a passageway, trench, or drain.

(4) Erect, construct, place, or maintain any structure, building extension, billboard, sign or other advertising device, or any rope, wire, or chain.

(5) Build any stairway or entrance from a sidewalk or street into a basement or cellar.

(6) Build or maintain any hole or opening within any sidewalk space.

(7) Excavate any pavement, macadam, gravel, or earth.

(Code 2011, § 8.10)

Sec. 8.11. Visual obstructions at intersections with streets to include streets, alleys, and driveways.

(1) *Height of vegetation*.

(a) No owner or occupant of any property within a vision corner shall permit any vegetation such as trees, shrubs, bushes, or weeds on his property to be so placed and maintained as to obstruct the vision at an intersection. There shall be a vision corner at intersections, which vision corner is described as the triangular area enclosed by a straight line connecting a point on each street or alley right-of-way line, or a point on the edge of the surfaced area of a driveway intersecting a street with a point on the street, which points are 25 feet from the point of intersection, and the right-of-way lines or surfaced driveway area lines to the point of intersection. Vegetation such as trees, shrubs, bushes, or weeds within such triangular area shall not obstruct vision between a height of 2½ feet and ten feet above the centerline grade of the streets.

(b) Property owners or occupants in possession of property where such nuisance conditions exist shall remove or properly trim any trees, shrubs, bushes, or weeds to make them in compliance with subsection (1)(a) of this section. Failure to remove or properly trim any such vegetation constitutes a public nuisance and a violation, and vegetation such as trees, shrubs, bushes, or weeds may be removed or trimmed by the city without notice. The expense thereof shall be reported to the city clerk-treasurer, who shall enter the same on the tax roll as a special charge against the benefitted property.

(2) *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:

Intersection means the area embraced within the extension of the lateral curblines or, if none, within the lateral boundary lines of two or more streets which join one another at an angle, whether or not one such highway crosses the other.

Parkway means the area between the sidewalk and the nearest curbline running parallel, or generally parallel, thereto.

Street means every public street, except an alley.

Three feet in height means the distance of three feet from the surface of the ground immediately adjacent to such shrubs or other vegetation.

(Code 2011, § 8.11)

Sec. 8.12. Tree planting, maintenance, and protection.

(1) *Street superintendent duties*. The street superintendent has exclusive jurisdiction, authority, control, supervision and direction over the planting, maintenance, and protection of all trees, plants, and shrubs planted or growing in or upon the public highways, terraces, and public places in the city. The duties of the street superintendent shall be carried out by the street superintendent or an authorized representative.

(2) *Planting permit required*.

(a) No person shall plant or set out any tree, or authorize any person to plant or set out any tree, in any public highway, terrace, or public place without obtaining a written permit from the street superintendent and without complying with the conditions of the permit and this section. Information on the type of tree allowed can be obtained at the street department office.

(b) All applications for permits shall be made on forms furnished by the street superintendent and shall describe the work to be done and the variety, size, and location of each tree. There shall be no permit fee.

(c) After the receipt of the application, the street superintendent or his representative shall investigate the locality where the trees are to be placed and shall grant a permit only if, in his judgment, the location will permit the normal growth and development of each tree. The permit shall specify the location, variety, and grade of each tree and the method of planting, including the supplying of suitable soil. The permit shall be good only for the season stated in the same year issued. There shall be no charge for the permit.

(d) On any one application for a permit for planting more than 25 trees, the street superintendent may request from the applicant a detailed declaration of intention, either in the form of a planting plan or written statement in duplicate. All planting plans shall be drawn on tracing cloth in ink. One copy of each plan or statement shall be kept on file by the street superintendent. All statements filed in lieu of a planting plan shall contain the same information as required on the plan. All planting plans shall show accurately the following information:

1. The street width, including pavement, curb, gutter, parking strip, and sidewalk areas to an indicated scale.

2. Subdivision in which located in which planting is to occur.
3. The variety of each tree proposed to be planted and of those already existing within the proposed street lines, either indicated on the plans or reference with a number-to-key list.
4. The distance, in feet, between trees in any one row.

(3) *Regulations*. The following regulations apply to the planting, trimming, and care of trees in or upon the public highways and public places of the city.

(a) Trees shall be at least one inch in diameter of trunk one foot above the ground.

(b) All trees from one inch to three inches in diameter of trunk one foot above the ground shall be protected and supported by tree guards. When guarded with one stake only, the stake shall be toward the prevailing wind.

(c) No tree shall be planted at the intersection of two or more streets, within 25 feet of each intersection or in any location that would create a vision problem.

(d) In cutting down trees, the same shall be removed with the root stump grubbed out.

(e) All cuts above one inch in diameter shall be waterproofed.

(f) Trees shall be planted at least 40 feet apart, except upon permit from the street superintendent.

(g) No tree shall be planted where the soil is too poor to ensure the growth of the tree, unless the owner excavates a suitable hole of at least 36 cubic feet and replaces the material removed with suitable loam or soil.

(h) No tree shall be planted nearer than 2½ feet from the curbline or outer line of the sidewalk, except upon permit granted by the street superintendent.

(i) No tree shall be planted on any street, except the variety selected from the list provided by the street superintendent for that street.

(4) *Tree trimming*.

(a) Trees standing in or upon any public highway, terrace, or public place and on any lot or land adjacent to any public highway or place shall, under the supervision of the street superintendent, be kept trimmed by the owner or occupant of the property on or in front of which the trees are growing, so that the lowest branches are at least 12 feet from the street and at least eight feet from the terrace and sidewalk. The street superintendent may, however, allow newly planted trees to remain untrimmed if they do not interfere with the use of the sidewalks, interfere with equipment using the street, or obstruct the light of any street lamp. The city may perform the necessary tree trimming under this subsection on its own or at the request of the property owner. Any tree trimming done by the city shall be at the city's expense. Any trimming which the property owner hires done or performs himself shall be at the property owner's expense.

(b) It is the responsibility of the owner or occupant to keep trimmed all other areas of the tree, such as dead branches, obstructing street lighting, take downs, and stump removal, etc. If the owner or occupant neglects to trim or maintain such tree, the street superintendent shall cause the trimming or maintenance to be done, and the cost therefor will be collected from such owner or charged as a special tax against the property.

(5) *Permit to cut*. Except upon order of the street superintendent, no person shall, without a written permit from the street superintendent, remove, destroy, cut, break, climb, or injure any tree, plant, or shrub, or portion thereof, planted or growing in or upon any public highway, terrace, or public place within the city. Application for such permit shall be made to the street superintendent. The application shall state the number and kind of trees to be removed and the kind and condition of nearest trees upon the adjoining property. If, in the judgment of the street superintendent, the desired removing or cutting appears necessary and the proposed method and workmanship has his approval, the street superintendent may issue a written permit for the work. Any work done under this permit shall be

performed in accordance with the terms of the permit and the provisions of this section and under the supervision and direction of the street superintendent or his authorized representative.

(6) *Cost*.

(a) The city's entire cost of protecting, trimming, spraying, planting, renewing, and removing of trees and shrubs in front of or on any lot or parcel of land abutting on street, avenue, or boulevard shall be assessed to such lot or parcels of land, except as provided in subsection (4)(a) of this section.

(b) The street superintendent shall keep an account of the cost of planting, protecting, renewing, removing, trimming, spraying, and caring for trees and shrubs in front of or on each lot or parcel of land abutting on any street, avenue, or boulevard and report the amount thereof to the city clerk-treasurer.

(c) The amounts reported shall be levied under Wis. Stats. § 66.0627 on such lots or parcels of land and shall be a lien thereon collected as other special taxes are levied and collected in the city. The board shall advance sufficient money for doing the work out of the general fund and special assessments shall be credited to the fund of the city and shall not be diverted or used for any other purpose.

(7) *Protection of trees, etc*.

(a) *Injurious substances*. No person shall allow any deleterious substance to come in contact with the soil surrounding the roots of any tree, shrub, or plant. No person shall cause any substance deleterious to tree life to leak or flow on or into the soil about the base of such tree, shrub, or plant, or onto any area adjacent thereto.

(b) *Utility wires*. No utility or person, having charge thereof, shall cause or permit a wire or other conductor charged with electricity to come into contact with a tree, plant, or shrub in or upon any public highway, terrace, or public place in a manner that may injure such tree, plant, or shrub. Every such utility or person shall, if the street superintendent determines it necessary to prune or cut down any tree growing in or upon a public highway, terrace, or public place, temporarily remove any wire or cut off the electricity within 24 hours after service of written notice to remove such wires or cut off electricity.

(c) *Attaching wires, ropes, chains, signs, etc*. No person shall attach or keep attached to any tree, plant, or shrub in or upon any public highway, terrace, or public place or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except for its protection or that of the public.

(d) *Guarding trees while building*. During the erection, repair, alteration, or removal of any building or structure, the person in charge thereof shall protect any tree in or upon any public highway, terrace, or public place in the vicinity of such building or structure from injury resulting from such erection, repair, alteration, or removal. The moving of any tree, plant, or shrub in or upon any public highway, terrace, or public place made necessary by the moving of a building or structure or any other purpose shall be done by the street superintendent or under his supervision at the expense of the applicant. If such moving or replanting causes the death of the tree, plant, or shrub, the applicant shall replace the same at his expense.

(e) *Improvement of streets or sidewalks*. No street or sidewalk grade shall be altered, nor any street pavement or sidewalk widened or relocated, if any street tree is adjacent thereto, until a written report is obtained by the department in charge of the improvement from the street superintendent, and the report is submitted to the council.

(8) *Dutch elm disease*.

(a) Any tree or part thereof, whether living or dead, infected with or attacked by ceratostomella ulmi (Dutch elm disease) is a nuisance. No person shall permit any tree or infected part thereof to remain.

(b) The owner or occupant of any land upon which a diseased tree or part thereof exists shall have the same removed within ten days of notice by the street superintendent.

(c) Members of the street department of the city shall inspect and examine any tree in the city to determine whether or not it is infected by Dutch elm disease. If a tree is infected, the owner or occupant of the premises shall be notified of this fact.

(d) Where the owner or occupant of the premises concerned does not properly remove such infected trees within ten days after notice, or where the owner or occupant cannot be located, the members of the street department shall remove such infected tree, and the cost shall be assessed to the property owner.

(9) *Interference with street department or employees*. No person shall prevent, delay, or interfere with or cause or authorize any interference or delay with the street superintendent or any of his employees or agents while they are engaged in the planting, cultivating, mulching, pruning, spraying, or removing of any trees, plants, or shrubs in or upon any public highway or public place or upon any private grounds as authorized in subsection (7) of this section or in removing any device attached to such tree, plant, or shrub, or in removing of stone, cement, sidewalk, or other materials or substances necessary for the protection and care of the tree, plant, or shrub in accordance with the requirements set forth in this section.

(10) *Planting of certain trees prohibited*.

(a) No person shall plant within the city limits any of the following listed trees:

1. Any tree of the species Populus deltoides (common name of Cottonwood).

2. Any tree of the species Acer negundo (common name of Box Elder).

(b) Any tree planted in violation of this section shall be subject to removal by the city at the expense of the owner of the land upon or in front of which such tree is located. Such charge shall be a lien against the property until paid and shall be placed on the tax roll in the event of failure of payment.

(Code 2011, § 8.12)

Sec. 8.13. Snow and ice removal.

(1) All owners or occupants of real property shall remove or cause to be removed, within 48 hours after a snowstorm in the city, all snow and ice accumulated on the sidewalks contiguous to the premises they own or occupy. If the owner or occupant fails to comply with this section, the city, under the direction of the street superintendent, shall cause the snow or ice to be removed and the cost and expense thereof assessed as a special tax under Wis. Stats. § 66.0627 upon the lot contiguous to the sidewalk cleared. The cost for snow removal shall be $0.50 per lineal foot of sidewalk frontage with a minimum charge of $45.00. Any owner or occupant who does not comply with this section shall, in addition to the tax levied, be subject to forfeiture under section 25.04 of this Code.

(2) The moving or depositing of snow from a private or business property, such as parking lots, filling stations, private driveways, and other areas onto or into the streets or highways of the city is prohibited. Any person violating this prohibition shall be subject to forfeiture under section 25.04 of this Code.

(Code 2011, § 8.13)

Sec. 8.14. Building and lot numbering.

(1) *Lots and parcels abutting on streets*. The following rules apply to the numbering of lots and buildings abutting on streets:

(a) *Streets running north and south*. The Fox River shall be the base line for the north and south streets. All lots or buildings located on the north and south streets or any street running in a generally northerly or southerly direction shall be numbered from the Fox River as the base line, beginning with the number 100 at the north upwards an additional 100 for each block; and beginning with the number 100 at the south line of the Fox River and running towards the south upwards an additional 100 for each block. All streets running in a northerly or southerly direction from the Fox River shall bear the prefix "North" or "South" according to their location with reference to the Fox River.

(b) *Streets running east and west*. Main Avenue and Lawe Street shall be the base line for the east and west streets. All lots or buildings located on the east or west streets or any street running in a generally easterly or westerly direction shall be numbered from Main Avenue and Lawe Street respectively, and running toward the east 100 for each block and increasing toward the east, and running toward the west 100 for each block and increasing toward the west. All streets running in an easterly or westerly direction from Lawe Street and Main Avenue shall bear the prefix "East" or "West" according to their location with reference to Lawe Street or Main Avenue.

(2) *Numbering required for all city buildings*. The owner, agent, or person in possession of every building, apartment or suite in the city shall number such building, apartment or suite in the manner provided in this section.

(a) *The city engineer to assign numbers*. The city engineer shall assign each lot, building, apartment or suite its proper number or letter and so inform the owner, agent, or person in possession of the premises thereof.

(b) *Reassignment and correction of numbers*. When address numbers or letters have been assigned on any street pursuant to this section, the city engineer shall adjust and reassign such numbers or letters as required. When there is a mistake or conflict in numbers or letters, the city engineer shall direct and make the proper adjustment and correction.

(c) *Change or alteration of assigned numbers or letters*. When a lot or building has been numbered or lettered in accordance with the provisions of this section, the number or letter shall not be changed or altered without the consent of the city engineer.

(d) *Method of numbering or lettering*.

1. *Apartment buildings*. The building shall have one address number and each apartment shall have an apartment number, e.g., 1234 Saunders Road, Apt. 4

2. *Business/commercial buildings*. Each business with an exterior door shall have its own address, even if several businesses are housed in the same building. Each business is required to display this address as provided at subsection (3) of this section. Businesses housed in one building with one main entrance but separate interior businesses shall have one address number, and the separate businesses will be identified by suite number, e.g., 1234 Progress Way, Suite 101.

3. *Corner lots*. The location of the front door will dictate the street to which the address is assigned.

(3) *Addressing standards*.

(a) *Street visible*. Address numbers and letters shall be in block, not cursive, style and shall be at least three inches tall and marked so as to be distinctly readable from the street. The numbers are to be placed in a conspicuous place on the side of or above the front door of the building or the center riser of the top steps leading to the building.

(b) *Nonstreet visible*. Any building or building address that is not readily visible from the street providing access to the same, or any building that has a set back of more than 60 feet from the right-of-way, must have an address directory sign placed a minimum of three feet from the right-of-way but not to exceed six feet setback from the right-of-way. The sign shall be a minimum of three feet by three feet and use minimum three-inch block lettering for the street name and minimum three-inch block numbers for the street address. Such sign shall be located outside

any corner visibility triangle per section 17.32 of this Code. All nonstreet, visible addressed entities sharing a common access from a street shall share one address directory sign, which shall display addresses only.

(Code 2011, § 8.14)

Sec. 8.15. Public construction without bids.

The following classes of public construction may be done directly by the city without submitting the same for bids:

(1) Park shelter construction.

(2) Storm sewer installation.

(3) Sanitary sewer installation.

(4) Street excavation.

(5) Industrial park site preparation.

(6) Street and parking lot grading and graveling.

(7) Asphalt street and parking lot paving.

(8) Sidewalk installation.

(9) Building demolition.

(Code 2011, § 8.15)

Secs. 8.16—8.19. Reserved.

Sec. 8.20. Penalty.

Any person who shall violate any provision of this chapter or any order, rule, or regulation made under this chapter shall be subject to a penalty as provided in section 25.04 of this Code.

(Code 2011, § 8.20)

Chapter 9 PUBLIC PEACE AND GOOD ORDER

Sec. 9.01. Offenses against state laws subject to forfeiture.

Sec. 9.02. Discharging and carrying dangerous weapons prohibited.

Sec. 9.03. Throwing or shooting of arrows, stones, and other missiles prohibited.

Sec. 9.04. Loud and unnecessary noise prohibited.

Sec. 9.05. Loitering.

Sec. 9.06. Littering prohibited.

Sec. 9.07. Crossing fire hose prohibited.

Sec. 9.08. Public parks.

Sec. 9.09. Consumption and possession of intoxicants.

Sec. 9.10. Handbill distribution.

Sec. 9.11. Radio and television interference.

Sec. 9.12. Amplifying devices.

Sec. 9.13. Abandoned or unattended ice boxes, etc., prohibited.
Sec. 9.14. Open cisterns, wells, basements, or other dangerous excavations prohibited.
Sec. 9.15. Animals.
Sec. 9.16. Fair housing.
Sec. 9.17. Fraudulent advertising.
Sec. 9.18. Interference with city officials and employees prohibited.
Sec. 9.19. Regulations for entertainers and employees.
Sec. 9.20. Horses not to be on sidewalks and terraces.
Sec. 9.21. Theft or nonreturn of library materials.
Sec. 9.22. Controlled substances.
Sec. 9.23. Obscene materials harmful to minors.
Sec. 9.24. Fireworks sale, discharge, and permits.
Sec. 9.25. Unauthorized minors loitering or wagering at racetracks.
Sec. 9.26. Use of tobacco prohibited on school premises.
Sec. 9.27. Truancy and habitual truancy prohibited.
Sec. 9.28. Contributing to truancy prohibited.
Sec. 9.29. Purchase or possession of tobacco products prohibited.
Sec. 9.30. Restrictions on sale or gift of cigarettes or tobacco products.
Sec. 9.31. Curfew.
Sec. 9.32. Synthetic cannabinoid prohibited.
Sec. 9.33. Prostitution.
Secs. 9.34—9.39. Reserved.
Sec. 9.40. Penalty.

Sec. 9.01. Offenses against state laws subject to forfeiture.

The following statutes, following the prefix "9" defining offenses against the peace and good order of the state, are adopted by reference to define offenses against the peace and good order of the city, provided that the penalty for commission of such offenses in this section shall be limited to a forfeiture imposed under section 25.04 of this Code:

Statute	*Offense*
9.134.71	Violations by secondhand dealers
9.175.25	Illegal storage of junked vehicles

9.218.0145	Used cars/prohibited acts
9.218.0147	Motor vehicles/sale to minor
9.254.76	Careless smoking
9.939.05	Parties to crime
9.939.22	Words and phrases defined
9.939.32(1)(b)	Attempt
9.940.19(1)	Battery
9.941.01	Negligent operation of vehicle off roadway
9.941.10	Negligent handling of burning material
9.941.12(2) and (3)	Interfering with firefighting
9.941.13	False alarms
9.941.20(1)	Reckless use of weapons
9.941.23	Carrying concealed weapon
9.941.235	Carrying firearm in public building
9.941.237	Carrying handgun where alcoholic beverages may be sold and consumed
9.941.24	Possession of switchblade knife
9.941.2965	Restrictions on use of facsimile firearms
9.941.297	Sale or distribution of imitation firearms
9.941.299	Restrictions on the use of laser pointers
9.941.315(1), (2) and (5)(a)	Possession, distribution or delivery of nitrous oxide

9.941.316(1), (2) and (4)	Abuse of hazardous substance
9.941.35	Emergency telephone calls
9.941.36	Fraudulent tapping of electric wires or gas or water meters or pipes
9.941.37(1) and (2)	Obstructing emergency or rescue personnel
9.942.01	Defamation
9.942.03	Giving false information for publication
9.942.05	Opening letters
9.942.06	Use of polygraphs and similar tests
9.942.07	Use of genetic tests
9.942.08	Invasion of privacy
9.943.01(1)	Criminal damage to property (less than $2,500.00)
9.943.014	Demolition of historic building without authorization
9.943.017(1)	Graffiti
9.943.07(3) and (4)	Criminal damage to railroads
9.943.11	Entry into locked vehicle
9.943.125	Entry into locked coin box
9.943.13	Trespass to land
9.943.14	Criminal trespass to dwellings
9.943.145	Criminal trespass to a medical facility
9.943.15	Entry onto a construction site or into a locked building, dwelling, or room

9.943.20	Theft (less than $2,500.00)
9.943.21	Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator or gas station (less than $2,500.00)
9.943.215	Absconding without paying rent
9.943.22	Use of cheating tokens
9.943.23(4m)	Knowingly a passenger in vehicle operated without owner's consent
9.943.24	Issue of worthless checks (less than $2,500.00)
9.943.26(1)	Removing or damaging encumbered real property
9.943.34	Receiving stolen property (less than $2,500.00)
9.943.37	Alteration of property identification marks
9.943.38(3)	Forgery
9.943.392	Fraudulent data alteration
9.943.41(1), (2), (3)(a) to (d), (4)(b), (5), (6)(a), (b) and (d)	Financial transaction card crimes (less than $2,500.00)
9.943.46(1), (2), (4)(a) to (c) and (5)	Theft of cable television service
9.943.47(1), (2), (3)(a) to (c) and (5)	Theft of satellite cable programming
9.943.50	Retail theft, shoplifting—Less than $2,500.00
9.943.55	Removal of shopping cart
9.943.61	Theft of library material (less than $2,500.00)
9.943.62	Unlawful receipt of payments to obtain loan for another (less than $2,500.00)

9.943.70	Computer crimes (except acts punishable as felonies)
9.943.84	Theft of telecommunications service
9.944.15	Public fornication
9.944.17	Sexual gratification
9.944.20	Lewd and lascivious behavior
9.944.30	Prostitution
9.944.31	Patronizing prostitutes
9.944.33(1)	Pandering
9.944.36	Solicitation of drinks prohibited
9.945.02	Gambling
9.946.40	Refusing to aid officer
9.946.41	Resisting or obstructing officer
9.946.42(1) and (2) 9.946.46	Escape; encouraging violation of probation, extended supervision or parole
9.946.49(1)(a)	Bail jumping
9.946.495	Violation of nonsecure custody order
9.946.66	False complaints of police misconduct
9.946.67	Compounding crime
9.946.70	Impersonating peace officers
9.946.72(2)	Tampering with public records and notices
9.946.75	Denial of right of counsel

9.947.01	Disorderly conduct
9.947.011(1), (2) and (3) (a)	Disrupting a funeral or memorial service
9.947.012	Unlawful use of telephone
9.947.0125	Unlawful use of computerized communication systems
9.947.013	Harassment
9.947.04	Drinking in common carriers
9.947.06	Unlawful assemblies
9.947.07	Causing violence or breach of the peace by damaging or destroying a U.S. flag
9.948.10	Exposing genitals or pubic area
9.948.11(1), (2)(b), (c), (4) and (5)	Exposing a child to harmful material or harmful descriptions or narrations
9.948.21	Neglecting a child (except acts punishable as felonies)
9.948.60(1), (2)(a), (d) and (3)	Possession of a dangerous weapon by a person under 18 years of age
9.948.61(1), (2)(a), (3) and (4)	Dangerous weapons other than firearms on school premises
9.951.01-9.951.18	Crimes against animals (except acts punishable as felonies)
9.961.41(3g)	Possession of marijuana. No person shall possess 25 grams or less of marijuana, as defined in Wis. Stats. § 961.01(14), subject to the exceptions in Wis. Stats. § 961.41(3g).
9.961.573(1) and (2)	Possession of drug paraphernalia
9.961.574(1) and (2)	Manufacture or delivery of drug paraphernalia

9.961.575(1) and (2)	Delivery of drug paraphernalia to a minor
9.961.576	Advertisement of drug paraphernalia

(Code 2011, §§ 9.134.71—9.961.576; Ord. No. 1684, 12-4-2012)

Sec. 9.02. Discharging and carrying dangerous weapons prohibited.

(1) No person, except a sheriff, constable, police officer, or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description or tipped arrow within the city. However, this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges, shooting galleries or archery ranges, which galleries or ranges are approved by the chief of police. Nor shall it alter the privilege of defense of self or others afforded by Wis. Stats. § 939.48. In addition to all other penalties provided in this section, the firearm, rifle, spring or air gun or tipped arrow or other weapon discharged in violation of this section may be impounded pending the court's disposition.

(2) Outdoor rifle or pistol range use is restricted as follows:

(a) Ranges must be closed on the following holidays:

1. Easter
2. Mother's Day
3. Memorial Day
4. Labor Day
5. Father's Day
6. Thanksgiving
7. Christmas

(b) Ranges must be closed on Mondays and Tuesdays, except for police certification/training and hunter's safety classes.

(c) Full automatic weapons are prohibited.

(d) Hours of use are restricted as follows:

1. No use is permitted before 9:00 a.m. local time.
2. Ranges shall close at 4:00 p.m. local time.
3. Ranges shall close during central daylight time at 6:30 p.m. on Mondays through Fridays and at 6:00 p.m. on Saturdays and Sundays.

(3) Municipal buildings.

(a) No person, except a peace officer or armed forces or military personnel who go armed in the line of duty, or any person duly authorized by the chief of police, shall possess or carry a firearm, an electric weapon as defined in Wis. Stats. § 941.24, a knife or a billy club in any building or portion of a building owned, leased, or controlled by the city or any of its boards, commissions, or committees.

(b) The city employee responsible for management of such premises, or his designee, shall keep all entrances to buildings described in subsection (3)(a) of this section signed to meet the

requirements of Wis. Stats. § 943.13(2)(bm)1 to provide notice to persons of this prohibition of firearms and weapons within such buildings.

(c) A person who enters or remains in such building or portion of a building contrary to the signage shall be a trespasser and subject to penalty as provided in section 9.40

(4) The prohibitions and licensing requirements of Wis. Stats. § 175.60 are hereby adopted and incorporated by reference, except that the penalty for violation of the same shall be limited to a forfeiture under section 9.40

(5) Within the city, no person except a sheriff, constable, police officer, or their deputies shall carry or wear concealed about his person any sling shot, crossknuckle of lead, brass or other metal, bowie knife, nunchaku or "numchuck" sticks, throwing stars or "shurikens," dirk or dagger.

(Code 2011, § 9.02; Ord. No. 1675, 2-7-2012)

Sec. 9.03. Throwing or shooting of arrows, stones, and other missiles prohibited.

Except as permitted at gun or archery ranges in section 9.02, no person shall throw or shoot any object, arrow, stone, snowball, or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground, or other public place within the city.

(Code 2011, § 9.03)

Sec. 9.04. Loud and unnecessary noise prohibited.

(1) No person shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, or park or any private residence.

(2) No person shall operate a motor vehicle so as to cause the tires thereof to squeal, the horn to blow excessively, or the motor to race excessively.

(3) No person shall operate a motor vehicle in a manner so as to cause "spinning donuts" wherein a vehicle is driven in a tight radius, or in a manner known as "fishtailing" wherein the vehicle is driven in such a manner as to cause the rear end of the vehicle to unnecessarily sway from side to side.

(4) No person shall operate a motor vehicle in a manner so as to cause the tires of that vehicle to throw stones or gravel unnecessarily.

(Code 2011, § 9.04)

Sec. 9.05. Loitering.

(1) *Loitering or prowling prohibited; generally*. No person shall loiter or prowl in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(2) *Obstruction of traffic by loitering*. No person shall loiter upon the public streets, alleys, sidewalks, street crossings, or bridges or in any other public place within the city in such manner as to prevent, interfere with, or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings, or bridges or other public places by persons passing along and over the same. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer.

(3) *Obstruction of entryways by loitering*. No person shall loiter upon the public streets, private driveways or sidewalks, or in adjacent doorways or entrances so as to obstruct the free entry of persons to the adjacent property, driveways, or other entrances to such property. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer.

(4) *Loitering in places of public assembly or use.* No person shall, by loitering, interfere with the free use of any place of public assembly or public use by others using such place of public assembly. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after a request to do so by a police officer or by the person in charge of the place of public assembly.

(5) *Loitering on private premises without invitation*. No person shall loiter on any private premises without invitation from the owner or occupant. It shall be an offense under this subsection for a person to refuse to discontinue such loitering after being requested to do so by a police officer or by the owner or occupant.

(Code 2011, § 9.05)

Sec. 9.06. Littering prohibited.

No person shall throw any glass, refuse or waste, filth, or other litter upon the streets, alleys, highways, public parks, or other property of the city, upon any private property or upon the surface of any body of water within the city.

(Code 2011, § 9.06)

Sec. 9.07. Crossing fire hose prohibited.

No engine, railway car, train, or vehicle shall be driven over any unprotected hose of the fire department laid down on any street, private driveway, or railroad track without the consent of the fire chief or the assistant in command.

(Code 2011, § 9.07)

Sec. 9.08. Public parks.

(1) *Alcoholic beverages*. No alcoholic beverage shall be brought into any of the public parks of the city for consumption unless a permit is first secured from the police department. Bringing alcoholic beverages into the park is construed to mean for the purpose of consumption.

(2) *Meetings*. All public meetings and social gatherings in public parks shall be concluded by 11:00 p.m.

(3) *Hitting golf balls*. No person shall hit golf balls within any city park or recreation area.

(4) *Motorized vehicles prohibited*. No person shall drive or park any motor vehicle, motor bike, motorcycle, or moped in any park or any recreation area, except upon a paved road or a designated parking area, unless so authorized by the street superintendent or his designated representative.

(5) *Damaging property prohibited*. No person shall injure, deface, destroy, damage, or vandalize any real property or any personal property of the city located in any park or recreation area.

(6) *Littering prohibited*. No person shall place or leave any garbage, rubbish, or refuse in any park or recreation area, except in the receptacles or containers provided. No person shall bring garbage, rubbish, or refuse from outside to a park or recreation area and deposit it in the receptacles or containers.

(7) *Swimming*. No person shall swim or wade in Kelso Pond.

(8) *City skate park.* The following provisions are applicable in the city skate park and on the abutting public right-of-way in addition to, or in the case of conflict, to supersede, other provisions of this Code regulating the use of public parks:

(a) No person shall bring into or possess within the city skate park any glass containers, tobacco products, alcoholic beverages, controlled substance or controlled substance analog.

(b) No person shall be present in the city skate park before 8:00 a.m. or after 9:00 p.m.

(c) No person shall bring into, use, or possess within the city skate park any equipment such as jumps, rails, ramps, or other similar apparatus whether homemade or commercially manufactured.

(d) No person shall use within the city skate park any bicycle, tricycle, scooter, or other wheeled equipment or vehicles, other than skateboards, in-line skates, roller skates or rollerblades.

(Code 2011, § 9.08)

Sec. 9.09. Consumption and possession of intoxicants.

The consumption of any fermented malt beverage or intoxicating liquor or possession of any open container which contains fermented malt beverage or intoxicating liquor is prohibited in the following areas:

(1) All private property without the owner's consent.

(2) On any street, roadway, alley, parking lot, or sidewalk.

(3) In restaurants, unless patrons are seated and at tables.

(Code 2011, § 9.09)

Sec. 9.10. Handbill distribution.

(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:

Handbill means any printed or written advertising matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, paper, booklet, or any other printed matter or literature.

Person means any person, firm, partnership, association, corporation, company, or organization.

(2) *Public property*. No person, either directly or indirectly, shall deposit any handbill in or on any public thoroughfare, park, grounds, or other public place within the city.

(3) *Vehicles*. No person, directly or indirectly, shall deposit any handbill in or upon any automobile or other vehicle.

(4) *Private property*. No person, directly or indirectly, shall deposit any handbill in or upon any private property.

(5) *Posted property*. The owner or occupant of any property may place a sign near the entrance thereof indicating that no handbills are desired. No person shall go upon such premises so posted and deposit any handbill.

(6) *Hours of distribution*. No person shall distribute any handbill between the hours of 5:00 p.m. and 8:00 a.m.

(7) *Exemptions*. This section does not apply to distributions by a messenger service or distributions of the U.S. mail or telegrams, nor to the delivery of any handbills to any person who has requested it or is willing to accept it. In addition, this section does not apply to distribution of political campaign material, whether the election involves an individual or is an election involving a referendum question.

(8) *Methods*. No person shall distribute handbills in a manner that impedes the flow of traffic on any street or sidewalk. No person distributing handbills shall molest or annoy any individual, group, or gathering.

(9) *Improper posting*. No person shall affix any handbill upon any public building or structure. Handbills may be affixed upon private buildings or billboards with the owner's consent.

(Code 2011, § 9.10)

Sec. 9.11. Radio and television interference.

(1) *Prohibition*. No person shall maintain, use, or operate any apparatus or device which interferes with radio and television reception.

(2) *Exceptions*. The above prohibition does not apply to the following:

(a) The regulation of any transmitting broadcasting or receiving instruments, apparatus, or devices used in interstate commerce and licensed or authorized under any act of congress.

(b) Radio interference between the hours of 12:00 midnight and 7:00 a.m.

(c) Operation of violet-ray machines, diathermal machines, or other electro-medical devices, between the hours of 7:00 a.m. and 6:00 p.m., provided that interference is reduced as much as possible and the devices are used only when necessary. The devices must be equipped with filters, condensers, shields, and grounds, with any other apparatus which reduces interference as much as possible.

(d) X-ray machines, whenever necessary, if interference is reduced as much as possible.

(Code 2011, § 9.11)

Sec. 9.12. Amplifying devices.

No person shall use any mechanical device for intensification or amplification of the human voice or any sound or noise in any public or private place so that the public peace and good order is disturbed or that persons owning, using, or occupying property are disturbed or annoyed.

(Code 2011, § 9.12)

Sec. 9.13. Abandoned or unattended ice boxes, etc., prohibited.

No person shall leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure under his control in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside without first removing such door or lid, snap lock, or other locking device from such ice box, refrigerator, or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(Code 2011, § 9.13)

Sec. 9.14. Open cisterns, wells, basements, or other dangerous excavations prohibited.

No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations, or other dangerous openings. All such places shall be filled, securely covered, or fastened in such manner as to prevent injury to any person, and any cover shall be of a design, size, and weight that the same cannot be removed by small children.

(Code 2011, § 9.14)

Sec. 9.15. Animals.

(1) *State laws adopted*. The provisions of Wis. Stats. ch. 174, exclusive of any penalties, are adopted by reference and made a part of this Code, so far as applicable.

(2) *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:

Animal means both the male and female sex of either wild or domesticated species.

At large means the presence of an animal at any place except the premises of the owner, unless the animal is under full and immediate control of a person physically able to completely control the conduct and actions of the animal.

Confined means restriction of an animal at all times by the owner or his agent to an escape-proof building or other enclosure away from other animals and the public.

Dangerous or vicious animal means any animal that is known to have attacked a person without provocation when that person was peacefully conducting himself where he was lawfully entitled to be, or any animal that constitutes a physical threat to human beings or other animals.

Public nuisance means any animal which:

(a) Molests passersby or passing vehicles.

(b) Attacks other animals.

(c) Is repeatedly at large.

(d) Damages private or public property.

(e) Barks, yelps, howls, whines, or makes other noises that are excessive to the point of disturbing the comfort or repose of persons in the vicinity.

(3) *Enforcement*. The employees of the police department or other persons authorized by the city shall be responsible for enforcement of this section, and they are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon the premises of the owners or other private property.

(4) *Animals not to run at large*. It is unlawful for any person who is the owner of, or in possession of, or charged with the care of, any animal to permit same to run at large within the city. All animals off the owner's premises must be leashed.

(5) *Prohibited acts*. No person shall wrongfully remove the collar, license number, or muzzle from, or shall wrongfully kill, cruelly ill-treat, entice, or carry away, any animal.

(6) *Prohibited areas for animals*. Any person owning, keeping or in charge of any animal shall not permit such animal to be in any public park in the city at any time, except as authorized in writing by the park department, on any public school grounds, or on any playgrounds except for school-sponsored and authorized purposes. The provisions of this section shall not be applicable in cases in which a person is being assisted by a seeing-eye dog or in cases where a leashed animal is being walked upon a designated trail area through the park.

(7) *Annoyances and public nuisances*. No person shall keep or harbor any animal that would be a public nuisance.

(8) *Animal excreta*.

(a) The owner or person having immediate control of an animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property.

(b) It is unlawful for any person to permit an animal to be on such property, public or private, not owned or possessed by such person unless such person has, in his immediate possession, an appropriate means of removing animal excreta. This shall not be applicable in cases in which a person is being assisted by a seeing-eye dog.

(c) All pens, yards, structures, or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so as not to attract insects or rodents, become unsightly or cause objectionable odors.

(9) *Vicious animals prohibited*. No person shall knowingly keep or harbor a vicious animal. If any dangerous or vicious animal cannot be safely captured and impounded, and such animal poses an imminent threat to a human or another animal, such animal may be destroyed by any police officer.

(10) *Animals involved in biting incidents*.

(a) All incidents occurring in the city in which any animal bites a person, or is suspected of biting a person, shall be immediately reported to the police department by any person having knowledge of such incident.

(b) Any animal having bitten a person, or suspected of being afflicted with rabies, shall, upon the direction of the police department, be quarantined for the purpose of observation for the possibility of infection with rabies, or when indicated, be killed and submitted to the state laboratory of hygiene for rabies analysis. Quarantine shall be for a period of not less than ten days or until released by the police department and shall consist of:

1. Confinement of the animal by the owner or other responsible person on his premises.

2. Confinement under the supervision of a licensed veterinarian.

3. Confinement at the animal shelter.

(c) When it becomes necessary to place an animal under the observation of a licensed veterinarian, the owner of the animal, if known, shall bear the cost of boarding, observation, and other expenses that may be incurred.

(d) The police department may issue such other orders which, in their judgment are necessary to safeguard the health and welfare of any person suffering from an animal bite, including seizure of an animal for confinement or to be sacrificed for laboratory testing for rabies.

(11) *Animal pound.*

(a) *Confinement of animals*. The police department or any other officer appointed by the council shall apprehend any animal running at large within the city or which does any of the things prohibited under subsection (7) of this section and confine the same in a suitable animal pound.

(b) *Enforcement*. The chief of police or his qualified assistants shall be responsible for the apprehension and confinement of animals in a pound as provided in this section and such police officer shall apprehend and confine animals as provided in this section and may enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this chapter. Such action shall be brought in the name of the city. Such officer shall be paid such compensation as the council shall determine by resolution.

(c) *Disposition of unclaimed animals*. The keeper of the pound shall keep all animals apprehended for seven days at the animal pound, unless sooner claimed by the owner or keeper, and if any animal is not reclaimed by the rightful owner within such time, the animal may be sold for the

amount incurred in apprehending, keeping, and caring of the animal, or it may be destroyed in a proper and humane manner.

(d) *Owner or keeper to pay costs*. The owner or keeper of any animal so confined may reclaim such an animal at any time before the same is disposed of upon payment of all costs and charges incurred in apprehending, keeping, and caring of the animal. Such costs and charges may include expenses for inoculations or other medical treatment of the animal. The owner's or keeper's payment of costs and charges incurred in apprehending, keeping, and caring of the animal shall be made directly to the chief of police.

(e) *Owner or keeper to post bail*. The owner or keeper of any animal so confined shall, in addition to any costs required to be paid under subsection (d) of this section, post bail in the following amounts prior to reclaiming such animal:

1. $25.00 for the first offense involving such animal within one calendar year.
2. $35.00 for a second offense involving such animal within one calendar year.
3. $45.00 for the third offense involving such animal within one calendar year.
4. $60.00 for the fourth or more offenses involving such animal within one calendar year.

(12) *Animals to be vaccinated*.

(a) *Required.* Except as provided in Wis. Stats. § 174.054, the owner of a dog shall have the animal 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 this city, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this 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 or vaccination or, if no date is specified, within three years after the previous vaccination.

(b) *Penalty*. An owner who fails to have a dog vaccinated against rabies as required under subsection (12)(a) of this section may be required to forfeit not less than $50.00 nor more than $200.00.

(13) *Quarantine of dog or cat*.

(a) *Delivery to an isolation facility or quarantine on premises of owner*. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal to be delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(b) *Health risks to humans*. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the tenth day of isolation, and on one intervening day. If the observation period is not extended, and if the veterinarian certifies the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(c) *Risk to animal health*.

1. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal, and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the

animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

2. If a dog or cat is ordered to be quarantined because there is a reason to believe that the animal has been exposed to a rabid animal, but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(d) *Sacrifice of a dog or cat exhibiting symptoms of rabies*. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(e) *Penalty*. Any owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility, or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall forfeit not less than $100.00 nor than $1,000.00.

(Code 2011, § 9.15)

Sec. 9.16. Fair housing.

(1) *Adoption*. The city council hereby adopts Wis. Stats. § 106.04 and all subsequent amendments thereof.

(2) *Prevention and removal*. The officials and employees of the city shall assist in the orderly prevention and removal of all discrimination in housing within the city by implementing the authority and enforcement procedures set forth in Wis. Stats. § 106.04

(3) *Complaints*. The city clerk-treasurer shall maintain forms for complaints to be filed under Wis. Stats. § 101.22 and shall assist any person alleging a violation thereof in the city to file a complaint thereunder with the state department of industry, labor and human relations for enforcement under Wis. Stats. § 106.04.

(Code 2011, § 9.16)

Sec. 9.17. Fraudulent advertising.

No person shall advertise regarding real estate, merchandise, securities, service, or anything offered to the public, any advertisement containing any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.

(Code 2011, § 9.17)

Sec. 9.18. Interference with city officials and employees prohibited.

No person shall knowingly resist or obstruct a peace officer or other public official or employee while such officer or employee is doing any act in his official capacity. The term "obstruct" includes, without limitation, knowingly giving false information to such officer or employee with intent to mislead him in the performance of his duty, including the service of any summons or civil process.

(Code 2011, § 9.18)

Sec. 9.19. Regulations for entertainers and employees.

This section shall apply to entertainers and employees in establishments licensed under section 12.03.

(1) *Conduct prohibited*. No person possessing a license issued under section 12.03, personally or through an agent or employee, shall knowingly permit or engage in the following conduct on licensed premises, and no entertainer or employee shall engage in the following conduct on the licensed premises:

(a) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(b) The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, vulva, or genitals.

(c) The actual or simulated displaying of the areola of the breast, pubic hair, anus, vulva, or genitals.

(d) The showing of films, videos, or slides depicting any of the acts which are prohibited by the regulations stated in this section.

(2) *Certain performances and costumes prohibited*. No licensee, either personally or through his agent or employee, shall furnish entertainment or permit the performance of any act, stunt, or dance by dancers, performers, or entertainers, whether such dancers, performers, or entertainers are employed by the licensee or through his agent or not, and no entertainer or employee shall furnish any entertainment or perform any act, stunt, or dance unless such dancers, performers, or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises:

(a) That portion of every costume to be worn by dancers, performers, or entertainers covered by the provisions of this subsection and which relates to the sex organs and buttocks shall be of nontransparent material.

(b) The top portion of the costume worn by a female dancer, performer, or entertainer or a female impersonator shall be so conformed, fabricated, and affixed to the body so as to keep the area of the breast at or below the areola thereof completely covered at all times.

(c) The lower portion of the costume worn by a female dancer, performer, or entertainer, or a female impersonator shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated, and affixed to the body so as to completely cover the sex organs, the pubic hair, and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this section.

(d) The lower portion of the costume worn by a male dancer, performer, or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated, and affixed to the body so as to completely cover the pubic hair, sex organ, and the cleavage of the buttocks at all times.

(3) *Prohibited patron conduct*. No licensee, either personally or through his agent or employee, shall knowingly permit any patron to participate in any act, stunt, or dance in violation of the provisions of this section.

(4) *Licensee responsible*. No holder of a license issued under section 12.03 shall permit any conduct on his licensed premises in violation of this section, and such violation shall constitute grounds for license revocation by the city council.

(Code 2011, § 9.19)

Sec. 9.20. Horses not to be on sidewalks and terraces.

(1) The owner, rider, or person in possession of any horse shall not permit the same to be on the sidewalks or terraces of the city.

(2) Any person who violates the provisions of this section shall be subject to a forfeiture of $10.00 to $50.00 for each offense. See also section 25.04

(Code 2011, § 9.20)

Sec. 9.21. Theft or nonreturn of library materials.

(1) No person shall fail, on demand, to return any book, periodical, pamphlet, picture, or other article or property belonging to, or in charge of, the city public library, according to the rules and regulations duly made and adopted by the library board, and no person shall remove from the library any book, periodical, pamphlet, picture, or other article or property without first having it charged as provided by such rules and regulations.

(2) 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 charge of, the library.

(3) Wis. Stats. § 943.61, relating to theft of library material, exclusive of the penalties provided therein, is hereby adopted by reference and made a part hereof.

(4) Any person who shall violate any provision of this section shall be subject to a penalty as provided in section 25.04. 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. The city judge is hereby empowered to suspend payment of all or any portion of the forfeiture imposed if the person convicted of such offense makes restitution in full to the library board for any damage or mutilation or returns such item to the library board within 15 days of the date of conviction.

(Code 2011, § 9.21)

Sec. 9.22. Controlled substances.

(1) *Intent*. It is determined by the city council that the open display and availability for sale of simulated controlled substances and instruments used for inhaling or ingesting controlled substances in places of business within the city suggests and encourages the illegal use of drugs and other controlled substances by the youth of this community and that to protect the health, safety, and general welfare of the youth of this community, it is necessary that the regulations provided in this section be enacted.

(2) *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:

Cocaine spoon means a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a cocaine spoon or coke spoon.

Controlled substance means any drug, substance, or immediate precursor enumerated in Schedules I through V of the Uniform Controlled Substances Act found in Wis. Stats. ch. 161, and as such schedules may from time to time be amended.

Controlled substances, simulated. See *Drugs*.

Drugs.

1. Substances recognized as drugs in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States or Official National Formulary, or any supplementary to any of them.
2. Substances intended for use in the diagnosis, cure, medication, treatment, or prevention of disease in man or animals.
3. Substances, other than food, intended to affect the structure of any function of the body of man or animals.
4. Substances intended for use as a component of any article specified in subsections 1, 2, and 3 of this definition.

Drug paraphernalia.

1. All equipment, products, and materials of any kind which are intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. The term "drug paraphernalia" includes, but is not limited to:
    a. Kits 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 intended for use, or designed for use, in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
    c. Isomerization devices intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance.
    d. Testing equipment intended for use, or designed for use, in identifying or analyzing the strength, effectiveness, or purity of controlled substances.
    e. Scales and balances intended for use, or designed for use, in weighing or measuring controlled substances.
    f. Diluents and adulterants, such as quinine hydrochloride, manitol, mannite, dextrose, and lactose, intended for use, or designed for use, in cutting controlled substances.
    g. Separation gins and sifters 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 intended for use, or designed for use, in compounding controlled substances.
    i. Capsules, balloons, envelopes, and other containers intended for use, or designed for use, in packaging small quantities of controlled substances.
    j. Containers and other objects intended for use, or designed for use, in storing or concealing controlled substances.
    k. Objects intended for use, or designed for use, in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as metal, wooden acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that have become too small or short to be held in the hand; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes; or chillers.
2. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

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 state or federal law relating to any controlled substance.

c. The proximity of the object, in time and space, to a direct violation of this act, or any state or federal law relating to any controlled substance.

d. The proximity of the object to controlled substances.

e. The existence of any residue of controlled substances 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 he knows intend to use the object to facilitate a violation of this act, or any state or federal law relating to any controlled substance; the innocence of any owner, or of anyone in control of the object, as to a direct violation of such act or law, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia.

g. Instructions, oral or written, 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. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise.

l. The existence and scope of legitimate uses for the object in the community.

m. Expert testimony concerning its use.

Drugs, simulated, means any products which identify themselves by using a common name and slang term associated with the controlled substance or indicate by label or accompanying promotion material that the product simulates the effect of a controlled substance or drug.

Hashish pipe. See *Marijuana pipe*.

Manufacturer. See Wis. Stats. § 961.01(13).

Marijuana pipe means a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.

Patient means the individual for whom a drug is prescribed or administered, or the owner or agent of the owner of the animal for which a drug is prescribed or administered, provided that the prescribing or administering referred to in this subsection is in good faith and in the course of professional practice only.

Person means any individual, corporation, business, trust, estate, partnership or association, or any other legal entity.

Pharmacist. See Wis. Stats. § 450.01(15).

Practitioner. See Wis. Stats. § 961.01(19).

Prescription means a written order, or an oral order later reduced to writing, by a practitioner for a prescription drug for a particular patient which specifies the date of its issue, name and address of such practitioner, name and address of the patient, and name and quantity of the prescription drug prescribed, directions for use of the drug and, in the case of a written order, the signature of the practitioner.

Wholesale distributor. See Wis. Stats. § 450.01(24).

(3) *Saleand display of instruments and simulated controlled substances prohibited*.

(a) No person shall sell, offer for sale, display, furnish, supply, or give away any cocaine spoon, marijuana pipe, hashish pipe, simulated drugs, or simulated controlled substances, or any drug paraphernalia.

(b) The following are exceptions to the above prohibitions:

1. The display of any such items at a place of display for education or scientific purposes.

2. Manufacturers, practitioners, pharmacists, and the wholesalers engaged in the normal, lawful course of their respective businesses or professions, or patients possessing such materials pursuant to a valid prescription or suffering from diabetes or any other medical condition requiring self-injection, or warehousemen or their employees engaged in the lawful transportation of simulated controlled substances or instruments, or public officers or employees while engaged in the performance of their official duties.

(Code 2011, § 9.22)

Sec. 9.23. Obscene materials harmful to minors.

(1) *Prohibitions*. No person shall knowingly sell or loan, for monetary consideration, to a minor:

(a) Any picture, photograph, drawing, sculpture, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors.

(b) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in subsection (1)(a) of this section, or explicit and detailed verbal description or narrative account of sexual excitement, sexual conduct, or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

(2) *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:

Harmful to minors means that quality of any description or representation in whatever form of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

1. Predominately appeals to the prurient, shameful, or morbid interest of minors.

2. Is potentially offensive to prevailing standards in the adult community as a whole as to what is suitable material for minors.

3. Is utterly without redeeming social importance for minors.

Knowingly means having general knowledge of, reason to know, or a belief or grounds for belief which warrants further inspection or inquiry or both:

1. The character and content of any material described in this section which is reasonably susceptible to examination by the person charged with violation of this section.

2. The age of the minor; provided, however, that an honest mistake shall constitute an excuse from liability under this section if the person charged with a violation of this section made a reasonable bona fide attempt to ascertain the true age of such minor.

Minor means any person under the age of 18 years.

Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple or the depiction of covered male genitals in a discernable turgid state.

Sadomasochistic abuse means flagellation or torture by or upon a person clad in undergarments, a mask, or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of the one so clothed.

Sexual conduct means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

Sexual excitement means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(Code 2011, § 9.23)

Sec. 9.24. Fireworks sale, discharge, and permits.

(1) Wis. Stats. § 167.10, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is hereby adopted by reference and made a part of this chapter as though set forth in full.

(2) Fireworks, other than those prohibited by the laws of the state, may be used and displayed in open fields, parks, rivers, lakes, and ponds by public authorities, fair associations, amusement parks, park boards, civic organizations, and other groups of individuals when a permit for such display has been granted by the mayor. All applications shall be referred to the fire chief for investigation, and no permit shall be granted unless the mayor, from the report of the fire chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable safe place and manner.

(Code 2011, § 9.24)

Sec. 9.25. Unauthorized minors loitering or wagering at racetracks.

(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:

Licensee means any person or entity issued a license by the state racing board pursuant to Wis. Stats. § 562.05.

Racetrack means any racetrack licensed by the state racing board under Wis. Stats. § 562.05(1).

(2) *Prohibited acts*.

(a) No person under the age of 18 years may be admitted to the premises of a racetrack or a track located at a fair where there is racing, unless accompanied by a parent, grandparent, great-grandparent, guardian, or spouse who is at least 18 years of age or unless accompanied by another person at least 18 years of age with the written permission of the minor's parent or guardian. This prohibition shall not apply to persons under the age of 18 years who are lawfully employed at the racetrack or to persons under 18 years of age who are within the day care area at a track if the day care area is licensed by the state department of health and social services under Wis. Stats. § 48.65.

(b) No licensee may accept a wager from a person under the age of 18 years or make any payout on a wager to any person under the age of 18 years.

(c) No person under the age of 18 years may make a wager in any race or receive any payout on a wager.

(3) *Racetrack to give notice of prohibition*. The licensee of any racetrack shall give adequate notice of the prohibitions under this section by posting signs at each public entrance to the racetrack giving reasonable notice to anyone entering the premises of the prohibitions of this section. The number, size, and content of such signs shall be approved by the chief of police or his designee. Failure of

such signs to be posted shall not be a defense to prosecution under any other subsection of this section.

(4) *Penalties*. Any person or entity violating this section shall be subject to a forfeiture of not less than $50.00 or more than $300.00. Subsequent violations within a one-year period shall carry a minimum forfeiture of $100.00 but not more than $1,000.00 per violation. Any person or entity in default of payment shall be committed to the county jail not to exceed 90 days. In addition, any minor violating this section shall be subject to suspension of his driver's license.

(Code 2011, § 9.25)

Sec. 9.26. Use of tobacco prohibited on school premises.

No person shall use any tobacco products in any buildings and on any grounds and other property owned or rented by, or under the control of, the city area school district.

(Code 2011, § 9.26)

Sec. 9.27. Truancy and habitual truancy prohibited.

(1) *Prohibited acts*. A child is prohibited from being a truant, a habitual truant, or a dropout.

(2) *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:

Acceptable excuse means permission of the parent/guardian/legal custodian of a pupil within limits of policies on truancy established by the school in which the pupil is enrolled. Except in emergencies of unforeseeable circumstances, such permission is expected to be communicated in writing from the parent/guardian/legal custodian to the school prior to the absence. In emergencies or unforeseeable circumstances, such communication is expected to be as soon as practicable following the absence.

Dropout means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Wis. Stats. § 118.15(1)(b) to (d) or (3).

Habitual 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 five or more days in which school is held during a semester.

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 all or part of any day on which school is held during a semester.

(3) *Penalties*.

(a) *Truant*. Any pupil under the age of 18 years of age found by the court to be truant shall be subject to one or more of the following:

1. An order for the pupil to attend school.

2. Subject to Wis. Stats. § 938.37, a forfeiture of not more than $50.00 plus costs for the first violation, or a forfeiture of not more than $100.00 plus costs for any second or subsequent violation committed within 12 months of the previous violation up to a cumulative maximum 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 pupil, the pupil's parents or guardian, or both if the parents or guardian have, by any act or omission, knowingly encouraged or contributed to the person's truancy pursuant to Wis. Stats. § 948.45.

(b) *Habitual truant*. Any pupil under the age of 18 years of age found by the court to be a habitual truant shall be subject to one or more of the following:

1. Suspension of the person's operating privilege for not less than 30 days nor more than one 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 and 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 subsection 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 a 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 his 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 workforce 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 subsection, 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's, guardian's, or legal custodian's own expense or to attend school with the person, or both.

(c) *Dropout*. Any child who is at least 16 years of age but less than 18 years of age found by the court to be a dropout may be subject to an order by the court suspending such child's operating privilege until the child reaches the age of 18 years. If the court suspends such privilege, it shall immediately take possession of the suspended license and forward it to the department of transportation together with a notice stating the reason for, and duration of, the suspension.

(Code 2011, § 9.27)

Sec. 9.28. Contributing to truancy prohibited.

(1) *Prohibited acts*. Except as provided in subsection (2) of this section, no person 17 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, as defined in section 9.27

(2) *Exception*. Subsection (1) of this section shall not apply to a person who has under his control a child who has been sanctioned under Wis. Stats. § 49.26(1)(h).

(3) *Penalty*. Any person who violates this section shall be subject to a forfeiture of not less than $75.00 dollars nor more than $300.00 dollars, 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 2011, § 9.28)

Sec. 9.29. Purchase or possession of tobacco products prohibited.

(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:

Cigarette has the meaning given in Wis. Stats. § 139.30(1).

Law enforcement officer has the meaning given in Wis. Stats. § 30.50(4s).

Tobacco products has the meaning given in Wis. Stats. § 139.75(12).

(2) *Prohibited.* Except as provided in subsection (3) of this section, no child may do any of the following:

(a) Buy or attempt to buy any cigarette or tobacco product.

(b) Falsely represent his age for the purpose of receiving any cigarette or tobacco product.

(c) Possess any cigarette or tobacco product.

(3) *Exception.* A child may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).

(4) *Seizure by law enforcement officer.* A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of subsection (2) of this section committed in his presence.

(5) *Amendments.* Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section.

(6) *Penalty.* The penalty for violation of this section shall be as provided in section 25.04 of this Code.

(Code 2011, § 9.29)

Sec. 9.30. Restrictions on sale or gift of cigarettes or tobacco products.

(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:

Cigarette has the meaning given in Wis. Stats. § 139.30(1).

Distributor means any of the following:

(a) A person specified under Wis. Stats. § 139.30(3).

(b) A person specified under Wis. Stats. § 139.75(4).

Identification card means any of the following:

(a) A license containing a photograph issued under Wis. Stats. ch. 343.

(b) An identification card issued under Wis. Stats. § 343.50.

Jobber has the meaning given in Wis. Stats. § 139.30(6).

Manufacturer means any of the following:

(a) A person specified under Wis. Stats. § 139.30(7).

(b) A person specified under Wis. Stats. § 139.75(5).

Retailer means any person licensed under Wis. Stats. § 134.65(1).

School has the meaning given in Wis. Stats. § 118.257(1)(c).

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).

(2) *Restrictions*.

(a) 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, except as provided in Wis. Stats. § 254.92(3). A vending machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(b) 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 his parent or guardian or by his spouse who has attained the age of 18 years.

(cm) Signs and notices.

1m. A retailer shall post a sign in areas within his 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 is unlawful under this section and Wis. Stats. § 938.983.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Wis. Stats. § 254.92 and that the purchaser is subject to a forfeiture of not to exceed $25.00.

(d) Vending machines.

1. 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 he is accompanied by his parent or guardian or by his spouse who has attained the age of 18 years.

2. Notwithstanding subsection (2)(c)1 of this section, no retailer may place a vending machine within 500 feet of a school.

(e) No manufacturer, distributor, jobber, subjobber, or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18.

(f) 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).

(3) *Defense of retailer, manufacturer, and distributor.* Proof of all of the following facts by a retailer, manufacturer, or distributor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of subsection (2)(a) of this section:

(a) That the purchaser falsely represented that he had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That 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.

(4) *Penalties*.

(a) Violations.

1. In this subsection, the term "violation" means a violation of subsection (2)(a), (b), (e) or (f) of this section.

2. A person who commits a violation is subject to a forfeiture of:

a. Not more than $500.00 if the person has not committed a previous violation within 12 months of the violation; or

b. Not less than $200.00 nor more than $500.00 if the person has committed a previous violation within 12 months of the violation.

3. A court shall suspend any license or permit issued under Wis. Stats. §§ 134.65, 139.34, or 139.79 to a person for:

a. Not more than three days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

b. 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

c. 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.

4. The court shall promptly mail notice of a suspension under subsection (4)(a)3 of this section to the department of revenue and to the clerk of each city which has issued a license or permit to the person.

(b) Whoever violates subsection (2)(b) of this section shall forfeit not more than $25.00.

(Code 2011, § 9.30)

Sec. 9.31. Curfew.

(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:

Public place means an unenclosed property owned by any governmental unit, as well as any privately owned unenclosed property which is regularly available and open to the public, even if not so available during some or all of the curfew hours set forth in this section.

Street means any public right-of-way, including sidewalks and alleys.

Underage person means a person the age of 16 years or under.

(2) *Prohibition*. No underage person shall be present on any street or public place on foot, bicycle or in any type of vehicle in the city between the hours of 11:00 p.m. and 5:00 a.m., unless accompanied by a parent, guardian or other adult person then having legal custody of such underage person.

(3) *Detaining an underage person*. A law enforcement officer may detain, pending receiving adequate proof of age compliance, a person reasonably believed to be an underage person violating the provisions of this section. In the absence of such proof of age, the detention may continue until such time as the parent, guardian or other person then having legal custody of the underage person can be notified and the underage person released immediately to the parent, guardian or other person then having legal custody of the underage person or to a person designated by one of those. If the parent, guardian or other person then having legal custody of the underage person cannot be notified, after every effort, so as to allow for release of the underage person, the law enforcement officer shall contact a juvenile intake worker to interview the underage person as required by Wis. Stats. § 938.20(3).

(4) *Exceptions*. Subsection (2) of this section shall not apply to any underage person:

(a) On the premises where the underage person lives or is a guest, or the street immediately adjacent thereto.

(b) Whose employment makes it necessary to be upon a street or public place during the hours of curfew.

(c) Who is returning home from a supervised school, church or civic function within one hour after the conclusion of such function.

(d) In the event of an emergency which reasonably justifies the underage person's presence during the curfew hours.

(5) *Warning*. The first time an underage person is detained by law enforcement officers under subsection (3) of this section, a parent, guardian or other person then having legal custody of the underage person shall be issued a written warning as to the provisions of this section. Any subsequent violation of this section occurring by the same underage person or any other underage person then under the care or custody of such parent, guardian or other person may result in a penalty being imposed upon the parent, guardian or other person as herein provided.

(6) *Parent violations*. No parent, guardian or other person then having legal custody of an underage person shall permit or suffer such underage person to violate this section. Any parent, guardian or other person then having legal custody of an underage person who is in violation of subsection (2) of this section, and which parent, guardian or other person has been warned in the manner provided in subsection (5) of this section, shall be deemed to have permitted or suffered such violation and be themselves in violation, absent sufficient evidence to the contrary.

(7) *Penalties*. An underage person who violates this section may be subject to the penalties prescribed in Wis. Stats. § 938.343. Any parent, guardian or other person who violates subsection (6) of this section may be penalized as follows:

(a) First violation: $25.00 plus costs.

(b) Second violation: $50.00 plus costs.

(c) Third and subsequent violations: $75.00 plus costs.

(Code 2011, § 9.31)

Sec. 9.32. Synthetic cannabinoid prohibited.

(1) *Possession, use, and sale are illegal.* It shall be illegal for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals, whether under the common street or trade names of "Spice," "K2," "Genie," Yucatan Fire," "fake" or "new" marijuana, or by any other name, label, or description:

(a) Salvia divinorum or salvinorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.

(b) 1-(2-(4-(morpholinyl) ethyl))-3-(1-naphthoyl) indole: Common or other names: JWH-200.

(c) 1-Butyl-3-(1-naphthoyl) indole: Common or other names: JWH-073.

(d) 1-hexyl-3-(1naphthoyl) indole: Common or other names: JWH-019.

(e) 1-pentyl-3-(1-naphthoyl) indole: Common or other names: JWH-018.

(f) 1-pentyl-3-(2-methoxyphenylacetyl) indole: Common or other names: JWH-250.

(g) 1-pentyl-3-(4-chloro-1-naphthoyl) indole: Common or other names: JWH-398.

(h) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol): Common or other names: CP 47, 497 and homologues.

(i) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone: Common or other names: JWH-015.

(j) (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c] chromen-1-ol): Common or other names: HU-210.

(k) Dexanabinol: Common or other names: HU-211.

(l) Dexanabinol, (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c] chromen-1-ol: Common or other names: HU-211.

(m) Any similar structural analogs to any of the above.

(2) *Medical or dental use allowed*. Acts otherwise prohibited under subsection (1) of this section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

(3) *Penalties*. Any adult person violating this section shall be subject to a forfeiture of not less than $100.00 nor more than $500.00, exclusive of costs.

(Code 2011, § 9.32)

Sec. 9.33. Prostitution.

(1) *State statutes adopted*. The statutory provisions of Wis. Stats. ch. 944, subchapter V (Wis. Stats. § 944.30 et seq.), describing and defining specified offenses against the peace and good order of the state, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the penalty is a fine or term of imprisonment, are adopted by reference to define such offenses against the peace and good order of the city. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

(2) *Penalties*. Any person committing an offense under this section shall be subject to a forfeiture of not less than $2,350.00 nor more than $3,000.00, exclusive of costs.

(Ord. No. 1684, 12-4-2012)

Secs. 9.34—9.39. Reserved.

Sec. 9.40. Penalty.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter, upon conviction thereof, shall be subject to a penalty as provided in section 25.04. In addition to any penalty imposed for violation of Wis. Stats. § 943.01(1), any person who shall cause physical damage to, or destroy any public property shall be liable for the costs of replacement or repairing such damaged or destroyed property. The parents or guardians of any unemancipated minor child who violates Wis. Stats. § 943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with Wis. Stats. § 895.035.

(Code 2011, § 9.40)

Chapter 10 PUBLIC NUISANCES

Sec. 10.01. Public nuisance—Prohibited.

Sec. 10.02. Same—Defined.

Sec. 10.03. Same—Affecting health.

Sec. 10.04. Same—Offending morals and decency.

Sec. 10.05. Same—Affecting peace and safety.

Sec. 10.06. Abandoned vehicles.

Sec. 10.07. Storage of junk vehicles.

Secs. 10.08—10.12. Reserved.

Sec. 10.13. Abatement of public nuisances.

Sec. 10.14. Cost of abatement.

Sec. 10.15. Penalty.

Sec. 10.01. Public nuisance—Prohibited.

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the city.

(Code 2011, § 10.01)

Sec. 10.02. Same—Defined.

As used in this chapter, the term "public nuisance" means a thing, act, occupation, condition, or use of property which shall continue 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 the use of property.

(3) Greatly offend the public morals or decency.

(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.

(Code 2011, § 10.02)

Sec. 10.03. Same—Affecting health.

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of section 10.02.

(1) *Adulterated food*. All decayed, adulterated, or unwholesome food or drink sold or offered for sale to the public.

(2) *Unburied carcasses*. Carcasses of animals, birds, or fowl, not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

(3) *Breeding places for vermin, etc*. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal, or any material in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.

(4) *Stagnant water*. All stagnant water in which mosquitoes, flies, or other insects can multiply.

(5) *Privy vaults and garbage cans*. Privy vaults and garbage cans which are not flytight.

(6) *Noxious weeds*. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed one foot. The city may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under Wis. Stats. § 66.0627. The charge for removing weeds and vegetation referred to in this subsection shall be a $70.00 minimum charge for city lots up to 8,000 square feet and a charge of $70.00 per hour for larger city lots. This section shall not apply to vacant lots located on a face block where less than 50 percent of the face block is occupied. This section shall also not apply to vacant lots in the city industrial park until such lots are occupied.

(7) *Water pollution*. The pollution of any public well or cistern, stream, lake, canal, or other body of water by sewage, creamery or industrial wastes, or other substances.

(8) *Noxious odors, etc*. Any use of property, substances, or things within the city emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the city.

(9) *Street pollution*. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk, or public place within the city.

(10) *Air pollution*. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust, or other atmospheric pollutants within the city or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the city.

(11) *Outdoor heating devices*.

(a) The term "outdoor heating device" means any equipment, device, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

(b) No outdoor heating devices may be installed or constructed within the city.

(c) No existing outdoor heating device shall create an undesirable impact upon adjacent property or otherwise create a public nuisance as defined above in subsections (8) and (10) of this section.

(d) Any existing outdoor heating device may only be used between October 1 and April 30.

(e) All existing outdoor heating devices shall use as fuel only natural untreated wood or other solid fuel specifically permitted by the manufacturer. The following fuels are prohibited: processed wood products other than wood, petroleum products in any form, rubber, plastic, garbage, painted wood, or any other item not specifically allowed by the manufacturer.

(f) All existing outdoor heating devices shall be installed, operated, and maintained in strict compliance with the manufacturer's instructions and regulations and all other applicable local, state, and federal requirements.

(g) Any existing outdoor heating device which is abandoned or not used for a period of 12 consecutive months shall not be permitted to be re-established as a nonconforming use, cannot be used, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the outdoor heating device by the end of the 12 months, the building inspector shall give written notice by certified mail, personal service, or posting to the owner of the property upon which the outdoor heating device is located. Such notice shall provide that such person shall remove the same with 15 days of the notice. Should the outdoor heating device not be removed in the time specified, the building inspector shall arrange for the removal of the outdoor heating device. The cost of the removal shall be charged to the owner of the premises. The cost, if not paid within 30 days, shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the city special charge tax on real property and as a part thereof.

(h) At such time as the useful life of a nonconforming or pre-existing outdoor heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property.

(12) *Feeding of fowl*. The feeding of ducks, geese, or gulls on or about any city-owned property.

(Code 2011, § 10.03)

Sec. 10.04. Same—Offending morals and decency.

The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of section 10.02:

(1) *Disorderly houses*. All disorderly houses, bawdy houses, houses of ill-fame, gambling houses, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, or gambling.

(2) *Gambling devices*. All gambling devices and slot machines.

(3) *Unlicensed sale of liquor and beer*. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as provided for by the ordinances of the city.

(4) *Continuous violation of city ordinances*. Any place or premises within the city where city ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated.

(5) *Illegal drinking*. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.

(Code 2011, § 10.04)

Sec. 10.05. Same—Affecting peace and safety.

The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of section 10.02:

(1) *Signs, billboards, etc*. All signs and billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.

(2) *Illegal buildings*. All buildings erected, repaired, or altered in violation of the provisions of the ordinances of the city relating to materials and manner of construction of buildings and structures within the city.

(3) *Unauthorized traffic signs*. All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal, or which, because of its color, location, brilliance, or manner of operation, interferes with the effectiveness of any such device, sign, or signal.

(4) *Obstruction of intersections*. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(5) *Tree limbs*. All limbs of trees which project over and less than ten feet above any public sidewalk, street, or other public place.

(6) *Dangerous trees*. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) *Fireworks*. All use or display of fireworks, except as provided by state laws and city ordinances.

(8) *Dilapidated buildings*. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

(9) *Wires and cables over streets*. All wires and cables over streets, alleys, or public grounds which are strung less than 15 feet above the surface thereof.

(10) *Noisy animals or fowl*. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the city.

(11) *Obstructions of streets; excavations*. All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or do not conform to the permit.

(12) *Unlawful assemblies*. Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk or of a public street, alley, or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(Code 2011, § 10.05)

Sec. 10.06. Abandoned vehicles.

(1) *Vehicle abandonment prohibited*. No person shall leave unattended any motor vehicle, trailer, semitrailer, or mobile home on any public street or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any city street or highway or on any

public or private property within the city without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

(2) *Removal and impoundment of abandoned vehicles*. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under subsection (3) of this section, except if the chief of police or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the city prior to expiration of the impoundment period upon determination by the chief of police or his duly authorized representative that the vehicle is not wanted for evidence or other reason.

(3) *Disposal of abandoned vehicle*.

(a) If the chief of police or his duly authorized representative determines the value of the abandoned vehicle exceeds $100.00, he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the city and may be reclaimed within 15 days upon payment of accrued towing, storage, and notice charges and, if not so reclaimed, shall be sold.

(b) If an abandoned vehicle exceeding $100.00 in value is not reclaimed within the period and under the conditions as provided in subsection (3)(a) of this section, it may be sold at private sale.

(c) After deducting the expense of impoundment and sale, the balance of the proceeds, if any, shall be paid into the city treasury.

(d) Any abandoned vehicle which is determined by the chief of police or his duly authorized representative to have a value of less than $100.00 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

(4) *Owner responsible for impoundment and sale costs*. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the city against the owner.

(5) *Notice of sale or disposition*. Within five days after the sale or disposal of a vehicle as provided in subsections (3)(a) and (3)(b) of this section, the chief of police or his 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. Copies of such form shall be given to the purchaser of the vehicle and retained on file in the city.

(Code 2011, § 10.06)

Sec. 10.07. Storage of junk vehicles.

(1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles shall be stored or allowed to remain in the open upon public or private property within the city for a period in excess of three consecutive days, unless it is in connection with an automotive sales or repair business enterprise located in an area zoned to allow for such business use. Any violation of this subsection is declared to be a public nuisance.

(2) Whenever an officer of the police department or the building inspector shall find any such vehicles placed or stored in the open upon public property within the corporate limits of the city, he shall cause such vehicles to be removed by a junkyard or salvage yard and stored in such junkyard or salvage yard for a period of 30 days, at the end of which time such junkyard or salvage yard shall dispose of the vehicles unless previously claimed by the owner. In order to correctly claim the vehicles, the owner must pay all reasonable removal and storage costs applicable to such vehicles.

(3) Storage upon private property within the city; notice.

(a) Whenever an officer of the police department or building inspector shall find any such vehicles placed or stored in the open upon private property within the corporate limits of the city, he shall

notify the owner or the occupant/tenant of the premises upon which such vehicles are placed or stored or notify the owner of the vehicles of the violations of this section. If the vehicles are not removed within five days of delivery of notice, as provided in subsection (3)(b) of this section, an officer of the police department shall cause a citation to be issued to the person who had been so notified. Each such vehicle shall constitute a separate violation, and each succeeding day that such vehicle is not removed shall be considered a separate violation.

(b) Notice shall be served upon any or all of the vehicle owners, the premises owner, or the occupant/tenant of the premises upon which the vehicle is located, provided that the notice shall be deemed properly served upon such vehicle owner, premises owner or occupant/tenant of the premises either by mailing a copy to such person's last known address or by delivering a copy to such person or the registered agent of the property personally or, if not found, by leaving a copy at such premises in the presence of some competent member of the family at least 14 years of age, who shall be informed of the contents thereof. It shall be deemed sufficient notice to the vehicle owner if a copy of the notice is mailed to the last known address of the vehicle owner as identified by the record of the state department of transportation. It shall be deemed sufficient notice to the premises owner if a copy of the notice is mailed to the last known address of the premises owner as identified by the city assessor or building inspector as the case may be. When service has been completed as prescribed in this subsection, the notice shall be effective as to anyone having an interest in the vehicle or premises, whether recorded or not, at the time the notice was issued and shall be effective against any subsequent owner of the vehicle or premises as long as such violation exists and there remains a city record of the notice in a public file maintained by the police department or the building inspector.

(c) If such vehicle is not removed within 20 days after issuance of a citation to the registered owner of the vehicle, the chief of police or building inspector shall cause the vehicle to be removed and impounded and it shall be disposed of as prescribed in section 10.06 by the chief of police or his duly authorized representative.

(d) Any costs incurred in the removal, storage, and sale of the vehicle shall be recovered from the sale proceeds or charged to the registered owner of the vehicle or the owner of the premises as follows:

1. If the citation was issued to the registered owner of the vehicle, from the owner.

2. If unable to identify or to locate the vehicle owner, and the citation was issued to the owner of the premises, this charge, if unpaid as of the November 1 following billing of costs incurred to the real property owner, shall be handled as a special charge on the tax roll.

(4) If any removed vehicles are claimed by the owner of the vehicle, the junkyard or salvage yard shall charge a reasonable fee for removal and storage. If such vehicles are not claimed within 30 days after removal, the same shall be disposed of in a reasonable and customary manner by the junkyard or salvage yard. If the vehicle is sold, any excess sale proceeds over and above removal and storage costs shall be paid to the owner.

(5) The provisions of this section shall not apply to auto salvage yards or junkyards that are authorized under this Code.

(Code 2011, § 10.07)

Secs. 10.08—10.12. Reserved.

Sec. 10.13. Abatement of public nuisances.

(1) *Enforcement*. The chief of police, the fire chief, building inspector, and health officer shall enforce those 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 section to abate a public nuisance unless the officer shall have

inspected or cause to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.

(2) *Summary abatement*. If the inspecting officer determines that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the mayor may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

(3) *Abatement after notice*. If the inspecting officer determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall serve the same within ten days. If such nuisance is not removed within such ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (2) of this section.

(4) *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 the laws of the state.

(5) *Court order*. Except when necessary under subsection (2) of this section, no officer under this section shall use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(Code 2011, § 10.13)

Sec. 10.14. Cost of abatement.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining 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 2011, § 10.14)

Sec. 10.15. Penalty.

Except as otherwise provided, any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as provided in section 25.04 of this Code.

(Code 2011, § 10.15)

Chapter 11 PUBLIC HEALTH AND WELFARE

Secs. 11.01—11.03. Reserved.

Sec. 11.04. Abatement of health nuisances.

Sec. 11.05. Communicable diseases.

Sec. 11.06. Reserved.

Sec. 11.07. Regulation of nuisance type businesses.

Sec. 11.08. Compulsory connection to sewer and water.

Sec. 11.09. Regulation of smoking.

Sec. 11.10. Food regulations.

Sec. 11.11. Waste material.

Sec. 11.12. Keeping of goats, pigs, rabbits, fowl, and bees.

Sec. 11.13. Weights and measures.

Secs. 11.14—11.19. Reserved.

Sec. 11.20. Penalty.

Secs. 11.01—11.03. Reserved.

Sec. 11.04. Abatement of health nuisances.

The health officer or the board of health may abate health nuisances in accordance with Wis. Stats. § 254.59, which is adopted by reference and made a part of this chapter as if fully set forth herein.

(Code 2011, § 11.04)

Sec. 11.05. Communicable diseases.

Wis. Stats. ch. 143 and Wis. Admin. Code ch. HSS 145 are adopted by reference and made a part of this chapter, and the health officer shall enforce the provisions thereof.

(Code 2011, § 11.05)

Sec. 11.06. Reserved.

Sec. 11.07. Regulation of nuisance type businesses.

(1) *Permit required*. No person shall conduct within the city any business which has a tendency to create a public nuisance, except upon permit issued by the health officer and subject to such conditions as he may impose.

(2) *Definition*. A business which has a tendency to create a public nuisance is one which, unless properly regulated, may create conditions creating a public nuisance as defined in section 10.02 of this Code.

(3) *Statutory authorization*. This section is enacted pursuant to Wis. Stats. § 66.0415.

(Code 2011, § 11.07)

Sec. 11.08. Compulsory connection to sewer and water.

(1) *Building connections to sewers and water mains*.

(a) Whenever public sewers and water mains are laid along and within any public street, alley or place in the city and are ready for use, the building inspector shall notify all owners of property fronting such streets to connect all plumbing, sewers, or water distribution systems to the public systems. These connections shall be made in a manner prescribed by the Wisconsin Administrative Code within 20 days after service of such notice. Such notice shall be given only between March 1 and October 1.

(b) If an owner fails, refuses, or neglects to comply with or conform to the provisions of this section after 20 days' notice, the building inspector shall proceed under Wis. Stats. § 281.45 to cause

the building situated on such lots or parcels of land to be connected with the sewers and water mains and the cost thereof assessed as a special tax against the lots or parcels of land. The amount thereof shall be levied and collected as other taxes, subject to the owner's right to file an option with the city clerk-treasurer requesting installation payments as provided in Wis. Stats. § 281.45.

(2) *Private disposal systems*.

(a) No person shall construct or maintain any privy, privy vault, cesspool, or surface closet on any lot or parcel of land abutting on any public street, alley, or place within the city.

(b) No person shall construct any septic system within the city without permission of the building inspector. Requests for such permits shall be issued only for limited temporary use and shall be properly closed upon order of the building inspector.

(3) *Buildings equipped with sanitary facilities*. When a building or structure is provided with sanitary facilities, as regulated by the Wisconsin Administrative Code, the facilities shall be connected to the public sewer system. When public sewer systems are not available, the owner or occupant shall submit plans and specifications for disposal of wastes to the building inspector and the board of public works for their approval. Approval shall be granted before any effort is made to dispose of or create such wastes.

(4) *Extension of time for house connection*. When strict enforcement of this section would cause loss or damage without corresponding public and private benefit, the board of public works may extend the time for compliance with this section or grant other temporary relief as the circumstances may warrant.

(Code 2011, § 11.08)

Sec. 11.09. Regulation of smoking.

(1) *Purpose*. The common council of the city recognizes the fact that there are people who prefer a smoke-free environment and that there are others who prefer to smoke. The council also recognizes that business owners should have the right to provide an environment consistent with the wishes of their customers. This section is enacted in order to provide for smoke-free dining areas and to permit smoking in the bar areas of restaurants and taverns at the discretion of the business owners. It also provides for a means of enforcing non-smoking policies in other businesses and retail outlets.

(2) *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:

Bar area means the enclosed area where drinks are served to the patrons by bartenders. The term "bar area" includes the area where food may be served to patrons, provided that the area is not separated from the bar by partitions or floor to ceiling walls.

Dining area means the enclosed area where patrons are seated at tables and food is served. The term "dining area" does not include the bar area where drinks are served.

Enclosed area means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows, exclusive of doorways or passageways, which extend from floor to ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, other landscaping or similar structures.

Meal means any ready-to-eat food served or sold to the general public in individual or prepackaged single portions or servings for immediate on-premises consumption, or transported off premises in individual prepackaged carryout servings, or specifically preordered individual or multiple serving portions which are transported to an off-premises location for immediate consumption with or without further preparation. The term "meal" does not include soft drinks, ice cream, milk, milk drinks, ices and confections or free lunches served by taverns consisting of popcorn, cheese, crackers, pretzels, cold

sausage, cured fish, or bread and butter. The term "meal" does not include food items sold by the weight, count, or piece in individual packages requiring further preparation for consumption at another location.

Restaurant means any building, room or enclosed place where meals are prepared or served or sold to transients or the general public.

(a) The term "restaurant" shall include any room or enclosed place where meals and beverages are prepared or served or sold to transients or the general public, but shall not include other areas of a hotel/motel or convention establishment, including lodging rooms, private banquet rooms or halls, or taverns, as defined in this section.

(b) The term "restaurant" shall not include:

1. A tavern.
2. Taverns that serve free snacks such as popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.
3. Churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve or sell meals to transients or the general public.
4. Any bed and breakfast establishment that serves breakfasts only to its lodgers.
5. The serving of food or beverage through a licensed vending machine.
6. A concession stand at a locally sponsored sporting event, such as a little league game.
7. A temporary restaurant operated at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion.
8. Entire rooms or halls while being used for private functions.

Retail establishment means a store or shop in which retail sales is the principal business conducted, except taverns and restaurants. The term "retail establishment" does not include offices within retail establishments and other areas not accessible to the general public.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

Tavern means any establishment licensed pursuant to Wis. Stats. ch. 125 with a full service bar in which fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and whose sale of alcoholic beverages accounts for 50 percent or more of the establishment's gross receipts for meals and beverages to be consumed on the premises, including alcoholic beverages for the establishment's most recent license year.

(3) *Smoking prohibited in the enclosed dining area of restaurants*. Smoking shall be prohibited in all restaurants, except that smoking may be permitted in a separate bar area or dining area which together shall not exceed 30 percent of the total seating capacity of the total area of the restaurant, provided that the smoking permitted area is an enclosed area and conspicuously labeled as "smoking permitted."

(4) *Exception for taverns*. Taverns shall be exempt from the provisions of this section, provided that every premises that claims to be a tavern shall:

(a) Provide to the city clerk-treasurer a sworn, written statement attesting that the gross sales of alcoholic beverages at the establishment during the 12-month period prior to the effective date of the ordinance from which this section is derived exceeded 50 percent of the total gross sales for meals and beverages to be consumed on the premises of the establishment during that same period. This verification shall be provided to the city clerk-treasurer no later than 60 days after the enactment of this section. No smoking shall be permitted in any restaurant failing to timely file the documentation. Filing a false statement shall be deemed a violation of this section, and, upon conviction, the offender shall be required to forfeit not less than $500.00 and not more than $1,000.00, plus the costs of prosecution.

(b) To annually provide to the city clerk-treasurer an additional sworn, written statement attesting that the gross sales of alcoholic beverages during the preceding 12 months after the effective date of the ordinance from which this section is derived exceeded 50 percent of the total gross sales for meals and beverages to be consumed on the premises during that same time period. This verification shall be provided annually and not later than 30 days after the end of the applicable 12-month period. No smoking shall be permitted in any restaurant failing to timely file the documentation. Filing a false statement shall be deemed a violation of this section and, upon conviction, the offender shall be required to forfeit not less than $500.00 and not more than $1,000.00, plus the costs of prosecution.

(c) Every new or remodeled establishment that requires a new occupancy permit for any reason or any business changing the nature of the business such that the gross sales of alcoholic beverages during the preceding three months exceeded 50 percent of the total gross sales for meals and beverages to be consumed on the premises during the same time period must comply with the verification and documentation provisions of this subsection for the first three months immediately following the time the final certificate of occupancy is issued by the city, and then annually as set forth above.

(d) Upon receipt of the documentation required by this subsection, the city clerk-treasurer shall make a determination whether the documentation satisfies the requirements of this section. If the requirements are met, the city clerk-treasurer shall issue an exemption to the establishment for the following year. If the city clerk-treasurer determines the documentation does not satisfy the requirements of this section, then no exemption shall be issued, and smoking shall be prohibited in the establishment. The establishment may reapply for an exemption under this section 12 months after the date on which the exemption was denied. The denial of an exemption by the city clerk-treasurer may be appealed to the common council, if a written appeal is filed with the city clerk-treasurer within 30 days of the date of denial.

(5) *Exception for restaurant hardship*. As a result of complying with this section, a restaurant which realizes a loss of gross receipts greater than 15 percent for the three months immediately following the effective date of the ordinance from which this section is derived when compared to the same three-month period of the previous year, may apply to the common council for a one-time temporary hardship exemption. Upon granting of the hardship exemption, the restaurant shall be exempt from the requirements of this section for a period of one year. To obtain a hardship exemption, application to the common council must be made within 120 days after the ordinance from which this section is derived becomes effective by submitting the following:

(a) Written proof subscribed and sworn to by an accountant certifying that the gross receipts have declined by 15 percent for the time period indicated above.

(b) Written proof subscribed and sworn to by an accountant certifying that the restaurant has complied with this section and that the 15 percent decline in gross receipts is the direct result of complying with this section and not a result of other factors unrelated to this section.

The common council shall make the determination regarding hardship within 30 days of receipt of a hardship application, or the application will be deemed granted. This hardship provision does not apply to any restaurant not in existence as of the effective date of the ordinance from which this section is derived.

(6) *Signs required; prohibition*.

(a) The proprietor or other person having control of the restaurant or tavern shall post, in a conspicuous place at every building entrance and in prominent locations throughout the establishment, a sign not smaller than 11 inches by 8½ inches indicating whether the building permits smoking or whether it is totally smoke free. The signs shall be posted in such a manner that the public has reasonable notice of the establishment's smoking policy and must be present at any time that establishment is open for business.

(b) It is unlawful for any person to remove, deface, or destroy any sign required by this section, or to smoke in any place where any such sign prohibits smoking.

(7) *Smoking prohibited in all other retail*. Smoking is prohibited in all retail establishments unless the proprietor or other person having control posts, in a conspicuous place at every building entrance and in prominent locations throughout the establishment, a sign not smaller than 11 inches by 8½ inches indicating whether the building permits smoking or whether it is totally smoke free. The signs shall be posted in such a manner that the public has reasonable notice of the establishment's smoking policy and must be present at any time that establishment is open for business.

(8) *Enforcement*.

(a) Any owner, manager, operator, or employee of any establishment regulated by this section shall inform persons violating this section of the appropriate provisions therein. Such person should ask any person who smokes in areas where smoking is prohibited to refrain from smoking, and if the person does not refrain from smoking after being requested to do so, ask the person to leave.

(b) The owner, operator, manager, or other person having control of a restaurant shall remove all ashtrays, cigarette vending machines, and other smoking paraphernalia from any area where this section prohibits smoking.

(c) Notice of the provisions set forth in this section shall be given to all applicants for a restaurant license in the city.

(d) Any citizen who desires to register a complaint under this section may do so with the common council.

(e) The building inspector or the fire department shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this section.

(f) The building inspectors, fire inspector, and affiliated agencies and officials shall have the power, whenever deemed necessary, to enter upon the premises of the establishments regulated by this section to inspect and ascertain compliance with the requirements of this section.

(g) Notwithstanding any other provision of this section, a private citizen may bring legal action to enforce this section.

(9) *Retaliation prohibited*. No person or employer shall retaliate in any manner against any customer because such customer exercises any right to a smoke-free environment as required by this section.

(10) *Violation and penalties*.

(a) A person who willfully violates any provision of this section after being advised by an employee of the facility that smoking in the area is prohibited shall, upon conviction, be required to forfeit not more than $10.00.

(b) A person who owns, manages, operates or otherwise controls the use of an establishment subject to this section, who violates any provision of this section, upon conviction, shall be required to forfeit not more than $200.00 plus the costs of prosecution for the first violation; not more than $300.00 plus the costs of prosecution for the second violation within one year of the first conviction; and not more than $500.00 plus the costs of prosecution for the third and all subsequent violations within one year of the first conviction.

(c) Each day of violation shall constitute a separate violation.

(11) *Other applicable laws or regulations*. This section shall not be interpreted or construed to permit smoking where it is otherwise restricted by state or federal law or regulation. Nothing in this section is intended to prevent the owner or manager of a business from prohibiting smoking in other areas on his property.

(12) *Severability*. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if any application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect other sections of this Code.

(Code 2011, § 11.09)

Sec. 11.10. Food regulations.

(1) All stores and other places where bakery or confectionery products are sold or exposed or offered for sale, and all containers used for storing, shipping, or delivering such products, shall be clean and sanitary.

(2) All show cases, shelves, counters, or other devices, in or upon which such products are kept or stored for sale, shall be well ventilated and free from dust and dirt. All food products and dry fruits shall be protected by wrappers or coverings, or kept under glass or in enclosed boxes so they are free from dust, dirt, or flies or other insects.

(Code 2011, § 11.10)

Sec. 11.11. Waste material.

(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:

Ashes means residue of consumed coal, wood, or other fuels.

Commercial solid waste means all solid waste generated from a normal commercial operation.

Large and irregular items means all materials, such as dirt, broken concrete, bedsprings, hot water tanks, building demolition, or other materials, that will not fit into a garbage packer.

Residential solid waste means all solid waste generated from a normal residential household.

Users means various categories of users that are hereby established for purposes of this section as follows:

(a) *Single-family residential*. The term "single-family residential users" means those having one family on one premise.

(b) *Industrial/manufacturing*. The term "industrial/manufacturing users" means those listed on the manufacturing real estate assessment roll as determined by the state department of revenue. Industrial/manufacturing waste will not be picked up.

(c) *Multifamily*. The term "multifamily residential users" means those having two or more families living on one premises. Multifamily shall be considered as a commercial use.

(d) *Institutional*. The term "institutional users" means any public or private school providing education in any or all of grades K through 12. Institutional use shall be considered to be commercial use and collection shall be handled in the same manner as provided in this section for commercial users.

(e) *Commercial*. The term "commercial users" means any user not covered in the above use categories.

White goods includes refrigerators, freezers, stoves, dishwashers, microwaves, air conditioners, ovens, furnaces, water heaters, clothes washers and dryers, and dehumidifiers.

Yard waste means leaves, grass clippings, garden debris, and brush, including vegetative material no greater than six inches in diameter. The term "yard waste" does not include stumps, roots, or shrubs with root balls.

(2) *Separation*. Each tenant, owner, renter, housekeeper, or other person occupying or controlling any dwelling house or commercial building or portion thereof in the city shall collect and separate the waste material generated into five categories, namely:

(a) Ashes.

(b) Residential or commercial solid waste.

(c) Large and irregular solid waste.

(d) Yard waste.

(e) White goods.

(3) *Containers*.

(a) Ashes shall be placed in separate cardboard containers after having been adequately cooled. Residential waste shall be placed in either metal or high impact plastic cans with lids. Plastic bags of suitable strength are also allowed. Yard waste shall be placed only in cans (no plastic or paper bags).

(b) All cans shall have a capacity of no more than 30 gallons and weigh no more than 50 pounds. Cans shall have handles to allow one man to lift them easily. Between the times for collection, all containers shall be kept in inconspicuous locations.

(c) All commercial users shall use a dumpster where feasible. Dumpsters and all other containers must be accessible when the truck arrives for pickup. If not, they will not be picked up until the next scheduled pickup day, unless the user requests a recall. Recalls shall be subject to a $35.00 tipping fee for a maximum of six cubic yards.

(4) *Placing for collection*.

(a) Containers shall be placed at the curb in the residential district or at the alley line, if there is an alley, and at ground level at the rear of a business place not more than 24 hours prior to the time of collection. Plastic bags containing garbage which have been removed from metallic containers may not be placed out for collection until the day of collection.

(b) Large and irregular items and brush, including Christmas trees, shall be placed on the curb or along the alley, if one exists in the residential district, or at ground level at the rear or side of a business place. Building demolition materials shall only be allowed to be placed at the curb for pickup by the owner or occupant, not by a contractor performing demolition work.

(c) Brush requirements.

1. Brush must be a minimum of two feet and a maximum of six feet in length. Brush two feet to four feet in length must be bundled and secured with twine or string. Bundles or branches shall not exceed 50 pounds in weight. Bundles shall not be greater than 18 inches in diameter. Side branches on larger limbs shall be removed.

2. All brush to be collected must be placed at the curbline or alley line, but not more than 24 hours prior to the time of collection. Maximum height of such brush piles shall be four feet from ground level. Brush is not to be placed in any container.

3. All brush must be loosely and neatly placed for collection. The butt end of all branches shall face the roadway.

4. Roots shall be removed from brush.

5. Brush shall only be placed for collection by an owner or occupant who performed the brush trimming/removal and not by any contractor performing such work. Any such contractor shall be responsible for removal of any brush created by his work.

6. In addition to any other penalty, any brush placed for collection which is in violation of this section shall not be collected until such violation has been corrected.

(d) White goods shall be placed for collection at the curbline or alley line, if there is an alley, not more than 24 hours prior to the time of collection. Each white good item must have attached thereto a sticker purchased from the city clerk-treasurer. The sticker cost shall be $10.00, except it shall be $15.00 for any item designed to use refrigerants, such as refrigerators, freezers, air conditioners, and dehumidifiers.

(5) *Schedule for collection*.

(a) Commercial solid waste, except for restaurants, shall be picked up once per week on a schedule as determined by the street superintendent. This pickup shall be limited to no more than six cubic yards. Restaurants shall be picked up three times per week with a limit of no more than 72 cubic yards in total per week. If more pickups are needed than indicated above, the user shall contract with the city or with a private waste hauler for the additional pickup. Failure to comply with this requirement, in addition to being a violation of this section, might result in the user being denied all city-supplied refuse removal services. Commercial users that contract with the city for additional service shall be billed $20.00 for a maximum of six cubic yards for each additional pickup. The maximum number of additional pickups that can be contracted for with the city is two. In the event that commercial users contracting with the city for additional service fail to pay for the same, the city's cost shall be assessed as a special charge pursuant to Wis. Stats. § 66.0627 and placed on the tax roll.

(b) Residential solid waste and ashes shall be collected once per week. Large and irregular waste, yard waste, and white goods shall be collected by special pickup once per month. Such special pickup shall be done during the second full week of the month only. For purposes of this section, a week shall commence on Sunday to be considered a full week.

(c) The only exception to the above schedules concerns the collection of leaves during the normal fall season. Leaves may be raked to the curb during those dates indicated by newspaper publication and will be picked up. At all other times, leaves will be collected once a month as a special pickup.

(6) *Duties of owners and occupants*. Every owner or occupant of residential and commercial premises in the city shall clean up and separate all ashes, solid waste, and yard waste which may be in or upon the premises owned or occupied by him and store the same in containers as provided in this section. If the owner or occupant fails or refuses to do so, the same shall be done by the city under the direction of the health officer, and the expense of so doing shall be charged against the premises and shall become a lien against the property and be included as a special assessment. In addition, the owner or occupant shall be subject to the penalty as provided in section 11.20

(7) *Waste materials must be generated in city*. No person shall place, deposit, or cause to be placed or deposited, for collection any waste material not generated within the corporate limits of the city.

(8) *Prohibited materials*. No person shall place for collection any of the following wastes:

(a) Hazardous waste.

(b) Toxic waste.

(c) Chemicals.

(d) Explosives or ammunition.

(e) Drain or waste oil or flammable liquids.

(f) Large quantities of paint.

(g) Tires.

(h) Batteries.

(9) *Board of public works to supervise*. The collection, removal, and disposal of waste material in the city shall be conducted under the supervision, direction, and control of the board of public works and in conformity with the provisions of this section. In addition, the board shall have the authority to adopt such rules and regulations as it deems appropriate to carry out its duties under this section.

(Code 2011, § 11.11)

Sec. 11.12. Keeping of goats, pigs, rabbits, fowl, and bees.

(1) No person shall keep or harbor any reptiles, pigs, sheep, goats, cattle, horses, chickens, ducks, geese, bees, or hives of bees within the corporate limits of the city. No person shall keep or harbor any pigeons, doves, or game birds, or build, erect, or maintain and use on any lot or parcel of land within the city limits any building or yard for the purpose of keeping or housing pigeons, doves, or other fowl without first obtaining a written permit from the city board of health and payment of the fee of $5.00 for a two-year period. The issuance of such written permit shall depend upon the compliance of the applicant with standards of health and sanitation as set down by the city board of health, and such premises shall be at all times open to inspection to representatives of such board.

(2) No person shall possess, keep, or harbor rabbits in the city as a commercial enterprise. No more than four rabbits shall be permitted to be kept as pets in a household at any time. No person shall keep, possess, or harbor pet rabbits without first obtaining a written permit from the board of health and payment to the city of a $5.00 fee for a two-year period. No permits shall be issued except upon compliance with standards specified by the city board of health.

(Code 2011, § 11.12)

Sec. 11.13. Weights and measures.

(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.

Department means city department of weights and measures, which consists of the sealer and any deputy sealer.

Incorrect, as applied to weights and measures and commodities, includes any failure to comply with the requirements of this article.

Package means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

Sealer and deputy sealer means the sealer of weights and measures and deputy sealer of weights and measures to the city.

Sell, sale, and *sold* include barter or exchange and any offering or exposing for sale or possession with the intent to sell.

Weight means net weight when used in reference to a commodity.

Weights and measures means weights and measures of every kind, instruments and devices for weighing and measuring, counting or pricing and any appliances and accessories used with any or all such instruments and devices, except meters for the measurement of electricity, gas (natural and manufactured) or water when the meters are operated in a public utility system, and scales under the control of the grain and warehouse commission.

(2) *Enforcement of chapter*.

(a) Police power is hereby conferred upon the sealer and deputy sealer of weights and measures. The sealer and deputy sealers shall be provided with suitable badges or insignias of authority and, in the exercise of their functions, shall exhibit the badge or insignia upon demand to any person questioning their powers. They may make arrests, with or without formal warrant, of any persons violating any statute or ordinance relating to weights and measures.

(b) The sealer and deputy sealer may enter and go into or upon any structure or premises and may stop any person or vehicle for the purpose of enforcing this section. They shall inspect and test any weights or commodities which are sold or used commercially as often as necessary to secure compliance with this chapter. The sealer or deputy sealer shall approve for use and seal or mark with appropriate devices such weights and measures as found upon inspection and test

to be correct, and shall reject and mark or tag as rejected such weights and measures as found upon inspection or test to be incorrect but which in their best judgment are susceptible of satisfactory repair. Weights and measures that have been rejected or condemned may be confiscated and may be destroyed by the sealer if not corrected as required by the sealer or if used or disposed of contrary to this section.

(c) The sealer or deputy sealer shall have the power to issue stop use orders, stop sale orders and disposal orders with respect to weights and measures being, or susceptible of being, commercially used and to issue stop sale orders and disposal orders with respect to packages or amounts of commodities kept, offered or exposed for sale, sold, or in process of delivery, whenever in the course of their enforcement of the provisions of this section they deem it necessary or expedient to issue such orders. No person shall use, remove from the premises specified, or fail to remove from the premises specified any weight, measure or package or amount of commodity contrary to the terms of a stop use order, stop sale order or disposal order issued under the authority of this section.

(d) The sealer shall investigate complaints made to him concerning violations of the provisions of this section and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this section and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

(3) *Presumptive evidence*. For the purpose of this section, proof of the existence of a weight or measure or a weighting or measuring device in or about any building, enclosure, stand or vehicle in which or from which it is shown that buying or selling is commonly carried on shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle.

(4) *Appointment of sealer and deputy sealer; reports and records*. The city sealer and deputy sealers shall be appointed by the mayor subject to confirmation by the common council. The department shall keep a complete record of its work and annually shall file a report thereof with the state department of agriculture, trade and consumer protection and the common council. The department shall also file such other reports as may be required.

(5) *Adoption of state and federal standards*. The following federal standards, state statutes, and state rules are adopted by reference and shall be enforced under this section, with violations of such provisions subject to the penalties set forth in subsection (7) of this section.

(a) Wis. Stats. ch. 98, Weights and Measures.

(b) Wis. Admin. Code ch. ATCP 90, Packaging and Labeling.

(c) Wis. Admin. Code ch. ATCP 91, Method of Sales and Commodities.

(d) Wis. Admin. Code ch. ATCP 109, Freezer Meat and Food Service Plan Trade Practices.

(e) Wis. Admin. Code ch. ATCP 92, Scales and Scale Pits.

(f) Sections Wis. Stats. ch. 97, pertaining to product labeling, specifically including the following:

1. Wis. Stats. § 97.03, Standards; Misbranding.

2. Wis. Stats. § 97.07, Interpretation.

3. Wis. Stats. § 97.09, Rules.

4. Wis. Stats. § 97.12, Enforcement.

(g) Sections of Wis. Stats. ch. 100, pertaining to advertising, specifically including Wis. Stats. § 100.18, Fraudulent Advertising, and Wis. Stats. § 100.183, Fraud; Advertising Foods.

(h) NIST handbook 44, U.S. Department of Commerce, Specifications, Tolerances and Other Technical Requirements and Commercial Weighing and Measuring Devices.

(i) Wis. Admin. Code ch. ATCP 124, Price Comparison Advertising.

(6) *Field standards and equipment; specifications and tolerances*.

(a) There shall be supplied by the city such field standards and such equipment as may be found necessary to carry out the provisions of this section. The field standards shall be verified by the state department of agriculture, trade, and consumer protection upon their initial receipt and at regular intervals stipulated by the state.

(b) 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 department of agriculture, trade and consumer protection.

(7) *Prohibited acts; penalty*. Whoever does any of the following acts shall be subject to the penalty provided in subsection (18) of this section:

(a) Hinders, obstructs, or impersonates the sealer or deputy sealer.

(b) Uses, or has in possession for use in buying or selling, any commodity or service or sells any incorrect weight or measure.

(c) Represents, in any manner, a false quantity or price in connection with the purchase or sale, or any advertising thereof, of any commodity, thing or service.

(d) Uses or disposes of any rejected weight or measure commodity or removes therefrom any official tag, seal, stamp, or mark without written authority from the sealer or deputy sealer.

(e) Uses any weighing or measuring device in determining the quantity of any commodity or service to be sold or purchased without having the device approved and sealed by the sealer and the proper certificate obtained in accordance with subsection (8) of this section.

(f) Violates any other provision of this section.

(8) *Responsibilities of equipment owners or users*. The owner, operator, or user of any commercial weights and measures equipment, devices, or associated equipment is responsible for the accuracy and maintenance of the equipment.

(a) It shall be the duty of every owner, operator, or user to notify the sealer in writing of the acquisition of any device, whether new, rebuilt, or used, or of the major repair, conversion, or calibration of any device already in use. The notification shall be accomplished within 72 hours of the introduction or reintroduction into use of the device.

(b) Commercial weights and measures devices regulated by this section shall bear security seals appropriately affixed to any adjustment mechanisms designed to be sealed. The security seals shall bear the mark or imprint of the sealer or deputy sealer or other weights and measures official, or service persons authorized by the sealer. The security seal may only be removed to facilitate repairs of devices. The sealer or deputy sealer shall be notified of the repairs and removal of the seal within 72 hours of removal or of the introduction of a new, rebuilt, or used device in accordance with subsection (8)(a) of this section so that the devices may be sealed or resealed.

(c) Transient merchants purchasing or selling commodities or services by weight or measure either from bulk or in packaged form shall notify the sealer and receive the approval of the sealer before purchasing or selling activities may be commenced. At the sealer's discretion, the transient merchant may be approved for a calendar year and the subsequent notification requirement may be waived. Sellers of farm produce and seafood vendors operating from other than a continuous, permanent location shall also meet these requirements. Transients operating as part of an authorized city farm market are exempted from this requirement.

(9) *Method of sale of commodities*.

(a) Commodities in liquid form shall be sold by liquid measure and commodities not in liquid form shall be sold by weight, provided that liquid commodities may be sold by weight, and commodities not in liquid form may be sold by count or measure if such methods are in general use and give accurate information as to the quantity of commodity sold.

(b) Berries and small fruits may be sold by measure only if in containers having capacities of one-half dry pint, one dry pint, or one dry quart.

(c) It is unlawful to advertise, offer for sale or sell within the city firewood, fireplace wood, slab wood or stove wood in any other manner than by the cord, fractions of a cord, volumetric measure or by weight.

1. Mill ends, lumber scraps, and irregular pieces when sold for fuel shall be sold by net weight.

2. The term "cord," as used in this section, means the amount of wood, or a combustible, fibrous growth, which is contained in a space of 128 cubic feet, when the wood is ranked and well stowed.

3. A single log and packages of such individual logs containing less than four cubic feet, commonly referred to as bundles, shall be sold by net weight.

Per custom, 128 cubic feet generally means a stack of wood four feet by four feet by eight feet. The term "ranked and well stowed" means pieces of wood placed in a line or row with individual pieces, touching and parallel to each other and stacked in a compact manner.

(d) This section shall not apply to commodities sold in compliance with a state or federal law which prescribes another method of sale or to commodities for immediate consumption on the premises where sold.

(10) *Declaration of quantity*.

(a) No commodity which is marked, tagged, or labeled, or for which a sign is displayed, with a selling price based upon a price per unit of weight or measure, shall be sold unless the weight or measure of the commodity is conspicuously declared on the commodity or its tag, label, or sign. If a commodity is wrapped or labeled in advance of sale with a price affixed to the commodity or wrapping, the quantity that determines that price shall appear on the package with the price even though the quantity may already appear on a counter card or sign.

(b) No commodity shall be wrapped or its container made, formed, or filled so as to mislead the purchaser; nor shall the qualifying term "when packaged," or the terms "jumbo" or "giant" or "full," or words of similar import that tend to mislead the purchaser as to the amount of the commodity, be used in connection with a declaration of quantity.

(c) In addition to the other declarations required by this section, any commodity in package form, the package being one of a lot containing random weights, measures or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure or count.

(11) *Variations from declared quantity*. The magnitude of permitted variations from declared quantity shall be determined as follows:

(a) The compliance of commodities sold, either in bulk or in prepackaged form, shall be based upon the results of the application of inspection procedures and tolerances as set forth by the state department of agriculture, trade, and consumer protection.

(b) Commodities, both in bulk or prepackaged form, found in violation of this section after test and analysis of a random or statistical sample, shall be acted upon either individually or on a by-the-lot basis.

(12) *Advertising commodities for sale*. Whenever a commodity in bulk or packaged form is advertised in any manner and the price of the commodity is stated in the advertisement, there shall be closely and

conspicuously associated with such statement of price a declaration of the quantity, of contents offered in the case of packaged commodity, or of the price per unit and the unit based upon in the case of a bulk commodity.

(a) When the commodity is in packaged form, the quantity, as it appears on the package, shall likewise appear in the advertisement, provided that where the law or regulation requires a dual declaration, only that declaration setting forth the quantity in terms of the smaller unit of weight or measure (e.g., the declaration that is required to appear first on the package) need appear in the advertisement.

(b) Whenever any commodity is advertised as described, the appropriate method of sale as set forth in subsection (9) of this section and in state statutes and rules adopted by reference shall also be applied in the advertisement.

(c) There shall not be included as part of the declaration required under this section such qualifying terms as "when packaged," "minimum," "not less than," or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count, for example the terms "jumbo," "giant," "full," and the like, that tend to exaggerate the amount of commodity in the package.

1. *Generally*. Whenever any commodity or service is sold or is offered, exposed, or advertised for sale, by weight, measure or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted or labeled price per unit of weight, measure or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed, and the numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of, the numerals representing the whole cents.

2. *Cash registers and similar devices*. Prices generated by a device, such as a cash register or scanning system, are also affected under this section. The sealer shall inspect and test such systems and monitor pricing declarations made by a relative to them, such as pricing signs, shelf tags or individually price-marked units, to ensure agreement of all prices. Prices generated by these systems shall wholly agree with posted or premarked prices for the item being sold.

   a. *Cash registers*. Each cash register used in buying and selling transactions shall be maintained in proper operating condition by its owner. All components, attachments and functions of the register shall be operating correctly as designed. All pricing representations shall be accurate.

   b. *UPC, scanning and point of sale systems.* Pricing systems utilizing a scanning device such as a handheld gun or wand, or counter-mounted scanner units at retail checkouts which read universal product code systems or other bar code labels and the like, shall be maintained in proper operating conditions and be so calibrated to accurately read the intended systems and then generate the proper description and price for the given code.

3. *Price refunds; price information*.

   a. A person who uses an electronic scanner to record the price of a commodity or thing at a price higher than the posted, tagged or advertised price of that commodity or thing at least shall refund to a person who purchases the commodity or thing the difference between the posted or advertised price of the commodity or thing and the price charged at the time of sale.

   b. A person who sells a commodity or thing and who uses an electronic scanner to record the price of that commodity or thing shall display, in a conspicuous manner, a sign stating the requirements of subsection (12)(c)3.a of this section.

(14) *Coal, coke, and charcoal*.

(a) All coal, coke, and charcoal shall be sold by weight. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate tickets on which, in ink or other indelible substance, there is clearly stated:

1. The name and address of the vendor;
2. The name and address of the purchaser; and
3. The net weight of the delivery and the gross tare weights, from which the net weight is computed, each expressed in pounds.

(b) One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered on demand to the sealer or a deputy sealer who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser. If the purchaser carries away his purchase, the vendor shall be required only to give the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to him.

(15) *Fireplace wood and stove wood*.

(a) As set forth in subsection (9)(c) of this section, firewood, fireplace wood, slab wood, or stove wood shall be sold only by units of a cord or fractions of a cord, by volumetric measure, or by weight. A delivery ticket or invoice shall be presented by the seller to the purchaser whenever any nonpackaged fireplace or stove wood is sold. The delivery ticket or sales invoice shall clearly and legibly state in ink or other indelible substance at least the following information:

1. Name and address of seller;
2. Name and address of purchaser;
3. Date of delivery;
4. Quantity delivered and the quantity upon which the price is based, if this differed from the delivered quantity;
5. The price of the amount delivered; and
6. The identity of the wood in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.

(b) Units for firewood of less than four cubic feet, whether sold as single logs or in packages consisting of two or more logs, commonly referred to as bundles, shall be sold by net weight. No delivery ticket or invoice is required; however, each package of two or more logs shall be clearly and legibly labeled, tagged, or marked with the name, address, and zip code of the packager or distributor, the net weight contained and the species of wood provided, for example, "birch firewood" or "mixed hardwood."

(16) *Heating oil and motor fuel delivered to premises of consumer*. All heating oils and motor fuels shall be sold by liquid measure or by net weight. In the case of each delivery of liquid fuel not in package form and in an amount greater than ten gallons in the case of sale by liquid measure or 100 pounds in the case of sale by weight, there shall be rendered to the purchaser, either at the time of delivery or within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or other indelible substance, there shall be clearly and legibly stated:

(a) The name and address of the vendor;

(b) The name and address of the purchaser;

(c) The identity of the type of fuel comprising the delivery;

(d) The unit price, that is, the price per gallon or per pound, as the case may be, of the fuel delivered;

(e) In the case of sale by liquid measure, the liquid volume of the delivery, together with the print meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions; and

(f) In the case of sale by weight, the net weight of the delivery, together with any weighing scale readings, from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

(17) *Motor fuel, heating oil, and solvents sold on premises of seller*. Every wholesaler, retailer, and every other person selling or distributing motor fuel, heating oil, or solvents in the city shall keep posted in a conspicuous place, accessible to the public, at his place of business and on every pump from which delivery is made directly into the fuel tank attached to a motor vehicle or into any other vessel brought into the same premises by the user, a placard, sign, or the like clearly stating the identity of each product dispensed, i.e., the grade, blend or mixture of the product, and the net selling price per gallon, along with the amount of all taxes per gallon thereon, except that no such placard shall be required on a computer pump whereupon the information described is legibly shown on the face.

(18) *Penalties*. Any person violating the provisions of section 11.13 shall forfeit not less than $100.00 nor more than $500.00 for the first offense and not less than $200.00 nor more than $1,000.00 for a subsequent offense.

(19) *Definition*. For purposes of this section, the term "commercial weighing or measuring devices" means those devices 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.

(20) *Persons requiring license*. No person shall operate 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 purchased or offered or exposed for sale on the basis of weight, measure, or count, unless licensed pursuant to the provisions of this section. Transients operating as a part of an authorized city farm market are exempted from this license. Those who may legally sell from bulk or who prepackage for on-premises sale by weight or measure without weighing and measuring devices shall also be licensed.

(21) *Term; refund of fee; processing fee*.

(a) Licenses shall be required under this section commencing January 1, 2004. All licenses shall expire or terminate on December 31 of each year. No license fee shall be refunded if a license or permit is denied or revoked for cause.

(b) An annual processing fee shall be paid in addition to any license fee due. The amount of the annual processing fee shall be on file with the city clerk-treasurer.

(22) *Application*. The application for a weighing or measuring license shall be made in writing on a form provided for such purpose by the city sealer. Such application shall state the type and number of weighing and measuring devices to be licensed, the business address where the devices are located, the applicant's full name, signature, and post office address, and whether such person is an individual, firm, corporation, or partnership. The names and addresses of all officers or partners shall be included.

(23) *Issuance; license fees*. The city clerk-treasurer shall issue a license under this section to the applicant based on the total number of weighing and measuring devices operated by the applicant if the requirements of this chapter have been complied with and upon payment to the city of the applicable fee. The fee for licensing of weighing and measuring devices shall be on file with the city clerk-treasurer.

(24) *Special fees*. Notwithstanding the provision for the requirement of an annual license for weighing and measuring devices, whenever a special request is made for consultation or the inspection or testing of a noncategorized weighing or measuring device, the actual expenses may be charged to the person or firm receiving the service. Such payment or charge shall be based on the current hourly rate.

(25) *Display*. All persons licensed under the provisions of this section shall immediately post their license upon some conspicuous part of the premises on which the business is conducted and the license shall remain posted for the period the license is in force.

(26) *Transfer; issuance to agent or employee*. No license issued under this section may be transferred unless otherwise provided for by the ordinances of the city. No license shall be issued to or used by any person acting for, or in the employ of, another.

(27) *Suspension*. Notwithstanding any other provisions of this section, whenever the city sealer finds that business on any premises licensed under this section is conducted or managed in such a manner that there are serious or repeated violations of this section or violation of any ordinances or regulations of the city, the laws of the state, or regulations of the National Institute of Standards and Technology relating to weights and measures, he may, without warning, notice or hearing, issue a written notice to the license holder, operator, or employee in charge of the licensed premises citing such condition and specifying the corrective action to be taken. If deemed necessary, such order shall state that the license is immediately suspended and that all weighing and measuring operations are to be discontinued. Any person to whom such an order is issued shall comply immediately, but, upon written petition to the common council, shall be afforded a hearing before the public protection and safety committee within 20 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.

(28) *Revocation*. For serious or repeated violations of any of the requirements of this section or for interference with the city sealer in the performance of his duties, the city sealer may permanently revoke the license issued under this section. Prior to such action, the city sealer 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 permanently revoked at the end of five days following service of such notice, unless a request for a hearing is filed with the common council by the license holder within such five-day period.

(29) *Hearings*. The hearings provided for in this section shall be conducted by the public protection and safety committee at a time and place designated by the committee chairperson. Based upon the record of such hearing, the city sealer shall be charged with enforcing the decisions of the committee. A written report of a hearing decision shall be furnished to the license holder by the committee chairperson.

(30) *Fee for late payment*. An application for renewal shall be filed with the city sealer on or before December 31 of each year, together with the payment of the required permit fee. If the annual renewal fee is not paid prior to December 31, an additional late payment fee of $50.00 per establishment shall be required. Establishments operating on January 15 without proper license shall be ordered closed by the city sealer. Failure to comply will result in the issuance of a uniform citation with current bond as set by the city judge. Each violation and each day a violation continues or occurs shall constitute a separate offense.

(31) *Penalty fee for use of unregistered device*. For failure to make notification to the city sealer within 72 hours of the addition or replacement of any new or used weights and measures equipment, including any scale, pump, meter, etc., a penalty of triple the device fee in this section prescribed shall be assessed. Payment of any fee mentioned in this section, however, shall in no way relieve any person or firm of the penalties that may be imposed for violation of this section.

(Code 2011, § 11.13)

Secs. 11.14—11.19. Reserved.

Sec. 11.20. Penalty.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 25.04 of this Code.

(Code 2011, § 11.20)

Chapter 12 LICENSES AND PERMITS

Sec. 12.01. Licenses required.

Sec. 12.02. Issuance and revocation of licenses.

Sec. 12.03. Intoxicating liquor and fermented malt beverages.

Sec. 12.04. Peddlers, canvassers, solicitors, and transient merchants.

Sec. 12.05. Sidewalk display and use permit.

Sec. 12.06. Carnivals and exhibitions.

Sec. 12.07. Parades.

Sec. 12.08. Taxicabs.

Sec. 12.09. Blasting permits.

Sec. 12.10. Dogs, licenses.

Sec. 12.11. Cable communications ordinance.

Sec. 12.12. Mobile homes and mobile home parks.

Sec. 12.13. Junk dealers; licensing and regulations.

Sec. 12.14. Mechanical amusement devices.

Secs. 12.15—12.19. Reserved.

Sec. 12.20. Penalty.

Sec. 12.01. Licenses required.

A license or permit shall be required for the sale of each of the following or the conduct of the business or activity, and the indicated license or permit application fee shall be paid to the city clerk-treasurer. The license or permit application fees shall be for one year unless otherwise specified in this chapter.

(1) *Fermented malt beverages*.

(a) Class A. $150.00.

(b) Class B. $100.00.

(c) Picnic. $10.00.

(d) Wholesalers. $25.00.

(e) Operators. $50.00 every two years.

(f) Outdoor beverage area permit. $200.00.

(2) *Intoxicating liquor*.

(a) Class A. $300.00.

(b) Class B. $350.00.

(c) Class C. Wine $100.00.

(d) Reserve class B. The fee for a reserve class B liquor license shall be $10,000.00 for initial issuance, except that the fee for the initial issuance of a reserve class B license to a bona fide club or lodge situated and incorporated in the state for at least six years is $200.00. The fee established in this section is in addition to any other fee required under this chapter, including, but not limited to, the fees for class B liquor and class B fermented malt beverage licenses. The annual fee for renewal of a reserve class B license is as specified in subsection (2)(b) of this section.

1. The city finds that the $10,000.00 fee mandated by the laws of the state exceeds the actual cost of licensing the activity, thereby generating additional revenue for the city, and it is in the interest of the public welfare to use the additional revenue to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the community by providing additional economic incentives for new businesses with liquor licenses.

2. After the granting of any new reserve class B license and payment of the $10,000.00 initial issuance fee, the applicant may file an application for an economic development grant of $10,000.00 with the city clerk-treasurer. The city clerk-treasurer shall determine whether the licensee is operating in compliance with the approved license. If the city clerk-treasurer determines that the licensee is so operating, the city clerk-treasurer shall authorize the approval of a $10,000.00 economic development grant. If the city clerk-treasurer determines that the licensee is not in compliance with the approved license, no economic development grant may be authorized, and the city clerk-treasurer shall make such finding in writing and cause to be delivered a copy of the findings to the licensee. If the licensee disagrees with the city clerk-treasurer's determination, the licensee may file a written notice of appeal with the city clerk-treasurer within ten calendar days of the delivery of the written notice of the city clerk-treasurer's findings. Upon receiving such notice from the licensee, the city clerk-treasurer shall relay the notice to the common council which shall hold a hearing through its health and recreation committee. The common council may affirm or reverse the city clerk-treasurer's determination. If the city clerk-treasurer's determination is upheld, appeal may be taken to circuit court pursuant to Wis. Stats. § 753.04. If the city clerk-treasurer's determination is reversed, the city clerk-treasurer shall authorize the payment of the economic development grant.

(3) *Peddlers, canvassers, and transient merchants*. $15.00 investigation fee.

(4) *Carnivals and exhibitions*.

(a) Circus, caravan, menagerie, and carnival. $20.00 per day.

(b) Other shows, exhibitions, entertainments. $10.00 per day.

(5) *Taxicabs*. $25.00 for the first vehicle operated and $25.00 for each additional vehicle operated by the same licensee.

(6) *Dogs*. See section 12.10(2).

(7) *Parades*. No fee.

(8) *Blasting permit*. $1.00.

(9) *Junk dealers*. $25.00.

(10) *Mobile homes*.

(a) Monthly parking fee. According to assessed value pursuant to Wis. Stats. § 66.0435.

(b) Occupancy permit. Pursuant to Wis. Stats. § 66.0435.

(11) *Mobile home parks*.

(a) $2.00 per space, but not less than $25.00 nor more than $100.00.

(b) Developer's permit. $50.00.

(c) Transfer fee. $10.00.

(12) *Mechanical and electronic amusement devices*. $10.00 for each mechanical and electronic amusement device.

(13) *Cigarette license*. $15.00.

(Ord. No. 1699, 9-2-2014)

Sec. 12.02. Issuance and revocation of licenses.

(1) *License required*. No person shall engage in any business or activity enumerated in section 12.01 without a license or permit therefor as provided by this section. The terms "license" and "permit," as used throughout this chapter, shall be considered interchangeable.

(2) *Application*. Application for a license under this chapter shall be made to the city clerk-treasurer on a form furnished by the city. Such application shall contain such information as may be required by the provisions of this chapter or as may be otherwise required by the city council.

(3) *Payment of license application fee*. Application fees imposed under section 12.01 shall accompany the license application, and the city clerk-treasurer shall issue the applicant a receipt for such application fee. The receipt number, amount and date issued must be included on the license application form.

(4) *Refund of license application fee*. No application fee paid shall be refunded.

(5) *Granting of licenses*.

(a) The city clerk-treasurer may issue the following licenses subject to the standards established by this chapter without prior approval of the council:

1. Cigarette licenses.

2. Mechanical and electronic amusement devices.

(b) All other licenses shall be issued by the council unless otherwise designated.

(6) *Terms of licenses*. All licenses issued under this chapter shall expire on the June 30 following issuance, unless issued for a shorter term, when they shall expire on midnight of the last effective day of the license, or unless otherwise provided by this chapter or state laws.

(7) *Form of license*. All licenses issued under this chapter shall show the date of issue, the activity licensed, and the term of the license and shall be signed by the city clerk-treasurer.

(8) *Record of licenses*. The city clerk-treasurer shall keep a record of all licenses issued. An electronic record of all licenses issued shall be made available at all times to the city attorney's office, police department and finance department.

(9) *Display of licenses*. All licenses issued under this chapter shall be displayed upon the premises or vehicle for which issued or, if carried on the person, shall be displayed to any officer of the city upon request.

(10) *Compliance with ordinances required*. It shall be a condition of holding a license under this chapter that the licensee comply with all ordinances of the city. Failure to do so shall be cause for revocation of the license.

(11) *Transfer of licenses*. All licenses issued under this chapter shall be personal to whom issued and shall not be transferred except with the consent of the council.

(12) *Exemptions*. No license, other than for liquor or beer, shall be required under this section for any nonprofit educational, charitable, civic, military, or religious organization where the activity which would otherwise be licensed is conducted for the benefit of the members or the general public.

(13) *Renewal of licenses*. All applications for renewal of licenses under this chapter shall be made to the city clerk-treasurer by April 15.

(14) *Consent to inspection*. An applicant for a license under this chapter thereby consents to the entry of police or authorized representatives of the city upon licensed premises at all reasonable hours for the purposes of inspection and search, and consents to removal from the premises and introduction into evidence in prosecutions for violations of this chapter all things found therein in violation of this chapter or state law.

(15) *Revocation of licenses*.

(a) Except as provided in sections 12.03(12) and 12.03(13), denial, nonrenewal, and revocation of any licenses, permits or privileges under this chapter shall be subject to chapter 24 of this Code.

(Ord. No. 1699, 9-2-2014)

Sec. 12.03. Intoxicating liquor and fermented malt beverages.

(1) *State statutes adopted*. The provisions of Wis. Stats. ch. 125, defining and regulating the sale, procurement, dispensing, and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted and made a part of this section by reference. A violation of any of such provisions shall constitute a violation of this section.

(2) *Licenses, permits, authorization required*.

(a) *When required*. No person, except as provided by Wis. Stats. ch. 125, shall, within the city, serve, sell, manufacture, rectify, brew, or engage in any other activity for which this chapter or Wis. Stats. ch. 125, requires a license, permit, or other authorization as provided in this chapter. See Wis. Stats. § 125.04(1).

(b) *Separate license required for each place of sale*. Except for licensed public warehouses, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold or offered for sale. See Wis. Stats. § 125.04(9).

(3) *Classes of licenses and fees*. The following classes and denominations of licenses may be issued by the city clerk-treasurer under the authority of the city council after payment of the application fee specified in section 12.01, which, when so issued, shall permit the holder to sell, deal, or traffic in alcohol beverages as provided in Wis. Stats. §§ 125.17, 125.25, 125.26, 125.28 and 125.51. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.

(a) *Class A fermented malt beverage retailer's license*. See Wis. Stats. § 125.25.

(b) *Class B fermented malt beverage retailer's license*. See Wis. Stats. § 125.26. A license may be issued at any time for six months in any calendar year for which three-fourths of the applicable license application fee shall be paid, but such license shall not be renewable during the calendar year in which issued.

(c) *Class C wine license*. A class C license authorizes the retail sale of wine by the glass or in opened original container for consumption on the premises where sold.

(d) *Wholesalers fermented malt beverage license*. See Wis. Stats. § 125.28.

(e) *Retail class A liquor license*. See Wis. Stats. § 125.51(2).

(f) *Retail class B liquor license*. A retail class B liquor license shall permit its holder to sell intoxicating liquor to be consumed by glass only 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 may be sold for consumption off the premises in the original package or otherwise in any quantity. See Wis. Stats. § 125.51(3)(b).

1. A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The application fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

2. Licenses valid for six months may be issued at any time. The fee for the license shall be 50 percent of the annual license application fee as stated in section 12.01. The license may not be renewed during the calendar year in which issued.

(fa) *Reserve retail class B liquor license*. A reserve retail class B liquor license means a license that is not granted or issued on or before December 1, 1997, and is counted under Wis. Stats. § 125.51(4)(br), which authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass to be consumed on the licensed premises or in the original package or container in multiples not to exceed four liters at any one time and to be consumed off the licensed premises, except that wine may be sold in the original container or otherwise in any quantity to be consumed off the premises.

(g) *Operators*. See Wis. Stats. § 125.17.

1. Operator licenses may be granted to individuals by the city council for the purposes of complying with Wis. Stats. §§ 125.32(2) and 125.68(2).

2. Operator licenses may be issued only upon submission of a written application on forms provided by the city clerk-treasurer. A color photograph of the applicant shall be submitted with the written application.

3. Operator licenses shall be valid for two years and shall expire on June 30 of the second year.

(h) *Provisional operator's license*. The city clerk-treasurer may issue a provisional operator's license to a person who has applied for an operator's license and provides proof of enrollment in a responsible beverage server training course required under Wis. Stats. § 125.17(6)(a), subject to the following:

1. A provisional license may not be issued to any person who has been denied an operator's license, or whose operator's license has been revoked or suspended within the preceding 12 months.

2. A provisional license may be issued only to persons eligible for operator's licenses under all of the provisions of this chapter, upon completion of a satisfactory background check by the city police department, and under the requirements of Wis. Stats. § 125.04.

3. Any provisional license granted under this subsection shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner.

4. The city clerk-treasurer shall revoke the provisional license if the holder makes any false or misleading statement or any material misleading omission on the application.

5. The city clerk-treasurer shall revoke the provisional license if the applicant fails to successfully complete the responsible beverage server training course in which the applicant enrolls.

6. No more than one provisional license may be issued to an applicant during any two-month period.

7. A $15.00 nonrefundable fee shall be charged by the city clerk-treasurer for the issuance of a provisional operator's license.

(i) *Provisional retail license*. The city clerk-treasurer may issue a provisional retail license to a person who has applied for a class A, class B, or class C retail license and who provides proof of enrollment in, or the appointed agent of the entity applying provides proof of enrollment in, a responsible beverage server training course required under Wis. Stats. § 125.04(5)(a)5, or any future amendment, revision, or modification of such statute.

1. A provisional license shall not be issued to any person who has been denied a retail license by the common council, whose operator's license has been revoked or suspended within the preceding 12 months, or who already holds a provisional license of the type applied for.
2. A provisional license may be issued only to persons eligible for a retail license under all of the provisions of this chapter and under the requirements of Wis. Stats. §§ 125.04 and 125.185, and only for the activities that the retail license applied for would authorize.
3. Any provisional license granted under this section shall expire 60 days after its issuance, or when a retail license is issued to the holder, whichever is sooner.
4. The city clerk-treasurer shall revoke the provisional license if the holder makes any false or misleading statement or any material or misleading omission on the application.
5. The city clerk-treasurer shall revoke the provisional license if the applicant or its appointed agent fails successfully to complete the responsible beverage server training course in which he enrolls.
6. The city clerk-treasurer shall not issue a provisional class B license if doing so would exceed the municipal quota under Wis. Stats. § 125.51(4).
7. No more than one provisional license may be issued to an applicant during any 12-month period.
8. A $15.00 nonrefundable fee shall be charged by the city clerk-treasurer for the issuance of a provisional retail license.

(4) *License application*.

(a) *Form*. Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the state department of revenue, or governing body for operator licenses and filed with the city clerk-treasurer. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.

(b) *Application to be notarized*. Applications shall be signed and sworn to by the applicant as provided in Wis. Stats. § 887.01.

(c) *List of licenses*. By July 15 of each year, the city clerk-treasurer shall forward to the state department of revenue, to the city attorney's office, to the city police department, and to the finance department, a list containing the name, address, and trade name of each person holding a license issued under this section, except a picnic, manager's, or operator's license. An electronic record of all licenses issued shall be made available at all times to the city attorney's office, police department, and finance department.

(d) *Recommendations*. Each application filed with the city clerk-treasurer shall be forwarded to the chief of police and the fire chief of the city, to the building inspection department and to the director of planning and community development for their or their designees' recommendation to the common council for approval or disapproval. Their recommendation shall be entered on or attached to the application and based upon their respective investigations and/or inspections of the applicant and/or the premises as to the suitability and character of any applicants, as to any issues relevant to the safety, security and well-being of the citizens and neighborhoods of the city, and so as to determine whether the same are qualified and/or in compliance with those regulations, laws and ordinances, relative to their fields of enforcement, applicable and relevant to such licensing.

(e) *Denied applications*. Any person denied a license or permit applied for under this section shall be ineligible to apply for another license or permit under this section for a period of 12 months from the date of such denial by the city council.

(5) *License restrictions*.

(a) *Statutory requirements*. Licenses shall not be issued to any persons ineligible therefor under Wis. Stats. § 125.04. No license shall be issued under this section less than 15 days from submission to the city clerk-treasurer of the application and required application fee.

(b) *Location*.

1. No retail class A or class B license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital, or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church, or hospital to the main entrance to the premises covered by the license.

2. This subsection shall apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.

(c) *Violators of liquor or beer laws or ordinances*. No retail class A or B license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.

(d) *Health and sanitation requirements*. No retail class B license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the state department of industry, labor, and human relations pertaining to buildings and plumbing, to the rules and regulations of the state department of health and social services applicable to restaurants, and to all such ordinances and regulations adopted by the city.

(e) *License quota*. 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).

(f) *Corporations*. No corporation organized under the laws of this state or any other state or foreign country may be issued any alcoholic beverage license or permit unless such corporation meets the requirements of Wis. Stats. § 125.04(6).

(g) *Age requirement*. No license issued under this chapter, except an operator's license, shall be granted to any person who has not attained the legal drinking age. Operator's licenses may be issued only to applicants who have attained the age of 18 years.

(h) *Effect of revocation of license*. Whenever any license has been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises, and 12 months shall elapse before another license shall be granted to the person whose license was revoked.

(i) *Delinquent taxes, assessments, and claims*. No license shall be granted for any premises for which taxes, assessments, or other claims of the city are delinquent and unpaid, or to any person delinquent in payment of such claims to the city.

(j) *Issuance for sales in dwellings prohibited*. No license shall be issued to any person for the purpose of possessing, selling, or offering for sale and alcoholic beverages in any dwelling house, flat, or residential apartment.

(6) *Form and expiration of licenses*. All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid, and the name of the licensee and, unless sooner revoked, shall expire on June 30 thereafter except as otherwise provided. The city clerk-treasurer shall affix his affidavit as required by Wis. Stats. § 125.04(4).

(7) *Transfer of licenses*.

(a) *As to person*. No license shall be transferable as to licensee except as provided by Wis. Stats. § 125.04(2).

(b) *As to place*. Licenses issued pursuant to this section may be transferred as provided in Wis. Stats. § 125.04(12). Application for such transfer shall be made on forms furnished by the state department of revenue. Proceedings for transfer shall be had in the same manner and form as the original application.

(8) *Posting and care of licenses*. Every license or permit required under this section shall be framed and posted and at all times displayed as provided in Wis. Stats. § 125.04(10). No person shall post such license or permit or have any other person post it upon premises, other than those mentioned in the application, or knowingly deface or destroy such license.

(9) *Regulation of licensed premises and licenses*.

(a) *Gambling and disorderly conduct prohibited*. Each licensed and permitted premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous, or indecent conduct or illegal gambling shall be allowed at any time on any such premises.

(b) *Employment of underage persons*. No licensee shall employ any underage person who does not have a valid operator's license to serve, sell, dispense, or give away any alcoholic beverage.

(c) *Sales by clubs*. No club shall sell intoxicating liquor or fermented malt beverages except to members and guests invited by members.

(d) *Safety and sanitation requirements*. Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

(e) *Capacity limited*. All premises which have been issued a retail Class B license are subject to the capacity provisions of Wis. Admin. Code § COMM 76.05(4), which provisions are hereby adopted by reference and made a part hereof.

(10) *Closing hours*.

(a) No premises for which a wholesale alcohol beverage license has been issued shall remain open for the sale thereof between the hours of 5:00 p.m. and 8:00 a.m., except on Saturday when the closing hour shall be 9:00 p.m.

(b) No premises for which a retail class A fermented malt beverage license or class A liquor license has been issued shall remain open for the sale thereof between the hours of 9:00 p.m. and 6:00 a.m.

(c) No premises for which a retail class B fermented malt beverage or a retail class B liquor license has been issued shall remain open for business for the sale thereof and shall be vacated, except as permitted under subsection (10)(d) of this section and as expressly excepted pursuant to Wis. Stats. § 125.10(4), between the hours of 2:00 a.m. and 6:00 a.m. Mondays through Fridays and between the hours of 2:30 a.m. and 6:00 a.m. Saturdays and Sundays. However, an employee of such a license holder may be present during nonbusiness hours for maintenance and clean up duties. On January 1, premises operating under a retail class B liquor license are not required to close. No package, container, or bottle sales may be made after 12:00 midnight, and no person may carry out alcoholic beverages in an original unopened package, container, or bottle for consumption away from the premises after 12:00 midnight.

(d) Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe pitching facilities, curling clubs, gym and fitness centers, golf courses and golf clubhouses may remain open for the conduct of their regular business, but no alcoholic beverages shall be sold, dispensed, or permitted to be consumed during prohibited hours.

(e) No premises for which a retail class B fermented malt beverage license has been issued, and which premises is upon city-owned property, shall sell any such beverages from one hour prior to the scheduled commencement or until one hour after the completion of any athletic activity conducted upon such property and in which event any participants are under the age of 18 years. However, such a license holder shall be allowed to sell fermented malt beverages until

the end of an athletic event at said property not involving participants under 18 years of age which event ends less than one hour before the start of an athletic event involving participants under 18 years of age; and such a license holder shall be allowed to sell fermented malt beverages at the start of an athletic event at said property not involving participants under 18 years of age which event starts less than one hour after the end of an athletic event at said property involving participants under 18 years of age.

(11) *Permit required for outdoor alcoholic beverage area.*

(a) *Definition*. The term "outdoor alcoholic beverage area" means an open-air, roofed or unroofed area adjacent to or accessory to a class B intoxicating liquor and/or class B fermented malt beverage and/or class C licensed premises, where beer and other alcoholic beverages are consumed, which is not included within the licensed premises.

(b) *Required for outdoor consumption*. No licensee shall allow the consumption of alcoholic beverages on any part of the licensed premises property not enclosed within the licensed premises as described on the license, except under permit granted by the city council. The permits are a privilege in which no rights vest and, therefore, may be revoked by the city council at its pleasure at any time or shall otherwise expire on June 30 of each year. An initial permit request may be applied for any time throughout the year by completing a city outdoor alcoholic beverage area permit application, but after the initial request is approved, any renewals shall accompany the regular license renewal application. No person shall consume or have in his possession alcoholic beverages on any unenclosed part of premises property not within a licensed premises as described on the license and which is not described in a valid outdoor alcoholic beverage area permit.

(c) *Limitations on issuance of permit*.

1. No outdoor alcoholic beverage area permit shall be issued if the total outdoor entertaining area associated with the licensed premises is greater than 50 percent of the gross floor area of the licensed premises enclosed within the building. Each applicant for an outdoor alcoholic beverage permit shall accurately describe the area intended for use as an outdoor entertaining area and shall indicate the nature of fencing or other measures intended to provide control over the operation of the outdoor alcoholic beverage area. Applicants shall submit a site plan professionally drawn to scale and an application for review by the city's zoning administrator. The zoning administrator will review all proposed outdoor alcoholic beverage area permit design plans and applications to determine impacts upon the surrounding neighborhood and then recommend that the license be granted as requested, modified or denied.

2. Every outdoor beverage area shall be completely enclosed with a solid permanent barrier or screen not less than six feet in height for those establishments in which the sale of alcoholic beverages accounts for more than 50 percent of gross receipts. For those establishments where alcoholic beverage sales do not account for 50 percent of gross receipts a permanent barrier is still required, but its structure may be less opaque and less than six feet in height.

(d) *Grant of permit*. The city clerk-treasurer shall forward any outdoor beverage area permit application to the chief of police and fire chief of the city, to the building inspection department, and to the director of planning and community development for their or their designees' recommendation to the common council for approval or disapproval of such permit. Their recommendation shall be based upon their respective investigations and/or inspections of the applicant and/or the premises and proposed outdoor alcoholic beverage area as to the suitability and character of any applicants, as to any issues relevant to the safety, security and well-being of the citizens and neighborhoods of the city and as to whether any additional special conditions, restrictions, or limitations should apply to said permit.

(e) *Restrictions*. All premises receiving outdoor alcoholic beverage area permits approved after the adoption date of the ordinance from which this section is derived will be required to comply with all of the following restrictions. For those businesses for which the licensed premises includes

an outdoor alcoholic beverage area that was established, licensed, and authorized by the city prior to the adoption of the ordinance from which this section is derived, the restrictions under this subsection do not apply, except as specified.

1. Access to the outdoor entertaining area shall only be through the main entrance to the class B intoxicating liquor, class B fermented malt beverage and class C premises. The outdoor entertaining area shall be equipped with a locking system on a fire exit that meets applicable fire codes.
2. No amplified sound or music is permitted outside the enclosed building premises. Amplified sound or music is not permitted in the outdoor alcoholic beverage area. Any premises licensed prior to the adoption of the ordinance from which this section is derived for which such premises includes areas not enclosed within the building of the premises shall be required to obtain approval from the city council for amplified sound or music.
3. All sales of alcoholic beverages shall be restricted to the enclosed licensed premises.
4. The outdoor alcoholic beverage area may only be open for consumption of alcohol from 10:00 a.m. until 9:00 p.m. Sunday through Thursday and from 10:00 a.m. until 10:00 p.m. Friday and Saturday.
5. No outdoor alcoholic beverage area which is less than 80 feet from any public school property, parochial school property, hospital property, or church property shall be open for operation during hours as specified on the outdoor alcoholic beverage area permit. Such distance shall be measured by the shortest route from the closest point of such school, church, or hospital property to the closest point of the outdoor alcoholic beverage area.
6. A licensed bartender shall be present and actively monitoring the outdoor alcoholic beverage area at all times it is open for operation.
7. The outdoor alcoholic beverage area shall be monitored at all times. If any area is required by the permit specification to be monitored by surveillance cameras, such surveillance cameras and security recording system shall be maintained in good operating condition at all times. Upon request by the city police department, surveillance video shall be made available for review to aid in the investigation of any incident, altercation or crime under investigation.
8. The capacity for the licensed premises' building shall remain the same even with the addition of an outdoor alcoholic beverage area permit.
9. A licensee shall not permit any activities within the outdoor alcoholic beverage area that constitute a nuisance.
10. A licensee shall comply with all other applicable state statutes and city ordinances.

(f) *Adjoining property owners to be notified of pendency of applications*. All property owners within 150 feet of the proposed outdoor entertaining area measured from property line to property line shall be notified of the pendency of application for an outdoor alcoholic beverage area permit and notice of informational hearing to be held prior to city council approval. Such notice shall be made by the city clerk-treasurer's office via first class mail.

(g) *Authority of police to suspend outdoor alcoholic beverage area permit*. The shift commander or designee of the police department has the authority to order any outdoor alcoholic beverage area to be closed down at any time the shift commander or designee believes its continued operation is in violation of this section, any other applicable city ordinance or the provisions of Wis. Stats. ch. 125.

(h) *State statutes enforced within outdoor entertaining area*. Every licensee under this section shall comply with and enforce all provisions of Wis. Stats. ch. 125 applicable to class B and/or class C licensed premises, except insofar as such provisions are clearly renewal of the outdoor alcoholic beverage area permit by the city council.

(i) *Fee required.* The city council shall approve the fee for outdoor alcoholic beverage area permits.

(12) *Revocation and suspension of licenses*.

(a) *Procedure*. Whenever the holder of any license under this section violates any portion of this subsection, or whenever any license has been issued in violation of any portion of this section, proceedings for the revocation or suspension of such license may 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.

(b) *Effect of revocation*. See subsection (5)(h) of this section.

(c) *Cease doing business*. If any holder of a class A or class B fermented malt beverage license or a retail class A or class B liquor license shall suspend or cease doing business for 90 consecutive days or more, his license shall be subject to revocation by the city council after a public hearing.

(d) *Alcoholic beverage demerit point system*.

1. *Purpose*. The purpose of this subsection is to establish an alcoholic beverage demerit point system to assist in determining which license holders should be subject to suspension, revocation, or nonrenewal procedures.

2. *Schedule of demerit points*. The schedule of demerit points as listed in this subsection is to be used to identify habitually troublesome license holders who have repeatedly violated state statutes or city ordinances for the purpose of determining suspension, revocation, or nonrenewal of their alcoholic beverage licenses.

Type of violation	Point value
Owner/licensee selling controlled substance/ possession of controlled substance with intent to sell.	150
Employee selling controlled substance/possession of controlled substance with intent to sell on premises property or outdoor alcoholic beverage area.	100
Sale of alcoholic beverages without proper license or permit.	100
Unauthorized use or transfer of license or permit.	75
Owner/licensee possession of controlled substance.	75
Sale of controlled substances on licensed premises or outdoor alcoholic beverage area.	75
Sale of alcoholic beverages to underage persons.	50
Sale of alcoholic beverages to intoxicated person.	50

Underage person on premises or outdoor alcoholic beverage area.	50
Intoxicated bartender, disorderly conduct on premises property or outdoor alcoholic beverage area.	50
Off-hours consumption or sale of alcoholic beverages.	50
Refusal to allow police to inspect premises or outdoor alcoholic beverage area or refusal to cooperate with lawful police investigation.	50
Employee possession of controlled substance on premises or outdoor alcoholic beverage area.	50
Failure to post license.	25
Licensee, agent, or operator not on premises or outdoor alcoholic beverage area at all times.	25
Non-employees on premises or outdoor alcoholic beverage area after closing hours.	25
Violation of carry out hours.	25
Licensee permitting person to leave licensed premises or outdoor alcoholic beverage area with open alcohol beverage.	25
Disorderly conduct upon premises property or arising from premises or outdoor alcoholic beverage area.	25
All other violations of Wis. Stats. ch. 125 or of this Kaukauna Municipal Code	25
Note: Any points assessed for above violation shall double if the violation results in serious bodily injury to, or the death of, any person.	

3. *Violations, how calculated*. In determining the accumulated demerit points against a licensee within a 12-month, 24-month, or 36-month period, the city shall use the date each violation was committed as the basis for the determination and shall further include only those instances where there has been a court-imposed conviction for the violation.

4. *Suspension, revocation, or nonrenewal of license*. All licensees who accumulate 200 points in a 12-month period, 250 points in a 24-month period or 300 points in a 36-month period shall be considered for suspension, revocation, or nonrenewal. In the event of suspension, the suspension shall be for not less than ten days or more than 90 days.

In addition to the demerit points assessed as specified above, if an owner or licensee is charged with selling controlled substance or charged with possession of controlled substance with intent to sell, the owner or licensee may be subject to revocation proceedings pursuant to Wis. Stats. § 125.12.

(13) *Nonrenewal of licenses*. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy of any proposed motion for nonrenewal and shall have an opportunity to be heard before the city council.

(14) *Violations by agents and employees*. A violation of this section by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

(15) *Transfer/sale of licensed business*. Upon the transfer or sale of a licensed business, all accumulated demerit points shall be canceled, unless any of the following apply:

(a) The new licensee is related to the former licensee by blood, adoption, or marriage;

(b) The new licensee held a business interest in the previous licensed business, real estate, or equipment;

(c) The former licensee retains an interest in the business, real estate or equipment used by the business;

(d) The new licensee's acquisition of the business did not involve an arm's length transaction consisting of an open market sale in which the owner is willing, but not obligated to sell, and the buyer is willing, but not obligated to buy.

If any of the above apply, the new licensee shall inherit the demerit points previously assessed and be subject to the penalties set forth in this Code, unless the new licensee establishes, by sufficient evidence to the common council, that application of this inheritance rule in their specific circumstances would be unjust and is not necessary to fulfill the purpose of this rule, which is to prevent the avoidance of legitimate consequences for repeated violations of statutes and ordinances regulating the business of selling alcoholic beverages.

(Ord. No. 1699, 9-2-2014)

Sec. 12.04. Peddlers, canvassers, solicitors, and transient merchants.

(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:

Canvasser or *solicitor* means a person who goes from place to place within the city soliciting orders for the future delivery of property or for services to be performed in the future. The term "canvasser" or "solicitor" includes any person who occupies any place within the city for the purpose of exhibiting samples and taking orders for future delivery.

Peddler means a person who goes from place to place within the city offering for sale property which he carries with him. The term "peddler" includes vendors who distribute their products to regular customers on established routes.

Transient merchant means a person who engages at a fixed location in the city in the temporary business of selling property at such location. The term "transient merchant" does not include a person who does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only. The term "transient merchant" includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer, or auctioneer.

(2) *Exemptions*. No license shall be required by this section of the following:

(a) Persons selling personal property at wholesale to dealers in such articles.

(b) Newsboys.

(c) Children under 18 years of age who are residents of the city, except if the activity in which they are engaged is related to the operation of a business for profit.

(d) Merchants or their employees delivering goods in the regular course of business.

(e) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.

(f) A veteran holding a special state license under Wis. Stats. § 440.82(2), but he shall comply with subsections (6), (7) and (8) of this section.

(g) Any person soliciting for charitable, religious, patriotic, or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization.

(h) Sales required by statute or order of a court.

(i) Bona fide auction sales conducted pursuant to law.

(3) *Investigation fee*. At the time of filing this application, the applicant shall pay to the city clerk-treasurer the investigation fee as provided in section 12.01(3).

(4) *Investigation*. The chief of police shall cause the applicant and the facts stated in the applicant's application to be investigated and shall, within five days, return the application to the city clerk-treasurer with his endorsement approving or disapproving the application.

(5) *Bond*. Every applicant who is not a resident of the county or who represents a firm whose principal place of business is located outside of the state shall file with the city clerk-treasurer a surety bond in the amount of $500.00, approved by the mayor, conditioned that the applicant will comply with all provisions of the ordinances of the city and the state laws regulating peddlers, canvassers, solicitors, and transient merchants and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee; and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.

(6) *Excessive noise prohibited*. No person licensed under this section shall, in hawking his wares, create such noise as is annoying to a person of ordinary sensibilities.

(7) *Use of streets*. No licensee shall use the public streets or sidewalks for purposes of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.

(8) *Display of license*. Any person licensed hereunder shall carry his license with him while engaged in licensed activities, and shall, upon request, display such license to any officer of the city or any person with whom he seeks to do business.

(9) *Hours regulated*. No licensee shall enter upon or attempt to enter upon any city-owned or private premises within the city for the purpose of conducting business except between the hours of 9:00 a.m. and 8:00 p.m. while daylight savings time is in effect, and between the hours of 9:00 a.m. and 6:00 p.m. at all other times of the year, except as provided in subsection (10) of this section.

(10) *Downtown vendors*. A peddler may place a readily movable mobile unit upon city-owned property within the commercial core district on Fridays and Saturdays from 8:00 p.m. to 3:00 a.m. the next day while daylight savings time is in effect, subject to compliance with subsection (7) of this section.

(11) *Insurance*. To act as a downtown vendor, the license holder must have, in force, liability insurance and must agree to indemnify, defend and hold the city, its employees and agents harmless against all claims, liability, loss, damages, or expenses incurred by the city as a 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 permit holder shall furnish a certificate of insurance on a form acceptable to the city evidencing the existence of adequate liability insurance naming the city, its employees and agents as additional insureds in an amount not less than

$1,000,000.00. Whenever such policy is canceled, not renewed, or materially changed, the insurer and the permit holder shall notify the city by certified mail.

(Code 2011, § 12.04)

Sec. 12.05. Sidewalk display and use permit.

(1) *Applicability.* A person or entity owning or lawfully occupying a premises and conducting therein a retail business may apply for a sidewalk display and use permit, and upon receipt of a sidewalk display permit, place certain materials such as reader boards, goods or merchandise, chairs or tables, vending machines, or other like items, as described in the permit, during the times permitted by the permit, and only in the locations as indicated in the site plan submitted with the application.

(2) *Issuance.* A revocable sidewalk display and use permit shall be issued by the city planning department upon approval by the city council of an application which the planning department has determined complies with this section and for which the applicable fee has been paid to the city clerk-treasurer and the following information provided:

(a) Name, business address, and telephone number of the business owner/applicant.

(b) Name, address, and telephone number of the owner of the premises.

(c) Number of any tables and chairs to be permitted.

(d) Design and scaled site layout of chairs, tables, reader boards, goods or merchandise, display racks, or other accessories.

(e) Operations plan of service, sanitation, monitoring schedule, and responsibilities.

(f) Any other information the city planning department deems appropriate to fully describe the planned operation.

(3) *Limitations and requirements.* The following limitations or requirements are applicable to all sidewalk display and use permits:

(a) Permitted hours of use shall never commence earlier than 6:00 a.m. nor conclude later than 8:00 p.m.

(b) A minimum width of five feet of continuous, unobstructed way for pedestrian traffic and a contiguous unobstructed way for persons exiting the host premises shall be provided at all times.

(c) Any sidewalk use shall be directly associated with and material to the business being conducted upon the host premises.

(d) Any furniture, merchandise, equipment, signage or other objects placed on the sidewalk shall be removable upon short notice, if required, by city officials due to a public emergency.

(e) The application fee shall be as provided by resolution of the city council.

(f) The city planning director or his designee is authorized to immediately suspend or revoke any permit upon written notice to the applicant or a person in charge of the host business for any of the following conditions:

1. Whenever it shall be determined necessary that the sidewalk area covered by the permit, or a portion thereof, is needed for a public purpose or because of the need for construction or maintenance on or below the sidewalk.

2. Whenever a permittee has failed or neglected to comply with any of the conditions of the permit.

3. Whenever it is determined that there is a danger to the public health, safety or welfare as a result of the continuation of the permitted activities or that the permitted activities are not compatible with the adjacent land use.

The permit holder may appeal any revocation or suspension as provided in chapter 24 of this Code.

(g) The property owner of the host premises and the applicant business owner must execute a hold harmless and release agreement satisfactory to the city.

(Code 2011, § 12.05)

Sec. 12.06. Carnivals and exhibitions.

(1) *License required*. No person shall exhibit to public view, for gain or pecuniary profit within the city, any animal, painting, feats of circus riding, rope or wire walking, dancing, magic performance, circus, caravan, carnival, menagerie, or any other show entertainment or exhibition without first having obtained a license therefor.

(2) *Issuance*. The city clerk-treasurer shall grant a license provided under this section, if so ordered by the council, and upon payment of the required license fee.

(3) *License fee*. The fee for a license under this section shall be:

(a) For circus, caravan, menagerie, or carnival: $20.00 for each day of exhibition.

(b) For any other show, exhibition, entertainment, or performance not mentioned in subsection (3)(a) of this section: $10.00 for each day of exhibition, entertainment, or performance.

(4) *Exempted carnivals, etc*. No license shall be required for any exhibition of entertainment conducted or operated in whole or in part for the benefit of any religious, educational, or charitable institution connected with the city, nor shall any license be required for lectures or scientific, moral or literary subjects, or concerts of music if no other object is connected therewith.

(5) *Duration, validity, transferability*. Every license issued under this section shall specify the time of its duration and shall be invalid after the expiration of such time. No license shall be transferable.

(Code 2011, § 12.06)

Sec. 12.07. Parades.

(1) *Permit required*. No person shall organize or conduct any parade or procession on any street or public place in the city, except funerals, without a permit therefor obtained from the mayor. No person shall participate in any such parade or procession unless such written permit has been obtained.

(2) *Notice*. Written notice of the object, time, and desired route of any parade or procession, and the names of the officers or persons in charge of the same, must be given to the chief of police not less than 24 hours previous to its forming or marching. The chief of police may designate which streets and how much of each street may be occupied for such parade or procession, with special reference to crowded thoroughfares through which such parade may move. Such person in charge of the parade or procession shall obey such designation when made.

(3) *Denial or revocation of permit*. The mayor may refuse to issue, or may revoke such permit if the applicant or group or organization or person represented by the applicant shall have, during the previous year in connection with a previous parade or procession, violated the provisions of a similar permit, ordinance or laws of the state or the United States, or if, by reason of the nature of the proposed parade or procession, the mayor determines it is likely or reasonably probable that such parade or procession will unreasonably disturb the public peace and good order, will unreasonably interfere with traffic, or other specific reasons set forth in writing and furnished to the applicant.

(Code 2011, § 12.07)

Sec. 12.08. Taxicabs.

(1) *Definition*. The term "taxicab" includes any vehicle transporting passengers for remuneration for which patronage is solicited publicly.

(2) *License required*. No person shall operate a motor vehicle upon the streets of the city for transportation of passengers or baggage for hire without a license under this section.

(3) *Exemptions*. No license shall be required for vehicles operating on established routes which are regulated by the state public service commission, vehicles rented to be driven by the renter or his agent, commonly known as rent-a-cars, and vehicles operated solely as funeral cars or ambulances.

(4) *Application*. An application for a license under this section shall be made in writing to the city clerk-treasurer upon a form furnished by the city clerk-treasurer. Such application shall contain the following information:

(a) Name and address of applicant and, if a partnership, association, or corporation, the names of all participants, officers, and directors.

(b) Address from which the business is conducted.

(c) Number of taxicabs to be operated in the business.

(d) The make, model, year of manufacture, engine number, serial number, and capacity for passengers of each vehicle.

(e) The state certificate of title number and license number of each vehicle.

(5) *Hearing*. Upon filing of the application for a license, the public protection and safety committee shall set a time and place for a public hearing on such application. The city clerk-treasurer shall publish notice four days before such hearing and shall notify the applicant in writing of the time and place set for the hearing.

(6) *Finding of convenience and necessity*. Not later than 30 days after date of hearing, the public protection and safety committee shall submit to the council its recommendation as to whether the public convenience and necessity will be served by the granting of the application. No license shall be granted until the council shall, by resolution, have determined that the public convenience and necessity will be served by the service proposed in the application for license. In determining public convenience and necessity, the council may apply the following test: one taxicab for each 2,000 of population or fraction thereof. The council may hold such further hearings and procure such additional information as may be necessary or advisable in making such determinations.

(7) *Liability insurance*.

(a) No taxicab license shall be issued until the applicant deposits with the city clerk-treasurer a policy of liability insurance covering all vehicles to be included under the license. Such policy shall describe each vehicle by make, model, serial number, number of passengers that may be accommodated therein at one time and the state motor vehicle license number. Such insurance policy shall be issued by a company licensed to do business in the state and shall insure the licensee against loss from liability to the minimum amounts of $100,000.00 for the injury or death of one person in any one accident, $300,000.00 for the injury or death of more than one person in any one accident, and $25,000.00 for damage to the property of others for any one accident due to the negligent operation of such vehicle.

(b) The cancellation or other termination of any insurance policy issued in compliance with this subsection shall automatically revoke and terminate the license issued for the vehicles covered by such insurance policy, unless another policy shall be filed and approved pursuant to this subsection and shall be in effect at the time of such cancellation or termination.

(8) *License fees*. The license fee shall be as provided in section 12.01

(9) *Procedure in issuing license*.

(a) After the hearing and the finding of convenience and necessity, the payment of the required license fees and the receipt of the policy of insurance, the city clerk-treasurer shall issue to the applicant a taxicab license. Each license granted shall be numbered and shall show the owner's name and place of business and the number of vehicles which may be operated thereunder.

(b) The city clerk-treasurer shall issue to each licensee a license for each vehicle. The license shall be of such size, form and material as the city clerk-treasurer deems proper and shall have printed or stamped thereon the words "city taxicab license" to be followed by the appropriate serial number of the license and the period for which issued. No vehicle shall operate as a taxicab, unless such license is carried inside the vehicle and is available for showing upon proper request.

(c) If a taxicab license is lost, the licensee shall secure a duplicate thereof by applying to the city clerk-treasurer and paying the sum of $1.00.

(10) *Transfer of license*. No taxicab license shall be transferable, either from the vehicle described in the original application to another vehicle or from the original licensee to another person, without permission from the city council.

(11) *Renewal*. Taxicab licenses may be renewed by the city upon the payment of the fees and filing of policies of insurance as required for the original license.

(12) *Suspension or revocation of license*. A license issued under this section may be suspended or revoked pursuant to section 12.02(15).

(13) *Condition of vehicles*. The licensee shall keep each taxicab in a clean and sanitary condition, well painted, and equipped and maintained as required by state law.

(14) *Operating hours*. Taxicabs shall be expected to render public service as required and are expected to respond to all calls between the hours of 6:00 a.m. and 3:00 a.m. the next day.

(15) *Drivers*. All taxicab drivers shall be 21 years of age or over and shall be licensed by the city. Applications to drive taxicabs shall be filed with the chief of police. If the chief of police is satisfied that the applicant has sufficient skill in driving, and that the person is reliable in habits and morals, he shall issue the license. Any person denied a license by the chief of police shall have the right to appeal his decision to the city council, which may grant such license. The fee for a taxicab driver's license shall be $2.00. If the taxicab licensee is an individual, he shall not be required to secure a taxicab driver's license.

(Code 2011, § 12.08)

Sec. 12.09. Blasting permits.

(1) *License required*. No person shall prepare explosive charges or conduct any blasting operation within the city without first obtaining a permit therefor from the city council.

(2) *Investigation*. No applicant shall be issued a permit under this section until the fire chief certifies to the council that the applicant has complied with all state and local regulations and is equipped to so comply, and that the applicant is a fit and proper person and with the proper technical knowledge to be entitled to such permit.

(3) *Fee*. The fee for a blasting permit shall be $1.00.

(4) *State code adopted*. Any person issued a permit to prepare explosive charges or conduct blasting operations shall comply with the provisions of Wis. Admin. Code ch. SPS 307, Explosive Materials, which is adopted by reference and made a part of this section.

(Code 2011, § 12.09)

Sec. 12.10. Dogs, licenses.

(1) *License required*. Every person who owns, harbors, or keeps a dog 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 therefor.

(2) *Fees*. Such persons shall pay to the city clerk-treasurer the following fees:

(a) $5.00 for each neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed and has a permanent identification microchip, and $10.00 for each unneutered male dog and unspayed female dog upon presentation of evidence that the dog has a permanent identification microchip or one-half of these amounts if the dog became five months of age after July 1 of the license year.

(b) $15.00 for each neutered male dog or spayed female dog upon presentation of evidence that the dog is neutered or spayed, and $20.00 for each unneutered male dog and unspayed female dog or one-half of these amounts if the dog became five months of age after July 1 of the license year.

(c) Failure to comply with the licensing requirements of this section will result in the imposition of late fees in the amount of $5.00.

(3) *Issuance of license*. Upon payment to the city clerk-treasurer of the required fee, the city clerk-treasurer shall issue to such person a license to cover such dog for one year, and such person shall, upon procuring a license, place upon the dog a collar with the tag furnished to him by the city clerk-treasurer, and this tag shall at all times be kept on the dog for which the license was issued.

(4) *Certificate of inoculation required*. No license shall be issued under this section for any dog unless the applicant exhibits a certificate of a qualified veterinarian showing that the dog has been inoculated for rabies and distemper within the two years prior to application.

(Code 2011, § 12.10; Ord. No. 1681, 10-16-2012)

Sec. 12.11. Cable communications ordinance.

By Ordinance No. 1374, the common council has adopted the cable communications ordinance, a copy of which is on file with the city clerk-treasurer.

(Code 2011, § 12.11)

Sec. 12.12. Mobile homes and mobile home parks.

(1) *State statutes adopted by reference*. The provisions of Wis. Stats. § 66.0435 and the definitions therein are hereby adopted by reference.

(2) *Additional 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:

Complete bathroom facilities means flush toilet, lavatory, bath or shower, and kitchen sink.

Lot means a space as defined in "mobile home stand."

Mobile home stand means that part of an individual mobile home space reserved and improved for the placement of one mobile home unit.

Occupied area means that portion of an individual mobile home space covered by a mobile home and its accessory structures.

Park management means the person who owns or has charge, care, or control of the mobile home park.

(3) *Mobile homes outside parks*.

(a) *Restricted*.

1. No person shall park, locate, or place any mobile home outside of a licensed mobile home park in the city, provided that unoccupied mobile homes may be parked on the premises of a licensed mobile home dealer for purposes of sales display, on the premises of a vehicle service business for purposes of servicing or making necessary repairs, or on the premises leased or owned by the owner of such mobile home for purposes of sales display for not exceeding 120 days, provided that no business is carried on therein, or in an accessory private garage, building, or rear yard of the owner of such mobile home.

2. No person shall stop, stand, or park a mobile home one any street, alley, or highway within the city in violation of Wis. Stats. chs. 340 to 348 or the traffic ordinances or regulations of the city.

(b) *Use permit*. Mobile homes located on premises outside a licensed mobile home park prior to the enactment of this section may continue to occupy such premises, provided that the owner of the premises on which such unit is located applies to the building inspector within 60 days after the effective date of the ordinance from which this section is derived for a use permit. Application to the building inspector shall show the date on which such use and occupancy commenced, the names of the owner and occupants of the mobile home, and that such use and occupancy is in conformity with the applicable laws and regulations of the state and city. Such nonconforming use shall terminate upon discontinuance, for any reason, for 12 months or if the total structural repairs and alterations to the mobile home exceed 50 percent of its net value.

(4) *Mobile home park developer's permit*.

(a) No person shall construct, alter, modify, or extend any mobile home park, building, or facility within the city without first securing a mobile home park developer's permit from the city. Such permit shall be issued by the building inspector upon approval by the city council.

(b) Application for a mobile home park developer's permit shall be made to the building inspector, with sufficient copies for him to forward one each to the fire chief and health officer, who shall investigate and review such application to determine whether the applicant, the premises on which such park will be located, and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances, and laws of the state and city. These officials shall report their findings in writing to the council within 60 days from the date of application. The reports shall be considered by the city council before any permit is issued under this section. Failure of any officer or body to report within the required time shall be deemed a favorable recommendation.

(c) Application for a mobile home park developer's permit shall be accompanied by a fee of $50.00 to cover the cost of investigation and processing.

(5) *Mobile home park licenses required*.

(a) No person shall establish, maintain, or operate within the city, upon property owned or controlled by him, a mobile home park without having first secured a license therefor from the building inspector upon approval by the council. Application for each license shall be accompanied by a fee of $2.00 for each space in the existing or proposed park, but not less than $25.00 nor more than $100.00. The license shall expire on June 30 next succeeding the date of issue. Licenses may be issued at any time, but no rebate or diminution of the fee shall be allowed therefor.

(b) The city council shall not grant mobile home park licenses for any premises or to any person not meeting the following standards and requirements:

1. All standards and requirements set forth in subsection (6) of this section, except as specifically waived or modified in writing by the city council and endorsed on the mobile home park developer's permit. This requirement includes a valid certificate from the state

department of health and social services that the park complies with the provisions of Wis. Admin. Code ch. HSS 177 applicable thereto.

2. The mobile home park shall be used only for the parking and occupancy of single-family, nondependent mobile homes and accessory structures and appurtenances and uses authorized and approved under subsection (6)(m) of this section.

3. The applicant shall file with the city council certificates from the street superintendent and health officer certifying that all equipment, roads, and sanitary facilities have been constructed or installed in the park as required by this section and are in the required operating condition at the time of such application.

4. The location and operation of the park shall comply with all zoning and land use ordinances of the state and county, and no permit shall be issued until the proposed use has been certified as complying with such ordinances.

(6) *Standard requirements for mobile home parks, additions, or extensions*. All mobile home parks and modifications of, or additions or extensions to, existing parks shall comply with the following:

(a) Wis. Admin. Code chs. H62 and H77 are hereby adopted by reference, provided that such regulations shall not modify any requirements of this section or any other applicable state law or city ordinance which is more restrictive.

(b) The maximum number of mobile home spaces shall be six per acre, and individual spaces shall be not less than 3,500 square feet in area. Spaces shall be arranged to afford ample area for a variety of units with a setback of 15 feet from all public rights-of-way and 25 feet from any park, drive, or common area, including common parking areas, 40 feet from all park boundary lines and 20 feet from any other unit, building, or structure. Accessory structures such as awnings, cabanas, storage cabinets, carports, windbreaks, or attached porches shall be considered part of the unit for purposes of determining compliance with this section.

(c) No mobile home park shall be laid out, constructed, or operated without city water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected with public water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful.

(d) Individual-valved water service connections shall be provided for the direct use of each unit, so constructed and installed that they will not be damaged by frost or parking of the unit. Water systems shall be adequate to provide a pure, potable water supply of six gallons per minute at a minimum pressure of 20 psi and capable of furnishing a minimum of 150 gallons per unit per day. Fire hydrants shall be installed within 500 feet of every mobile home stand and park building.

(e) All liquid wastes originating at units and at service or other buildings shall be discharged into a sewerage system extended from, and connected with, the public sewerage system. Such system shall comply with all provisions of the state code and city ordinances relating to sanitation. Each individual space shall be provided with a three-inch watertight sewer connection protected from damage by heaving and thawing or parking of the unit and located within the rear one-third of the stand with a continuous grade and not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

(f) Adequate provisions shall be made for the disposal of solid and liquid wastes in a manner approved by the health officer and fire chief. Open burning of waste or refuse is prohibited.

(g) Before a mobile home is located on a space, a stand consisting of a six-inch thick slab of concrete (3,500 psi) with concrete piers extending below the frost line and having tiedown and leveling devices, with six inches of gravel, 12 feet wide, and 50 feet long, shall be erected thereon. At least six tiedowns shall be provided at regular intervals on each slab.

(h) A minimum of two off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of 4,000 pounds shall be provided for each mobile home space.

(i) The condition of soil, groundwater level, drainage, and topography shall not create hazards to the property, health, or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.

(j) Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

(k) The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary, and efficient manner.

(l) All mobile home spaces shall abut upon a street. Widths of streets shall be in accordance with Wis. Admin. Code § HSS 177.04(8). All streets shall be provided with a smooth, hard, and dense surface which shall be well drained under use and weather conditions normal for the area. Pavement edges shall be curbed or protected to prevent raveling of the wearing surface and shifting of the pavement base. Grades of streets shall be sufficient to ensure adequate surface drainage, but not more than eight percent, provided a maximum grade of 12 percent may be used if approved by the street superintendent as safe and designed to avoid traffic hazards. Streets shall be approximately at right angles within 100 feet of an intersection. Not more than two streets shall intersect at one point. A distance of at least 150 feet shall be maintained between centerlines of offset intersecting streets.

(m) Single-family, nondependent mobile homes, and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one park office, and service buildings for the exclusive use of park residents shall be the only permitted uses in mobile home parks, provided the city council may approve the following uses when designed for and limited to the exclusive use of park residents:

1. Laundromats.
2. Clubhouses and facilities for private social or recreation clubs.
3. Swimming pools.

(n) No signs shall be erected in mobile home parks except signs not more than two square feet in area pertaining to the lease, hire, or sale of individual mobile homes, and one mobile home park identification sign not more than 50 square feet in area at each park entrance.

(o) All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

(p) The standards and requirements for mobile home park design, layout, and development contained in this section are intended to be minimum standards necessary to create a safe, sanitary, healthful, and agreeable environment in mobile homes and mobile home parks in the city. The express enumeration of such standards shall not preclude the city council, by resolution or express written agreement with the mobile home park owner or developer, from imposing additional requirements or modifying the requirements set forth in this section whenever it determines that such modifications or additions are more likely to achieve the purposes of this section than those set forth in this section and will not conflict with applicable laws of the state or county.

(7) *Mobile homes added to parks*. Licensees of mobile home parks shall furnish information to the building inspector and assessor on homes added to their park within five days after their arrival on forms furnished by the building inspector.

(8) *Parking permit fees*. There is hereby imposed on each occupied non-exempt mobile home located in the city a parking permit fee in an amount determined in accordance with Wis. Stats. § 66.0435. Such fees shall be paid to the city clerk-treasurer on or before the tenth day of the month following the month for which such fees are due. The licensee of a mobile home park shall collect such fees from each occupied non-exempt mobile home therein and remit such fees to the city clerk-treasurer. Failure to do so shall be treated as a default in payment of personal property taxes would be treated and shall be subject to all procedures and penalties applicable under Wis. Stats. chs. 70 and 74.

(9) *Payment of fees for homes outside parks*. Occupants of non-exempt mobile homes outside of a mobile home park shall remit monthly parking permit fees directly to the city clerk-treasurer as provided in subsection (5) of this section.

(10) *Responsibilities and duties of mobile home park occupants*.

(a) Park occupants shall comply with all applicable requirements of this section and regulations issued under this section and shall maintain their mobile home space and its facilities and equipment in good repair and in a clean and sanitary condition.

(b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and for proper installation of all utility connections in accordance with the instructions of the park management.

(c) No owner or person in control or having custody of a dog, cat, or other pet shall permit it to run at large or to cause any nuisance within any mobile home park.

(d) Each owner or occupant of a non-exempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee as required by subsection (8) of this section.

(e) Each occupant of a park shall give the park licensee or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this section or any state law or city ordinance or regulation or order adopted thereunder.

(f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this section.

(g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in the single-family residential areas of the city.

(h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.

(i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this section.

(11) *Additional regulations*.

(a) *Dilapidated mobile homes*. Wrecked, damaged, or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the city. The health officer shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared a public nuisance. Whenever the health officer so determines, he shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him, giving the findings upon which his determination is based, and shall order such home removed from the park or site or repaired to a safe, sanitary, and wholesome condition of occupancy within a reasonable time, but not less than 30 days.

(b) *Inspection of parks*. The health officer and fire chief shall inspect mobile home parks not less than once every 12 months to determine the health, safety, and welfare of the occupants of the park and inhabitants of the city as affected thereby and the compliance of structures and

activities therein with this section and all other applicable state laws and city ordinances. For the purpose of making such inspections, such officials or authorized agents may enter on any premises on which a mobile home is located and inspect the same and all accommodations connected therewith at any reasonable time.

(c) *Fires*. Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to the requirements or restrictions of the fire chief.

(d) *Plumbing, electricity, etc*. All plumbing, building, electrical, oil, or gas distribution, alterations, or repairs in the park shall be in accordance with applicable laws, ordinances, and regulations of the state and city.

(e) *Skirting*. All mobile homes in mobile home parks shall be skirted unless the unit is placed within one foot vertically of the stand, with soil or other material completely closing such space from view and preventing entry by rodents and vermin. Areas enclosed by skirting shall be maintained free of rodents and fire hazards.

(f) *Alterations of mobile homes*. Construction on, or addition or alteration to, the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to additions of awnings, antennae, or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard, and rear yard requirements for mobile home units.

(g) *Storage*. Storage under mobile homes is prohibited.

(12) *Management*.

(a) In every mobile home park, there shall be an office for the attendant or person in charge of such park. A copy of the park license and of this section shall be posted therein, and the park register shall be kept in such office at all times.

(b) The attendant or person in charge, together with the licensee, shall:

1. Keep a register of all residents, to be open at all times to inspection by local, state, and federal officials and to show for all residents:

   a. Names and addresses.

   b. Number of children of school age.

   c. State of legal residence.

   d. Dates of entrance and departure.

   e. License numbers of all mobile homes and towing or other vehicles.

   f. States issuing such licenses.

   g. Purpose of stay in park.

   h. Place of last location and length of stay.

   i. Place of employment of each occupant.

2. Maintain the park in a clean, orderly, and sanitary condition at all times.

3. Ensure that the provisions of this section are complied with and enforced and report promptly to the proper authorities any violations of this section or any other violation of law which may come to the attendant's attention.

4. Report to the board of health all persons or animals affected or suspected of being affected with any communicable diseases.

5. Maintain in convenient places, approved by the fire chief, hand fire extinguishers in the ratio of one extinguisher to each eight units.

6. Collect the monthly parking permit fee provided for in this section.

7. Prohibit the lighting of open fires on the park premises.

(13) *Permanent occupancy*.

(a) Mobile homes shall not be used as a permanent place of abode, as a permanent dwelling or for indefinite periods of time, except as provided in subsection (16) of this section, provided that any nondependent mobile home properly connected with the public water supply and sanitary sewer systems, or a septic tank approved by the health officer if public sanitary sewers are not available to the premises, may be permitted on any premises if such home is constructed and located in compliance with all requirements of the building, plumbing, health, sanitary, electrical, and zoning ordinances. The term "premises" for the purpose of this subsection means only such premises as are within a licensed mobile home park, and nothing contained in this subsection shall be construed to permit the occupancy of a trailer or mobile home on any premises outside of a licensed park.

(b) The removal of wheels, unless for temporary purposes for repairs, or any other action to attach a mobile home to the ground by means of posts, piers, or foundations, shall subject the home to the requirements of the building code as well as this section.

(14) *Inspection and enforcement*. No mobile home park license shall be issued until the building inspector notifies the chief of police, health officer, and fire chief, or their authorized agents of such application, and these officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances, and laws applicable thereto. These officials shall furnish to the city council in writing the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying. No license shall be renewed without a reinspection of the premises. For the purpose of making inspections and securing enforcement, such officials or their authorized agents may enter any premises on which a mobile home is located or will be located and may inspect the same and all accommodations connected therewith at any reasonable time.

(15) *Location of mobile homes*. No mobile home parks shall be located in the fire limits.

(16) *Length of stay*.

(a) *Limited*. No person shall occupy any mobile home within the city for more than 90 days in each 12 months, except as provided in subsection (13)(a) of this section, provided that upon a showing and proof that there exists in the community a shortage of adequate housing facilities, additional stays of 60 days may be granted as an emergency provision.

(b) *Exception*. This time limit shall not apply to the licensee of a mobile home park or to bona fide employees so as to prevent their remaining on the park premises at all times.

(17) *Applicability of plumbing*, *electrical, and building ordinances*. All plumbing, electrical, building, and other work on or at any mobile home park licensed under this section shall be in accordance with the ordinances of the city and the requirements of the state plumbing, electrical, and building codes and the regulations of the state department of health and social services. Licenses and permits granted under this section grant no right to erect or repair any structure, to do any plumbing work, or to do any electrical work.

(18) *Revocation or suspension*. Licenses granted under this section shall be subject to revocation or suspension by the city council for cause in accordance with Wis. Stats. § 66.0435(2)(d). The term "cause" shall include, but not be limited to:

(a) Failure or neglect to abide by the requirements of this section or the laws or regulations of the state relating to mobile home parks and their operation.

(b) Conviction of any offense under state law or city ordinances relating to fraudulent or misleading advertising or deceptive practices regarding the sale or rental of mobile homes or the leasing or rental of mobile home spaces or the sale, lease, or operation of park facilities.

(c) Operation or maintenance of the mobile home park in a manner detrimental to the health, safety, or welfare of park occupants or the inhabitants of the city, including, but not limited to, repeated violations of state laws or city ordinances relating to health, sanitation, refuse disposal, fire hazards, morals, or nuisances.

(d) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state subdivision control laws and regulations, regardless of the size or number of lots or spaces so transferred or sold.

(Code 2011, § 12.12)

Sec. 12.13. Junk dealers; licensing and regulations.

(1) *License required*. No person in the city shall keep, conduct, or maintain any building, structure, yard, or place for the keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually, or for the buying or selling at retail or wholesale or dealing in any old, used, or second-hand materials, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, furniture, used motor vehicles or the parts thereof, or any other article which from its worn condition is useless for the purpose for which it was made, commonly classed as "junk," whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license therefor as provided in this section. One carrying on the business shall be referred to in this section as a junk dealer.

(2) *Application*.

(a) *Information required*. An applicant for a junk dealer's license shall file with the city clerk-treasurer a written application upon a form prepared and provided by the city and signed by the applicant. Such application shall state:

1. The name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.

2. The length of time such applicant, if an individual, firm or partnership, or the manager or person in charge, if the applicant is a firm or corporation, has resided in the city; his place of previous employment; whether married or single; and whether he has been convicted of a felony or misdemeanor and, if so, what offense, when and in what court.

3. Whether the applicant had previously been a junk dealer.

4. The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.

5. Where such business is to be located or carried on.

(b) *Agreement*. Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the council.

(3) *Application to be notarized*. Every application for a junk dealer's license shall be signed and acknowledged before a notary public or other officer authorized to administer oaths in the city.

(4) *Investigation*. The city clerk-treasurer shall report such application to the chief of police, the health officer, and the fire chief, who shall inspect or cause to be inspected the premises to determine whether it complies with all laws, ordinances, rules, and regulations applicable. Such premises and all structures thereon shall be so situated and constructed that the business of junk dealer 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 proper health, fire, building, and police authorities.

(5) *Action by license committee and council*. Upon the filing of the application and the completion of reports of the chief of police, fire chief, and health officer, the city clerk-treasurer shall refer all the

materials to the license committee of the city council. Such committee shall make its recommendation to the council at the next regular meeting. A license shall be granted only by a majority vote of the council, but no license shall be refused except for a specified reason. All licenses shall state clearly the location of the business, the date of issuance and expiration, and the name and address of the licensee.

(6) *Fees*. Every junk dealer shall pay an annual license fee as provided in section 12.01(9). All licenses shall be issued as of the date of granting and shall continue in force until January 1 next succeeding the date of issuance thereof, unless sooner revoked.

(7) *License to be posted*. Every junk dealer's license shall, at all times, be posted in a conspicuous place on the licensed premises. No person shall post such license or permit such license to be posted upon any premises other than those licensed, or knowingly deface or destroy any such license.

(8) *Junk dealing regulated*.

(a) No junk dealer shall carry on his business at or from any place other than the one designated in the license therefor, nor shall such business be carried on after such license has been revoked or has expired.

(b) No junk dealer shall make any purchase from any person, or receive any articles, between sunset and 7:00 a.m.

(c) No junk dealer shall purchase or acquire, from any person under the age of 18 years, any junk other than old rags or paper without the written consent of his parent or guardian. No item shall be acquired from any intoxicated person.

(d) The contents of the premises of every junk dealer shall be arranged in an orderly manner, with all similar things located together so as to facilitate inspection. The premises of every junk dealer shall be subject to inspection by the proper city officials at any time.

(e) All articles received, except old rags and paper, shall be retained for five days before disposal.

(9) *Records required*.

(a) *Generally*. Every junk dealer shall keep written daily records, in ink or indelible pencil and in English, in such form as the chief of police may prescribe, of articles purchased, including an accurate description, the name and residence of the person from whom each article was purchased and the name of the employer of such person, if any, the day and hour of such purchase, and the price paid. Such records shall, at all reasonable times, be open to the inspection of any police officer or other authorized person, who shall exhibit such authorization to the junk dealer, his agent, or employee. No entry in such records shall be changed, erased, obliterated, or defaced.

(b) *Motor vehicles and parts*. For motor vehicles or parts thereof, there shall be kept, in addition, a description of the person from whom such articles were purchased and a complete description of the purchase, which shall include the trade name, the motor body, axle, coil, starter, carburetor, magneto, steering gear, radiator and manufacturer's numbers and any other serial number, and the style of body, model, color, and license number.

(10) *Serial numbers*. No person shall knowingly buy, sell, receive, dispose of, conceal, or have in his possession any motor vehicle, part or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every person to whom is offered for sale, storage, or wreckage any motor vehicle, part, or accessory not in compliance with this subsection shall immediately notify the chief of police of such offer.

(11) *Reports*. Upon the written notice of the police department, every junk dealer shall report to the chief of police on forms furnished by the police department an accurate description of all goods, articles, or things purchased or received by him in the course of his business at such time and during such period of time specified in the notice, stating the amount paid and the name, residence, and general description of the person from whom such goods, articles, or things were received.

(Code 2011, § 12.13)

Sec. 12.14. Mechanical amusement devices.

(1) *Definition*. The term "mechanical amusement device" means a machine which, upon the insertion of a coin or slug, operates a game, contest, music, or amusement.

(2) *License required*. No person shall operate a mechanical amusement device within the city without first obtaining the required licenses therefor from the city clerk-treasurer for an annual fee of $5.00 for each such device.

(3) *Form of license*. The form of such license shall be as the city clerk-treasurer may determine, shall be posted on the premises near where such amusement device is in operation and shall specify the number of devices licensed for the particular place.

(Code 2011, § 12.14)

Secs. 12.15—12.19. Reserved.

Sec. 12.20. Penalty.

Except as otherwise provided, any person who violates any provision of this chapter or who fails to obtain a license or permit as required by this chapter, shall be subject to a penalty as provided in section 25.04 of this Code.

(Code 2011, § 12.20)

Chapter 13 MUNICIPAL UTILITIES

Sec. 13.01. Management of utilities.

Sec. 13.02. City utilities.

Sec. 13.03. Water and electric utility rates.

Sec. 13.04. Water and sanitary sewer extension outside city limits.

Sec. 13.05. Sewer utility.

Sec. 13.06. Cross connection control and backflow prevention.

Sec. 13.065. Water conservation controls.

Sec. 13.066. Lead water service line replacement.

Sec. 13.07. Well abandonment.

Sec. 13.08. Communications utility.

Sec. 13.09. Reserved.

Sec. 13.10. Penalty.

Sec. 13.01. Management of utilities.

The utility commission shall manage, operate, and control the city electric, water, and communications utilities and shall have all of the powers described by Wis. Stats. § 66.0805 and section 1.32 of this Code.

(Code 2011, § 13.01)

Sec. 13.02. City utilities.

(1) *Organization*. The utility commission and the city clerk-treasurer shall constitute and be designated as the city utilities.

(2) *Operating rules*.

(a) All persons now receiving a water supply or electricity from the utility, or who may make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the state public service commission.

(b) Public service commission rules adopted. The following provisions of Wis. Admin. Code chs. PSC 113 and 185 are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in section 13.10

Electric Utility

Section 113.131	Deposits
Section 113.132	Disconnection and refusal of service
Section 113.133	Deferred payment agreement
Section 113.134	Dispute procedure

Water Utility

Section 185.11	Authorization for and application of rules
Section 185.12	Definitions
Section 185.13	General requirements
Section 185.15	Free of discriminatory service prohibited
Section 185.16	Protection of utility facilities
Section 185.17	Interference with public service structures
Section 185.18	Location of records

Section 185.19	Retention of records
Section 185.21	Schedules to be filed with the commission
Section 185.22	Information available to customers
Section 185.31	Metered service
Section 185.32	Meter readings and billing periods
Section 185.33	Billing
Section 185.35	Adjustment of bills
Section 185.36	Deposits
Section 185.37	Disconnection and refusal of service
Section 185.38	Deferred payment agreement
Section 185.39	Dispute procedures
Section 185.41	Employees authorized to enter customers' premises
Section 185.42	Customer complaints
Section 185.43	Construction records
Section 185.44	Records and reports of service interruptions
Section 185.45	Pumpage records
Section 185.46	Meeting equipment records
Section 185.47	Other records
Section 185.51	Requirement for good engineering practice
Section 185.52	Construction standards

Section 185.61	Meters
Section 185.65	Accuracy requirements for customer meters
Section 185.71	Meter testing facilities and equipment
Section 185.72	Calibration of meter testing equipment
Section 185.73	Testing of customer meters
Section 185.74	Test flows
Section 185.75	Required tests of customer meters
Section 185.76	Periodic tests
Section 185.77	Complaint tests
Section 185.78	Referee tests
Section 185.79	Testing of metering installations having remote registers
Section 185.795	Jumpering meter settings
Section 185.81	Quality of water.
Section 185.815	Adequacy of water supply
Section 185.82	Pressure standards
Section 185.83	Station meters
Section 185.84	Emergency operation
Section 185.85	System losses
Section 185.86	Flushing mains
Section 185.87	Operation of distribution system valves and hydrants

Section 185.88	Interruptions of service
Section 185.89	Thawing frozen services

;adv=6;(Code 2011, § 13.02)

Sec. 13.03. Water and electric utility rates.

The water and electric utility rates shall be enacted by ordinance or resolution of the city council and shall be filed with and approved by the state public service commission.

(Code 2011, § 13.03)

Sec. 13.04. Water and sanitary sewer extension outside city limits.

(1) No water or sanitary sewer services shall be extended outside the city limits, provided that services presently provided for existing homes or buildings located outside the city limits shall continue to be served.

(2) An official listing of the present water services extended outside the city limits is on file at the office of the city utilities.

(Code 2011, § 13.04)

Sec. 13.05. Sewer utility.

(1) *Definitions*. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees, expressed as mg/l. Quantitative determination of BOD shall be made in accordance with procedures set forth in the standard methods.

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 a house connection.

Category A means sanitary sewer users who discharge normal domestic wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Category B means sanitary sewer users who discharge wastewater with concentrations of BOD greater than 190 mg/l, suspended solids greater than 240 mg/l, or phosphorus greater than eight mg/l.

Chlorine requirement means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in the standard methods.

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, does remove such pollutants to a substantial degree.

District refers to the Heart of the Valley Metropolitan Sewerage District (HOVMSD), a multigovernmental, regional district supervised and regulated by the Heart of the Valley Metropolitan Sewerage Commission.

District approving authority means the district engineer/manager or other authorized representatives of the district.

District wastewater collection facilities or *district wastewater collection system* means the district interceptor sewer and the metering stations, both of which are owned, operated, and maintained by the HOVMSD.

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.

Grantee means the district, for those projects in which the district receives federal funding, or the city for those projects in which the city receives federal funding.

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 two inches in any dimension.

Heart of the Valley Metropolitan Sewerage Commission means the sovereign governing body of the Heart of the Valley Metropolitan Sewerage District.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial user. Per Federal Register, Vol. 43, No. 188, September 27, 1978, quoted as follows:

(a) Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A	Agriculture, forestry, and fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, communications, electric, gas, and sanitary services
Division I	Services

(b) Discharges in subsection 1 of this definition that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users and containing 200 mg/l BOD and 250 mg/l SS.

Industrial waste means wastewater from industrial process, trade, or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

(a) Has a flow of 50,000 gallons or more per average workday;

(b) Has a 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. § 147.07(1); 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 city engineer or his duly authorized representatives.

Municipality means the city.

Municipal wastewater collection facilities or *municipal wastewater collection system* means the city sewer systems, structures, equipment, and processes required to collect and carry away wastewater. These city wastewater collection facilities, which are owned, operated, and maintained by the city, extend to the influent point of each of the metering stations.

Natural outlet means any outlet, including storm sewers and combined sewer that overflows into a watercourse, pond, ditch, lake, or other body of surface water or groundwaters.

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Operation and maintenance costs means 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.

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 persons, including any individual, firm, company, city, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH means the reciprocal of the logarithm of the hydrogen-concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7.0 and a hydrogen-ion concentration of ten to seven.

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 service life of the wastewater treatment facility to maintain the service life of the wastewater treatment facility 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, together with such groundwaters, surface waters, and stormwaters as may be present.

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.

Segregated domestic wastes means wastes from residential sources resulting from normal domestic activities which are measurable and set apart from industrial, trade, cooling water, and process discharge wastes.

Sewage means the spent water of a community. See *Wastewater.*

Sewer means a pipe or conduit that carries wastewater or drainage water.

Shall; may. The term "shall" is mandatory; the term "may" is permissible.

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 the standard methods, and 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 benefitted 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 the facilities.

Wastewater means the spent water of a community. From the standpoint of source, wastewater 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 system means the district and city 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 used as synonymous with 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 department of natural resources which establishes effluent limitations and monitoring requirements for the district's wastewater treatment facility. WPDES Permit No. WI-0031232-2 and modifications thereof pertain to the district's wastewater treatment facility.

(2) *Use of the public sewers*.

(a) *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted wastes, 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 district approving authority.

(b) *Storm sewers*. Stormwater, other than that exempted under subsection (2)(a) of this section, 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 district approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the district approving authority to a storm sewer, combined sewer, or natural outlet.

(c) *Prohibitions and limitations*. Except as provided in this subsection, no person shall discharge or cause to be discharged any of the following prescribed 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 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 5.5 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 9.0.

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.

6. The following described substances, materials, waters, or wastes shall be limited in discharges to city 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, or public property, or constitute a nuisance. The district approving authority may set limitations lower than the limitations established in this section if, in his opinion, more severe limitations are necessary to meet the objectives of this section. In forming his opinion as to the acceptability, the district 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 waste or wastewater discharged to the sanitary sewers which shall not be violated without approval of the district approving authority are as follows:

   a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

   b. Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

   c. Wastewater from industrial plants containing floatable oils, fat, or grease.

   d. 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.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the district approving authority for such materials.

f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the district approving authority.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district approving authority in compliance with applicable state or federal regulations.

h. Quantities of flow, concentrations or both which constitute slug, as defined in subsection (1) of this section.

i. 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.

j. Any water or wastes which, by interaction with other water 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.

k. Materials which exert or cause:

i. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

ii. Unusual volume of flow or concentration of wastes constituting slugs.

iii. 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.

iv. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.

7. The city shall comply with all the appropriate requirements of the district's WPDES Permit No. WI-0031232-2 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.

(d) *Special arrangements*. No statement contained in this section shall be construed as prohibiting any special agreement between the district 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 by reason of the admission of such wastes, and no extra costs are incurred by the district or city without recompense by the person, provided, further, that all rates and provisions set forth in this section are recognized and adhered to.

(e) *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.

(3) *Control of industrial wastes directed to public sewers*.

(a) *Submission of basic data*. Within three months after passage of the rules and regulations of the district, each person who discharges industrial wastes to a public sewer shall prepare and file with the district 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 subsequently provided annually at a time specified by the district approving authority. The following forms or the information needed to complete them will be accepted:

1. Annual NR Effluent Reporting Form.
2. Form 3400-28 Industrial Waste Contribution to Municipal System.

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 district approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. The above shall comply with the WPDES Permit No. WI-0031232-2.

(b) *Extension of time*. 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 subsection (3)(a) of this section, a request for extension of time may be presented to the district approving authority for consideration.

(c) *Industrial discharges*. 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 subsection (2) of this section and which, in the judgment of the district approving authority, have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the district approving authority may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (2)(d) of this section.

(d) *Control manholes*.

1. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
2. Control manholes or access facilities shall be located and built in a manner acceptable to the district approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the district approving authority.
3. Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him 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 district approving authority prior to the beginning of construction.

(e) *Measurement of flow*. 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 (f) and (g) of this section.

(f) *Provision of deductions*. In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the district approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then 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 district approving authority and the person.

(g) *Metering of waste*. Devices for measuring the volume of waste discharged may be required by the district 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 district approving authority.

(h) *Waste sampling*.

1. 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 as often as may be deemed necessary by the district approving authority.

2. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the district approving authority.

3. 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 district approving authority. Access to sampling locations shall be granted to the district approving authority or its duly authorized representative at all times. 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.

(i) *Pretreatment*. Where required, in the opinion of the district 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 his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.

(j) *Grease, oil and sand interceptors*. Grease, oil, and sand interceptors shall be provided when, in the opinion of the district approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (2)(c)6.c of this section, 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 district approving authority and shall be located 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 district approving authority. Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable department of natural resources practice.

(k) *Analyses*.

1. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods of Examination of Water and Wastewater," published by the American Public Health Association, and with 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the district approving authority.

2. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the district approving authority. The district approval authority may also make its own analyses on the

wastes and these determinations shall be binding as a basis for user charges and industrial cost recovery charges.

a. *Submission of information.* Plans, specifications, and any other pertinent information relative to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the district approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

(4) *Basis for sewer user charges*.

(a) *Sewer users served by water utility water meters*. There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater 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 by the water utility water meter used upon the premises.

(b) *Sewer users served by private wells*. If any person discharging sewer into the public sanitary sewer system procures any part or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall either:

1. Have water meters installed by the water utility at his expense for the purpose of determining the volume of water obtained from these sources; or

2. Be charged a flat user charge. This flat charge will be determined by computing the average monthly residential user charge.

The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter. The water utility will charge, for each meter, a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter. Requests for a second meter or metered service must be made in writing to the district.

(5) *Amount of user charges*.

(a) *Category A.* Normal domestic wastewater having concentrations of BOD no greater than 250 mg/l, suspended solids no greater than 300 mg/l, and phosphorus no greater than eight mg/l. The user charge for Category A wastewater is as follows:

Volume charge: effective January 1, 2012, $6.50 per 100 cubic feet shall be designated for sanitary sewer utility services.

(b) *Category B*. Wastewater having concentrations of BOD greater than 250 mg/l, suspended solids greater than 300 mg/l, or phosphorous greater than 8 mg/l. The minimum category B charge will be based on a concentration of not less than 250 mg/l for BOD, 300 mg/l for suspended solids, and eight mg/l for phosphorus. The user charge for category B wastewater is as follows:

Volume charge: effective January 1, 2012, $6.50 per 100 cubic feet shall be designated for sanitary sewer utility services.

Surcharge:

BOD	Greater than 250 mg/l	$0.309 per lb
Suspended solids	Greater than 300 mg/l	$0.325 per lb
Phosphorus	Greater than 8 mg/l	$6.577 per lb

Ammonia-N	Greater than 0 mg/l	$0.913 per lb
Chlorides	Greater than 0 mg/l	$0.004 per lb

The category B user charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the formula below:

$$C = F + (V \times C_V) + 0.00624V[(B \times C_B) + (S \times C_S) + (P \times C_P) + (A \times C_A) + (Cl \times C_C)]$$

Where:

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 (concentration minus 250 mg/l equals B)
S	Concentration of suspended solids in mg/l in the wastewater (concentration minus 300 mg/l equals S)
P	Concentration of phosphorus in mg/l of wastewater (concentration minus 8 mg/l equals P)
A	Concentration of ammonia-N in mg/l of wastewater (concentration minus 0 mg/l equals A
Cl	Concentration of chlorides in mg/l of wastewater (concentration minus 0 mg/l equals CL
V	Wastewater volume in 100 cubic feet for the billing period
C_V	Cost per 100 cubic feet
C_B	Cost per pound of BOD
C_S	Cost per pound of suspended solids
C_P	Cost per pound of phosphorus
C_A	Cost per pound of ammonia-N
C_C	Cost per pound of chlorides

0.00624	Conversion factor

(c) *Reassignment of sewer users*. The district approving authority will reassign sewer users into appropriate user charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

(d) *Replacement fund account*. The annual replacement revenues shall be maintained in a separate account by the district to be used solely for the purpose of purchasing replacement parts and equipment. Funds may be withdrawn from this account for the authorized use only with the approval of the district approving authority.

(e) *Disposal of septic tank sludge and holding tank sewage*.

1. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the district approving authority. Written application for the permit shall be made to the district approving authority and shall state the name and address of the applicant, the number of its disposal units and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of $25.00 per calendar year. The time and place of disposal will be designated by the district approving authority.

2. The district approving authority may impose such conditions as it deems necessary on any permit granted.

3. Any person disposing of septic tank sludge or holding tank sewage agrees 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 his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.

4. All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person so disposing agrees that he will comply with the provisions of any 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, nor allow any earth, sand, or other solid material to pass into any part of the sewerage system.

5. Persons with a permit for disposing of septic tank sludge or holding tank sewage into the wastewater collection and treatment facilities shall be charged at the rate established by the district and currently in effect.

6. Payments for disposal of septic tank sludge or holding tank sewage shall be made to the district at P.O. Box 187, Kaukauna, Wisconsin. If the material is disposed of into one of the city's sanitary sewers, the district shall credit the city for the full amount of the disposal charge.

7. The person disposing waste agrees to indemnify and hold harmless the city and district from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(f) *Minimum monthly fee*. A minimum monthly sewer user fee of $3.00 per month per initial meter or sewer customer shall be charged in addition to the fees as provided in this section.

(g) *Maximum sewer user fee for the summer months*. During the summer months of May through September, the maximum sewer user fee charged to residential customers during any month

shall not exceed 120 percent of the average sewer user fee charged to the residence if occupied during the preceding winter months of October through April. If a user is in a new residence which does not have seven previous winter months user fees for averaging purposes, the user's winter average will be based on a citywide average established by the city utilities.

(6) *Reserved.*

(7) *Billing practice*.

(a) *Calculation of user charges*. User charges assessed to city sewer users shall be computed by the city according to the rates and formulas presented in subsection (5) of this section.

(b) *User charge billing period*. User charges shall be billed by the city to the sewer users on a monthly basis.

(c) *Payment of user charges*. Persons billed by the city for user charges shall pay such charges within 20 days after the billing date at the water department.

(d) *Penalty*. Such user charges levied by the city against the sewer users in accordance with this section shall be a debt due the city and shall be a lien upon the property. If this debt is not paid within 20 days after its due date, a three percent penalty shall be added thereto. In addition, the debt shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating this penalty.

(8) *Right of entry, safety, and identification*.

(a) *Right of entry*. The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this section and Wis. Stats. § 200.11. The district and municipal approving authorities, or other duly authorized employees of the district and municipality, 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, waterways, or wastewater treatment facilities.

(b) *Safety*. While performing the necessary work on private premises referred to in subsection (8)(a) of this section, the duly authorized district and municipal employees shall observe all safety rules applicable to the premises established by the person, and the district or municipality shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by district or municipal employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in subsection (3)(d) of this section.

(c) *Identification, right to enter easements*. The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the district or the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of this duly negotiated easement.

(9) *Sanitary sewer construction and sanitary sewer reconstruction*.

(a) *Purpose*. The city is undertaking the systematic reconstruction of the public sewer system lying within the corporate limits. Metering records taken by the Heart of the Valley Metropolitan Sewage District at the downstream end of the city's system indicate the presence of an abnormal amount of clear water entering into the sanitary sewer system. The presence of this clear water reduces available capacity to all system users and causes system overloads that are manifested in reduced treatment plant capacity, environmental degradation, and the potential for flooded basements, all of which are detrimental to the citizens of the community.

The city recognizes that its public sewer system has a finite life, and in many cases has exceeded the useful life of the system. The city also recognizes that private building sewers possess many of the same characteristics as the public sewer system.

(b) *Work must be authorized*. No person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer appurtenance thereof without first obtaining a written permit from the building inspector and, if any work will occur in the street right-of-way, a permit from the city engineer as provided in section 8.06(1).

(c) *Cost of sewer connection*. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner, or property owner's representative shall indemnify the city for any loss or damage that may, directly or indirectly, be sustained by the city or third parties by installation of the building sewer. The original installation of the sanitary sewer mains and lateral connections by contractors hired by the city are paid for by special assessment. Reconstruction of sanitary sewer mains is paid by the city. All costs of repairs or reconstruction of private building sewers and of establishment of a new connection to an existing public sewer are the responsibility of the property owner. The property owner shall restore all public property disturbed in the course of work in a manner satisfactory to the city engineer.

(d) *New construction inspection*. No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the plumbing inspector or some other person authorized to make such inspection by the city. Before any such connection shall be covered, the person making the inspection on behalf of the city shall endorse the approval of the same upon the permit. No connection shall be made to any sewer main except through a "Y" branch unless especially authorized by the plumbing inspector. Connections to the sewer mains shall be four inches in diameter unless otherwise permitted or required by the plumbing inspector.

(e) *Use of old building sewers*. In areas which are undergoing sanitary sewer reconstruction, old building sewers are deemed deficient unless otherwise established by qualified testing results provided by the property owner to the plumbing inspector.

(f) *Building sewer 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 shall be lifted by an approved means and discharged to the building sewer.

(g) *Stormwater and groundwater drain prohibition*.

1. No person shall discharge, or cause to be discharged, into any sanitary sewer any stormwater, surface water, groundwater, roof run-off, subsurface drainage, or uncontaminated cooling waters. All stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers wherever reasonably available; provided, further, that if no storm sewer is available, in no event shall any of such waters be discharged into any sanitary sewer.

2. All sump pumps installed for the purpose of discharging clear waters from foundation drains, basement drains and ground infiltration shall discharge into a storm sewer wherever available or, if no storm sewer is available, shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three feet from the building and is above permanent grade. No sump pump discharge to grade shall be allowed to flow on or across a public sidewalk or onto adjoining properties, except within a stormwater easement.

3. In carrying out the provisions of this section, the city engineer or the plumbing inspector or his designated representatives shall have authority to enter upon private premises at reasonable times to determine whether any of the water drainage described in this subsection (g) exists thereon and whether such drainage complies with the provisions of this section. In carrying out this authority, the city engineer, plumbing inspector or other

authorized department employee shall comply with the provisions of Wis. Stats. § 66.0119, if applicable.

4. Presumptive violations. It shall be rebuttably presumed that clear water is being discharged into the sanitary sewer if:

   a. Existing sump pumps or other means of clear water discharge are, or can be readily connected to drains, pipes, or other mechanisms of discharge which are connected to the sanitary sewer drain serving the premises.

   b. After due notice and request to the owner for inspection access, as provided in subsection (9)(g)3 of this section, the request is ignored or denied by the property owner.

5. Sump pump discharge to grade shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 of each year.

6. Where existing drain tile is not in compliance with Wis. Admin. Code § SPS 321.17(e), such tile shall be brought into compliance with the requirements of Wis. Admin. Code § SPS 321.17(e).

(h) *Conformance to plumbing codes*. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the city or the procedures set forth in appropriate specifications of the latest edition of the state plumbing codes. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the plumbing inspector before installation.

(i) *System reconstruction*.

1. *Inspection required*. The city engineer or plumbing inspector shall inspect all private connections to the public mains at the time that the public system is to be reconstructed:

   a. Any existing private sewer lateral not meeting the requirements of this section shall be considered illegal.

   b. Prior to the actual reconstruction of the sanitary sewer system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.

   c. As the reconstruction progresses, the city engineer or plumbing inspector shall inspect each private sewer connection for conformance with this section or, in the event inspection has been made previously, determine the condition of the private sewer connection from inspection records.

   d. In the event that the private system meets the requirements of this section, the city shall reconnect the private system to the public system at an appropriate point near the right-of-way line.

   e. In the event that the private sewer is found not to meet the requirements of this section, the city engineer or plumbing inspector shall immediately notify the owner, in writing, of the determined deficiencies.

2. *Owner to correct deficiencies*. The owner shall, at the owner's expense, make the necessary repairs to correct the deficiencies. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:

   a. Contract with a licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice of deficiency under subsection (9)(i)1.e of this section, proof of arrangements for repair shall be provided to the city engineer or building inspector and within 30 days of the giving of notice the repairs shall be completed.

   b. Have the city contractors, if available, complete the repair.

i. The city may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building sewers.

ii. If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in eight annual installments or less plus interest as provided in section 8.03(2)(j).

(j) *System requirements; new construction and system reconstruction*.

1. *Minimum standards*. All sanitary sewer mains and laterals, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.

2. *Code compliance*. All work, construction techniques, and materials incorporated into the project shall be in strict conformance with state and local codes and the "Standard Specifications for Sewer and Water Construction in Wisconsin," (current edition).

3. *Defects requiring repair*. Repairs to sanitary sewer laterals are required when any of the following are discovered:

a. Any visible leak.

b. Open, improperly formed, or root-intruded joints.

c. Use of improper materials, such as clay, transite, Orangeburg pipe or similar materials.

d. Improper connections, such as a palmer valve.

(k) *Required clear water inspections of residential properties*.

1. No person shall sell, transfer or convey ownership of any one- or two-family residential building that is serviced by sanitary sewer until such time as a clear water inspection has been made and compliance approved by the building inspection department as provided in this section. Changing ownership or accepting change of ownership without such an inspection shall constitute a violation of this section and shall be subject to penalties as set forth in section 13.10. Transfers exempt from payment of a state real estate transfer fee by Wis. Stats. § 77.25 are exempt from this inspection.

2. The building inspection department shall, upon request, conduct an inspection of the premises to determine compliance with the provisions of this section as they relate to illegal surface water and groundwater connections into the sanitary sewer system. Such inspections shall occur prior to the sale, transfer or conveyance of title of any such building.

3. A notice of noncompliance shall be issued by the building inspection department to the owner of record of any residential building to be found not in compliance with the provisions of this section. This notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.

4. In order to avoid delay or prevent sale of a property affected by this section, a buyer or transferee may file with the building inspection department evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with this section, along with evidence that adequate funds have been escrowed to complete the work. Compliance shall be met within the time limits set forth in subsection (9)k.3 of this section. Also, a stipulation signed by the buyer or transferee shall be filed agreeing to bring the property into compliance with this section within the applicable time limits. The evidence and stipulation may only be filed after the inspection provided in subsection (9)k.2 of this section, is made. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall subject the buyer or transferee to the penalties as set forth in section 13.10

5. An inspection finding compliance only indicates that, so far as can be reasonably determined by visual inspection of the premises and review of city records, the premises meets the requirements of this section. Neither the city nor its inspectors assume any liability in the inspection findings, whether compliant or not, and there is no guarantee or warranty of the condition of the premises inspected.

6. The city will not be liable for any unsafe or unsanitary condition that may exist in any building that is being inspected for clear water compliance. However, if such conditions exist and are noticed by an inspector, orders to correct such conditions may be issued pursuant to applicable chapters of this Code.

(10) *Violations, abatement procedures, and penalties*.

(a) *Violations*. Violation of any provision of this section or any other rule or order lawfully promulgated by the city council shall be deemed a public nuisance.

(b) *Enforcement*. The municipal approving authority shall enforce those provisions of this section that come within the jurisdiction of his office, and he shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the municipal approving authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied himself that a nuisance does in fact exist.

(c) *Summary abatement*. If the municipal approving authority determines that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the municipal approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

(d) *Abatement after notice*. If the municipal approving authority determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (10)(c) of this section.

(dm) *Violation service charge*. As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding repair of deficient laterals, preventing the inflow of clear water into the sanitary sewer system or connecting to available storm sewer laterals, the city engineer may, no sooner than 30 days after the giving of notice as provided in subsection (9)(i)1.e of this section, notify the city finance department to bill, or arrange for billing of, the owner of the property in noncompliance a service charge of $50.00 per month, pursuant to Wis. Stats. § 66.0821.

(e) *Other methods not excluded*. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the city or its official in accordance with the laws of the state.

(f) *Court order*. Except when necessary under subsection (10)(c) of this section, the municipal approving authority shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

(g) *Cost of abatement*. In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.

(h) *Continued violations*. Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than $200.00 together with the costs of

prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.

(i) *Liability to city and district for losses*.

1. Any person violating any provisions of this section shall become liable to the city and district for any expense, loss, or damage occasioned by reason of such violation which the city and district may suffer as a result thereof.

2. If any violations affect the district wastewater collection and treatment facilities, as well as the municipal sanitary sewer system, the district may penalize the violator independently and concurrently with the city according to the district's rules and regulations.

3. The district approving authority must be notified immediately by any person becoming aware of any violations that occur.

(11) *Appeals*; *procedures.*

(a) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including a cease and desist order, made by the municipal approving authority interpreting or implementing the provisions of this section, or in any permit issued in this section, may file with the municipal approving authority a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The municipal approving authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the municipal approving authority is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the board of public works.

(b) A fee in the amount established by the city council shall accompany any appeal to the board of public works for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

(c) The written appeal shall be heard by the board of public works within 30 days from the date of filing. The board of public works shall make a final ruling on the appeal within 60 days from the date of filing.

(12) *Validity*.

(a) *Superseding previous ordinances*. This section governing sewer use, industrial wastewater discharges, user charges, and sewer connections and construction shall supersede all previous ordinances.

(b) *Amendments*. The city, through its duly authorized officers, reserves the right to amend this section, in part or in whole, whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment. Notice of the proposed changes and hearing thereon shall be published as a Class 2 notice under Wis. Stats. ch. 985.

(c) *Conflict with district's rules and regulations*. If any provisions of the rules and regulations of the district are in conflict with this section, the more strict of the two shall control.

(13) *Annual audit*. The city shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion between users and user classes of the user charge system, and to ensure that adequate revenues are available to meet the charges assessed to the city by the district. Copies of the city annual audit reports shall be submitted to the district approving authority after the city annual audits have been completed.

(Code 2011, § 13.05; Ord. No. 1680, 10-16-2012; Ord. No. 1705, 12-16-2014)

Sec. 13.06. Cross connection control and backflow prevention.

(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:

Backflow means the undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the city utility ("utility") water distribution pipes of the potable supply of water from any source.

Backflow preventer means a device or a means designed to prevent backflow caused by backpressure or back-siphonage. These devices are most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.

Backpressure means an elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam or air pressure) above the utility supply pressure, which would cause, or tend to cause, a reversal of the normal direction of flow.

Back-siphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of the utility's potable water supply system from any source caused by the sudden reduction of pressure in the utility potable water supply system.

Cross-connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) *Cross-connections prohibited.* 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 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 utility and by the state department of natural resources.

(3) *Inspections*. It shall be the duty of the utility to cause inspections to be made of all properties serviced by the utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the utility shall be inspected on a ten-year interval. All nonresidential properties serviced by the utility shall be inspected on a two-year interval. The utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the utility, the utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a state certified cross-connection inspector/surveyor or by a state licensed plumber. The frequency of required inspections and reinspections, based on potential health hazards involved, may be shortened by the utility. The utility shall charge fees as approved by the state public service commission for on-premises follow-up visits by utility personnel for reinspection due to customer noncompliance and for after-hours inspections or reinspections.

(4) *Right of entry*. Upon presentation of credentials, representatives 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 of the utility for cross-connections. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon 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.

(5) *Authority to discontinue service*. The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, or whose owner, lessee, or occupant has failed to allow an inspection for cross-connections, 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 if the means of backflow prevention required by the utility is not installed, tested, maintained and repaired in compliance with this section and Wis. Admin. Code § NR 810.15 or if it is found that the means of backflow prevention required by this section has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing before the city utility commission, except as provided in subsection (7) of this section.

(6) *Reconnection of service*. Water service to any property discontinued under the provisions of this section shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the utility has been installed in compliance with the provisions of this section. The utility shall charge fees as approved by the state public service commission for the reconnection of the water service.

(7) *Emergency discontinuance of service*. If it is determined by the utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing within ten days of such emergency discontinuance. Such hearing shall be before the city utility commission and shall conform to all existing due process requirements.

(8) *Owner responsibility*. The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wis. Admin. Code §§ NR 810.15 and SPS 382. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventers on their premises. The property owner shall inform the utility of any proposed or modified cross-connections and also any existing cross-connections which are not protected by an approved backflow prevention device. The property owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Property owners who cannot shut down operation for testing of the backflow prevention devices must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer.

(9) *Additional protection*. In the case of premises having internal cross-connections that cannot be permanently corrected or controlled; or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and car wash establishments. In the case of any premises where, in the opinion of the utility, an undue health threat is posed because of the presence of toxic substances, the utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of the utility.

(10) *Wisconsin Administrative Code*. Wis. Admin. Code ch. Comm. 82, is hereby adopted, except any penalty provisions therein. Wis. Admin. Code § NR 810.15 is hereby adopted.

(11) *Plumbing codes.* This section does not supersede the state plumbing code, Wis. Admin. Code chs. SPS 381 through 387 or section 14.15 of this Code, but is supplementary to them.

(12) *Recommended practice*. The property owner will be required to follow the recommended protection practices described in the American Water Works Association publication #AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the utility.

(Code 2011, § 13.06)

Sec. 13.065. Water conservation controls.

(1) *Application*. This section shall apply to all real property, whether residential, commercial, industrial, agricultural, or institutional in the city.

(2) *Water conservation standards*. No person, firm, partnership, corporation, limited liability company, limited partnership or other entity shall apply water to a lawn, grass, trees, garden, shrubs, landscaping or other outside plantings with water procured from city utilities, except as permitted by this section.

(3) *Time limits for outside watering*.

(a) Real property assigned even-numbered mailing addresses shall be permitted to make such above described use of water on even-numbered calendar days before 11:00 a.m. and after 6:00 p.m. central daylight time. There shall be absolutely no such use of water between 11:00 a.m. and 6:00 p.m. central daylight time.

(b) Real property assigned odd-numbered mailing addresses shall be permitted to make such use of water on odd-numbered calendar days before 11:00 a.m. and after 6:00 p.m. central daylight time. There shall be absolutely no such use of water between 11:00 a.m. and 6:00 p.m. central daylight time.

(4) *Exceptions*. The following exceptions to limits for outside watering shall apply:

(a) *Newly seeded lawns/newly sod lawns*. Newly seeded and newly sod lawns may be watered every day for not more than 30 days from their seeding or sodding, but only before 11:00 a.m. and after 6:00 p.m. central daylight time.

(b) *Handheld devices and children's water toys*. Lawns, trees, shrubs, and other outside plants may be watered by handheld devices, such as sprinkling cans, sprayers, and hoses at any time. Children's water toys may be used at any time.

(c) *Special cases.* The city utilities' water superintendent or his designee may permit such water usage outside the restriction imposed in this section in exceptional circumstances.

(5) *Emergencies*. Notwithstanding any other provisions herein, whenever, in the opinion of the city utilities' water superintendent, a need to limit water use exists due to weather conditions, extraordinary water usage, electrical power outages or other causes, the city water superintendent may, for such time as the need for water use limitation exists, issue orders and regulations, alter days and hours of permitted use and impose additional terms, conditions and restrictions to prevent unessential use of water.

(6) *Enforcement*. The general manager and the water superintendent of city utilities, or their designees, as well as city police officers, shall have the authority to issue city court citations or complaints for violations of this section.

(7) *Penalties*.

(a) *First offense*. Any person who shall violate any of the provisions, including emergency restrictions, of this section shall, upon conviction thereof, forfeit not less than $10.00 or more than $25.00 together with court surcharges and costs of prosecution.

(b) *Second and subsequent offenses*. Any person found guilty of violating any provision of this section, who shall previously have been convicted of a violation of this water conservation ordinance within one year shall, upon conviction thereof, forfeit not less than $25.00 nor more than $100.00 for each such offense together with court surcharges and costs of prosecution. The interval between offenses shall be determined by the offense dates, not conviction dates.

(c) *Continued violations*. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this section shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this section.

(d) *Other remedies*. The city shall have any and all other remedies afforded by the state law in addition to the forfeiture, surcharges and costs of prosecution above.

(Code 2011, § 13.065)

Sec. 13.066. Lead water service line replacement.

(1) *Intent and purpose*. The common council of the city finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the city utilities water system and in private systems and, to that end, declares the purposes of this section to be as follows:

(a) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal law;

(b) To reduce the lead in city drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in city drinking water for the health of city residents;

(c) To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and

(d) To meet the Wisconsin Department of Natural Resource (WDNR) requirements for local compliance with the Lead and Copper Rule (see 56 CFR 6460, 40 CFR parts 141.80—141.90 and Wis. Admin. Code §§ NR 809.541—809.55).

(2) *Water system reconstruction*.

(a) *Inspection required*. The utility water superintendent or his designee shall inspect all private connections to the public water mains at the time that the utility system is to be reconstructed:

1. Any existing private lead water lateral shall be considered illegal.

2. Prior to the actual reconstruction of the water main and lateral system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.

3. As the reconstruction progresses, the utility water superintendent or his designee shall inspect each private water lateral connection for the presence of lead or, in the event inspection had been made previously, determine the condition of the private water connection from inspection records.

4. In the event that the private water lateral does not contain lead, the city shall reconnect the same to the utility system at an appropriate point near the right-of-way line.

5. In the event that the private water lateral is found to contain lead, the utility water superintendent or his designee shall immediately notify the owner in writing of that fact.

(b) *Owner to replace lead service*. The owner shall, at the owner's expense, replace the lead service. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:

1. Contract with licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice of deficiency under subsection (2)(a)5 of this section, proof of arrangements for repair shall be provided to the utility water superintendent or his designee and within 30 days of the giving of notice the repairs shall be completed.

2. Have the city contractors, if available, complete the repair.

a. The city may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building water laterals.

b. If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in eight annual installments or less plus interest, as provided in section 8.03(2)j of this Code.

(3) *Authority to discontinue service*. As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding replacement of illegal private water laterals, the utility may, no sooner than 30 days after the giving of notice as provided in subsection (2)(a)5 of this section, discontinue water service to such property served by illegal private water lateral after reasonable notice and an opportunity for hearing before the city utility commission under Wis. Stats. ch. 68.

(Code 2011, § 13.066)

Sec. 13.07. Well abandonment.

(1) *Purpose*. The purpose of this section is to prevent contamination of groundwater and to protect public health, safety, and welfare by assuring that unused, unsafe, or noncomplying wells, wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the city water system are properly abandoned.

(2) *Applicability*. This section applies to all wells located on premises served by the city water system.

(3) *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:

Municipal water system means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 yearround residents, owned or operated by a city, village, county, town, town sanitary district, utility district, or public institution, as defined in Wis. Stats. § 49.10(12)(f)1 or a privately owned water utility serving any of the above.

Noncomplying means a well or pump installation which does not comply with the provisions of Wis. Admin. Code ch. NR 812 in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.

Pump installation means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of standards of Wis. Admin. Code ch. NR 809 or 140 or for which a health advisory has been issued by the department of natural resources.

Unused means a well or pump installation which is not in use or does not have a functional pumping system.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

Well abandonment means the filling and sealing of a well according to the provisions of Wis. Admin. Code ch. NR 812.

(4) *Abandonment required*. All wells located on premises served by the city water system shall be abandoned in accordance with the terms of this section and Wis. Admin. Code ch. NR 812, by December 31, 1991, or no later than one year from the date of connection to the city water system,

whichever occurs last, unless a well operation permit has been obtained by the well owner from the city water utility.

(5) *Well operation permit*. The city water utility may grant a permit to a private well owner to operate a well for a period not to exceed five years, provided that the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The utility or its agent may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the utility. The following conditions must be met for issuance or renewal of a well operation permit:

(a) The well and pump installations meet or are upgraded to meet the requirements of Wis. Admin. Code ch. NR 812.

(b) The well construction and pump installation have a history of producing water that is bacteriologically safe, as evidenced by at least two samplings taken a minimum of two weeks apart, and does not contain arsenic in exceedance of the maximum contaminant level established by Wis. Admin. Code § NR 809.11. No exception to this condition may be made for unsafe wells unless the department of natural resources approves in writing the continued use of the well.

(c) There are no cross-connections between the well and pump installation and the city water system.

(d) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the city water system.

(6) *Abandonment procedures*.

(a) All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and methods of Wis. Admin. Code ch. NR 812. All debris, pump, piping, unsealed liners, and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well or the owner's agent shall notify the utility at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by water department personnel.

(c) An abandonment report form supplied by the department of natural resources shall be submitted by the well owner to the utility and the department of natural resources within ten days of the completion of the well abandonment.

(Code 2011, § 13.07)

Sec. 13.08. Communications utility.

(1) *Creation of communications utility*. Pursuant to Wis. Stats. chs. 62 and 66 and, without limitation, Wis. Stats. § 62.11(5), the city hereby exercises its authority to create a city communications utility.

(2) *Functions*. The communications utility shall be responsible to plan, acquire, construct, extend, improve, maintain, operate, lease, dispose of, regulate, and manage a communications system to be constructed in order to provide, among other things, telecommunications, data, fiber optic, internet, cable television, video, and information services.

(3) *Supervision*. The communications utility is under the management and control of the city utility commission which may exercise all powers necessary or desirable to effect its purposes.

(Code 2011, § 13.08)

Sec. 13.09. Reserved.

Sec. 13.10. Penalty.

Any person who violates any provision of this chapter, or any rule, regulation, or order adopted or made under this chapter, shall be subject to a penalty as provided in section 25.04 of this Code.

(Code 2011, § 13.10)

Chapter 14 BUILDING CODE

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Sec. 14.01. Introduction.

(1) *Content and purpose*. This chapter provides certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings and structures erected, constructed, enlarged, altered, repaired, moved, converted to other uses, or demolished and regulates the equipment, maintenance, use, and occupancy of all such buildings and structures. The purpose of this chapter is to protect and foster the health, safety, and well-being of persons occupying or using such buildings and the general public.

(2) *Scope*. The provisions of this chapter shall apply to all buildings and structures in the city with the exception of the following:

(a) Agricultural buildings used exclusively for farm purposes.

(b) Recreational vehicles and mobile homes. On-site additions to recreational vehicles and mobile homes are not exempt.

(c) Historical buildings designated as such by the federal or state government.

(d) Temporary buildings used exclusively for construction purposes, not exceeding two stories in height and not used as living quarters.

(e) Buildings owned by the federal government. Buildings owned by other than the federal government, but leased to the federal government, are not exempt.

(Code 2011, § 14.01)

Sec. 14.02. Applicability.

(1) *Application*. The provisions of this chapter shall apply to all new construction; all additions and alterations to existing buildings; all remodeling, repairs, and maintenance of existing buildings; building use changes; buildings being moved from one location to another; and demolition of buildings.

(2) *Responsibility*. This chapter shall be binding alike upon every owner of a building; every person in charge of, responsible for, or who causes the construction, repair, or alteration of, any building or structure; and every professional engineer, architect, or other person who shall prepare plans for the construction, alteration, or addition to any building or structure in the city.

(3) *Performance code*. This chapter shall be interpreted and administered as a performance code. No part of this chapter is intended to prohibit or discourage the construction of innovative buildings and structures. Minor variances from this chapter may be approved by the building inspector when those variances comply with the spirit and intent of the provisions specifically cited in this chapter. The building inspector may approve alternative materials or methods of construction when he finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire-resistance, durability, and safety.

(a) *Relationship to other regulations*. This chapter shall not affect violations of any other ordinance, code, or regulation prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed. The provisions of this chapter shall not be construed to prevent the enforcement of other ordinances or regulations of the city or of the state which prescribe standards other than are provided in this chapter. In case of conflicts among such standards, the more restrictive standard shall apply.

(b) *Matters not provided for*. Any requirement essential for structural, fire, or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof and which is not specifically covered by this chapter shall be determined by the building inspector.

(c) *Workmanship*. All work performed under the scope of this chapter shall be conducted, executed, and completed in a workmanlike and acceptable manner so as to secure the results intended by this chapter.

(d) *Maintenance*. All buildings and structures and all parts thereof shall be maintained in a safe condition, and all devices and safeguards which are required at the erection, alteration, addition, or repair of any building shall be maintained in good working order. This subsection shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards, unless authorized in writing by the building inspector. Such maintenance requirements shall apply to all buildings not existing or erected.

(e) *Liability for damages*. This chapter shall not be construed as assuming any liability on the part of the city for damages to anyone injured or for any property destroyed by a defect in any building or element.

(f) *Code availability*. A copy of this chapter shall be kept on file at the office of the building inspector and shall be made available to the public for reference, inspection, and purchase upon request during normal business hours. A copy of the provisions of the state administrative code adopted by reference in section 14.03 shall be kept on file at the office of the building inspector and shall be made available to the public for reference and inspection upon request during normal business hours. Copies of the state administrative code referenced in this chapter may be purchased from the state department of administration.

(Code 2011, § 14.02)

Sec. 14.03. Construction standards.

(1) *Adoption of state codes*. The provisions of the following state administrative codes and subsequent amendments and modifications thereto are hereby adopted by reference and incorporated in this chapter as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this chapter and subject to enforcement and abatement procedures as set forth in section 14.40 and section 14.41

(a) *Electrical code*. Wis. Admin. Code ch. SPS 316.

(b) *Electrical inspection and certification of electrical inspectors and master electricians*. Wis. Admin. Code ch. SPS 317.

(c) *Uniform dwelling code*. Wis. Admin. Code chs. SPS 320—325, excepting therefrom Wis. Admin. Code § SPS 320.05(1), (3) and (5).

(d) *Certification of building inspectors and independent inspection agencies*. Wis. Admin. Code ch. SPS 305.

(e) *Building, heating, ventilation, and air conditioning code*. Wis. Admin. Code chs. SPS 361—365, 370 and 375—379. In accordance with an agreement executed by and between the city and the department of commerce and with Wis. Stats. § 101.12, the building inspector may examine plans, calculations, and specifications for buildings containing less than 50,000 cubic feet of volume and alterations to buildings resulting in less than 100,000 cubic feet of volume. The department of commerce will accept such examination at no cost and the building inspector shall collect fees for examination of the plans for deposit in the city treasury. The fee collected shall be the fee established under section 14.09

(f) *Plumbing code*. Wis. Admin. Code chs. SPS 381—386.

(2) *Referenced standards*. Conformance of construction with the basic building code, a publication of the Building Officials and Code Administrators, Inc., and its appendicized references, as well as the state uniform building code, shall be prima facie evidence of safe construction. Only those standards of workmanship and safety which are within the scope of, but are not clearly described in, the city and state codes and are more clearly detailed or described in the reference code shall be considered recognized standards of good workmanship and safety. No requirements of the referenced code more stringent than or in conflict with this chapter shall be in force, nor shall any definition or term in conflict with those of the city or state codes be applicable to this chapter. Where any requirements of the referenced code are more stringent than the standards of workmanship and safety described or implied in the city or state codes, the city and state code requirements on the particular item shall apply. Major topics appearing in the referenced code and not appearing in either the city or state codes may be considered recognized standards of workmanship and safety at the discretion of the building inspector.

(Code 2011, § 14.03)

Sec. 14.04. Building inspector and building inspection department.

The city building inspection department is hereby created, and the executive official in charge thereof shall be known as the building inspector.

(1) *Department head*. The building inspector shall be a department head and shall be fully covered as a full-time employee.

(2) *Appointment*. The building inspector shall be appointed by the city council and shall not be removed from office, except for cause and after full opportunity to be heard on specific and relevant charges by and before the city council.

(3) *Organization*. The building inspector shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration and enforcement of this chapter and as authorized by the city council.

(4) *Qualifications*. The building inspector shall possess state certifications in the following categories: residential building and framing; residential heating, ventilating, and air conditioning; residential electric, and plumbing; and commercial building. The building inspector shall also possess the necessary qualifications to supervise the general construction and maintenance of all buildings and structures as required by state and local ordinances. The assistant building inspector and other appointed department employees shall possess necessary department of industry, labor, and human relations inspector certifications as mandated by law and other qualifications as required by the building inspector and the city.

(5) *Restrictions on employees*. An official or employee connected with the building inspection department shall not be engaged in or, directly or indirectly, connected with the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of any building within the city or the preparation of plans or of specifications thereof, unless that person is the owner of the building, nor shall such officer or employee engage in any work which conflicts with official duties or with the interest of the city.

(6) *Relief from personal responsibilities*. The building inspector or other department employee charged with the enforcement of this chapter, while acting on behalf of the city, shall not thereby be rendered liable personally and the building inspector or department employee is hereby relieved of all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any department officer or employee because of an act performed by that person in the lawful discharge of duties and under the provisions of this chapter shall be defended by the legal representative of the city until the final termination of the proceedings. The building inspector or any subordinates shall not be liable for any costs in any action, suit, or proceeding that is instituted in pursuance of the provisions of this chapter and any officer of the building inspection department, acting in good faith and without malice, shall be free of liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Code 2011, § 14.04)

Sec. 14.05. Powers and duties of the building inspector.

The building inspector shall be as defined by state law and shall have the same powers and duties. The building inspector shall enforce all the provisions of this chapter and all other state laws and city ordinances relating to the construction, alteration, repair, removal, safety, and use of buildings and permanent building equipment, except as otherwise specifically provided for by statutory requirements or as provided in this chapter. The building inspector shall have full power to pass upon any question arising under the provisions of this chapter, subject to the conditions contained in this section.

(1) *Rule making authority*. The building inspector shall have the power as necessary in the interest of public health, safety, and general welfare to adopt and promulgate orders and directives, to

interpret and implement the provisions of this chapter to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions, but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided in this chapter or violating accepted engineering practice involving public safety. The building inspector shall also have the power as necessary to establish department policies, initiate administrative procedures, and adopt rules to ensure effective and efficient department operations.

(2) *Record keeping*. The building inspector shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building and structure to which they relate remains in existence, unless otherwise provided by other regulations.

(3) *Annual report*. The building inspector shall submit to the city council a monthly written report and statement of operations and an annual report summarizing annual totals of construction, permits, and permit fees.

(Code 2011, § 14.05)

Sec. 14.06. Permits.

(1) *Required*. No person shall erect or construct any building or structure whatever or add to, enlarge, move, improve, alter, extend, convert, or demolish any building or structure; cause the same to be done; or commence work covered by this chapter on any building or structure without first obtaining a building permit from the building inspector, except that building permits shall not be required for the following:

(a) Repairs required for the maintenance and upkeep of any building which do not exceed the cost of $2,000.00, do not involve a change in use and do not affect the structural strength, fire hazard, exits, natural lighting, or the replacement of a major piece of equipment and do not affect the exterior dimensions of the building.

(b) Buildings and structures not within scope of this chapter.

(2) *Compliance with construction standards*. Construction referred to in subsection (1) of this section shall comply with all applicable code sections and construction standards, regardless of building permit requirements.

(3) *Electrical permit*. No person shall commence any electrical work covered by this chapter without first obtaining an electrical permit from the building inspector.

(4) *Plumbing permit*. No person shall commence any plumbing work covered by this chapter without first obtaining a plumbing permit from the building inspector.

(5) *Heating permit*. No person shall commence any heating, ventilating, or air conditioning work covered by this chapter without first obtaining a heating permit from the building inspector.

(6) *Waiver of permit*. If, in the building inspector's opinion, a proposed alteration to a building or equipment is insignificant or the equipment or part is being replaced through normal maintenance, the requirement of a permit may be waived.

(Code 2011, § 14.06)

Sec. 14.07. Applications, plans, and specifications.

Application for a permit shall be made by the owner of a building or structure or an authorized agent and shall be made in writing upon a blank form furnished by the building inspector. The permit application shall contain the name, mailing address, and phone number of the owner of the building and land; the name, mailing address, and phone number of the engineer, architect, designer, or contractor responsible

for the work; and a general description of the location of the proposed work, the use and occupancy of all parts of the building or structure and such other information as required by the building inspector to enforce the provisions of this chapter.

(1) *Plans required*.

(a) Building plans, site plans, and specifications shall accompany every application for a permit and shall be filed with the building inspector. All plans submitted shall be legible, drawn to scale, fully dimensioned, and shall contain sufficient information to determine compliance with this chapter and all other applicable regulations. Plans shall be prepared in accordance with the provisions of this chapter, shall bear the name of the architect, engineer, or designer who prepared them, if any, and shall be of sufficient clarity to clearly indicate the nature and character of the work proposed.

(b) When lot lines cannot be properly identified by permanent monuments, a survey shall be prepared and certified by a surveyor registered by the state.

(2) *Review by other departments*. Building plans requiring review by other city departments, such as the fire department, planning and community development department, plan commission, or the state department of industry, labor, and human relations (DILHR), shall be reviewed and stamped "approved" or "conditionally approved" by such departments or agencies prior to submittal for permits.

(3) *Quality of materials*. When the quality of materials is essential for conformity to this chapter, specific information shall be given on plans submitted to establish such quality and this chapter shall not be cited, or the term "legal" or its equivalent be used as a substitute for specific information.

(4) *Waiver of plans*. The building inspector may waive the requirement for the filing of plans when the work involved is of a minor nature, when plans would not sufficiently show the nature and character of the work, or when the work is adequately described on the permit application. A detailed written description of all work proposed may also be substituted for building plans at the discretion of the building inspector.

(5) *Amendments to plans*. Subject to the limitations described in subsection (6) of this section, amendments to a plan, application, or other record accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments are subject to the same review and approval process as the original plans and shall be deemed part of the original application.

(6) *Time limitations*. An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued, except that the building inspector may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

(Code 2011, § 14.07)

Sec. 14.08. Issuance of permits.

The building inspector shall examine all applications for permits, plans, and amendments thereto within a reasonable time after filing. If the application, plans, and specifications are in substantial conformity to the requirements of this chapter, with all applicable ordinances of the city and with all laws and lawful orders of the state, the building inspector shall, upon receipt of the required fees, issue a permit for the work and shall sign, date, and stamp the plans "approved" or "conditionally approved."

(1) *Dedicated street required*. No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes.

(2) *Utilities required*. No building permit shall be issued for the construction of any building until sewer, water, grading, and graveling are installed in the streets necessary to service the property for which the permit is required.

(3) *Approved plans*. One set of approved plans and specifications shall be retained by the building inspector and one set shall be returned to the applicant, which set shall be kept at the job site at all times until the work authorized is completed and shall be made available for inspection by any department official. Such approved plans and specifications shall not be changed, altered, or modified in any respect which involves any of the laws, ordinances, or administrative rules referred to above or which involves the safety of the building or its occupants, except with the consent of the building inspector.

(4) *Building permit card*. With every building permit issued, the building inspector shall issue to the applicant an appropriate card properly filled out as evidence of permit issuance and the applicant shall post the card in a conspicuous place on the job site not more than 15 feet above the grade of the building. The card is unobstructed from public view and shall remain posted until all the work covered under the permit is completed.

(5) *Permit expiration*. A permit issued under the authority of this chapter shall have lapsed and be void, unless building operations are commenced within six months from the date thereon and shall be completed within one year of commencement of building operations, unless otherwise extended by the building inspector to a maximum of 24 months. Any exterior portion of a building project which is visible to the public and which is not completed within the allotted 12-month period shall constitute a public nuisance. No person shall commence but fail to complete all repairs during the time in which the permit is valid.

(6) *Permit to start construction*. The building inspector or designated appointee is authorized to issue a permit to start construction for the construction of foundations or any other part of the building or structure before the plans and specifications for the entire building or structure have been submitted, but work on any building shall not be commenced, unless department approval has been granted or a permit has been issued. The holder of a permit to start construction shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(7) *Permit suspension or revocation*. The building inspector may suspend or revoke a permit or approval issued under the provisions of this chapter where the building inspector or authorized department official is denied access to the premises, where the applicant has willfully refused to correct a violation of the provisions of this chapter or in case of any false statement or misrepresentation of fact in the application or in the plans on which the permit or approval is based. No construction activity shall take place on a job site after suspension or revocation of the permit, except such work as the building inspector shall order be done as a condition precedent to the issuance of a new permit or which the building inspector may authorize as reasonably necessary to protect work already completed on the job site, existing property, adjoining property, and the general public.

(8) *Permit authority*. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this chapter. No permit presuming to give the authority to violate or fail to comply with the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of the permit, be discovered in the application, plans, specifications, or execution of the work, the building inspector may require the correction of the errors in the application, plans, specifications, or construction.

(Code 2011, § 14.08)

Sec. 14.09. Permit fees.

The building inspector shall establish appropriate fees for all permits issued by the building inspection department, and such fees shall be approved by the city council. A list of all permit fees shall

be kept on file in the office of the building inspector and shall be referred to as the permit fee schedule. The permit fee schedule shall be considered a supplement to this chapter and shall be made available for reference and public inspection during normal business hours.

(1) *Payment of fees.* Permit fees shall be paid by the applicant prior to permit issuance. The building inspector shall collect all permit fees and keep an accurate account of all fees collected.

(2) *Delinquent permit penalty*. Permit fees shall be doubled if any work is commenced prior to permit issuance.

(3) *Waiver of permit fees*. Permit fees shall be waived for buildings and structures owned by the city.

(Code 2011, § 14.09)

Sec. 14.10. Inspections.

Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules, and orders applicable thereto. The building inspector shall determine the number and types of inspections to be completed for each building project, but in no case shall any electrical, plumbing, or heating installations be enclosed or any structural portion of any part of any building or structure be covered or concealed prior to completion of required inspections and approval by the building inspector, except as specifically provided for in subsection (1) of this section. After inspection, the building inspector may issue a certificate of occupancy or prescribe any changes necessary for compliance to all applicable codes upon which the certificate may be issued. After the issuance of such certificate, no structural part of such building shall be changed.

(1) *Requests for inspections*. The permit applicant or an authorized representative shall notify the building inspector after the completion of each phase of construction and shall request all inspections orally or in writing. The building inspector shall make every reasonable attempt to complete all requested inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval has been granted by the building inspector; however, construction may proceed if an inspection is not completed within two business days after proper notification has been received unless otherwise agreed upon by the building inspector and the applicant.

(2) *Inspection types*. In general, the following inspections shall be completed for all building projects whenever applicable:

(a) *Building sewer installation*. Building sewer installation is to be completed after building sewer is installed while the water or air test is on, but before being covered or concealed.

(b) *Footing inspection*. Footing inspection is to be completed after forms and required reinforcing are in place, but before the concrete is poured.

(c) *Foundation inspection*. Foundation inspection is to be completed after forms are removed, but before backfilling. Drain tiles, when required, shall be in place and foundation waterproofing and insulation shall be applied.

(d) *Rough inspection*. Rough inspection is to be completed for all electrical, plumbing and heating, ventilating and air conditioning installations, and all general construction and framing work. Inspections shall be completed after all rough work is finished, but before it is covered or concealed.

(e) *Insulation/energy inspection*. Insulation/energy inspection is to be completed after insulation and vapor barrier are in place, but before they are covered or concealed.

(f) *Final inspection*. Final inspection is to be completed for electrical, plumbing and heating, ventilation and air conditioning installations, and all general construction work after all work is finished, but before use or occupancy of the building or part thereof.

(3) *Notification of inspection results*. The building inspector shall inform the permit applicant or property owner of the results of all inspections completed. Notification of inspection results shall be in the form of a written notice posted in a conspicuous place at the job site, a written inspection report mailed to the applicant or property owner, or verbal communication between the inspector and the applicant, property owner, authorized representative, or other responsible party.

(4) *Stop work order*. Upon notice from the building inspector that work on any building or structure is being prosecuted contrary to the provisions of this chapter, or in an unsafe or dangerous manner, such work may be ordered immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's agent, or the person doing the work and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the building or structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be deemed guilty of a violation of this chapter and shall be subject to penalties and forfeitures as described in section 14.41

(5) *Right of entry*. The building inspector or other authorized department employee may, at all reasonable times, in the performance of his duties, enter upon any public or private premises and make inspections thereof to determine compliance with the provisions of this chapter and may require production of the permit for any building, permanent building equipment, electrical, plumbing, heating, ventilating, or air conditioning work. In carrying out this authority, the building inspector or other authorized department employee shall comply with the provisions of Wis. Stats. § 66.0119, if applicable.

(6) *Inspection disclaimer*. Inspection findings are intended to report conditions of apparent noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building or premises. No guarantee or warranty of the premises, operation, use, or the durability of equipment or materials is expressed or implied.

(Code 2011, § 14.10)

Sec. 14.11. Certificate of use and occupancy.

No building or structure erected shall be used or occupied in whole or in part until a certificate of occupancy has been issued by the building inspector.

(1) *Buildings altered*. No portion of any building or structure altered, enlarged, moved, improved, or converted from one use to another shall be used or occupied until a certificate of occupancy has been issued by the building inspector.

(2) *Existing buildings*. Upon written request from the owner of an existing building, the building inspector shall issue a certificate of occupancy, provided that there are no violations of law or orders of the building inspector pending and it is established that the alleged use of the building has previously existed legally. Nothing in this chapter shall require the removal, alterations, or abandonment of, or prevent the continuance of the use and occupancy of, a lawfully existing building unless such use is deemed to endanger public safety and welfare.

(3) *Temporary occupancy*. Upon request of the holder of a permit, the building inspector may issue a temporary certificate of occupancy for a building or structure or part thereof before the entire work covered by the permit shall have been completed, provided such portion may be occupied safely prior to full completion of the building without endangering life or public welfare.

(Code 2011, § 14.11)

Sec. 14.12. Conformance requirements for existing buildings.

The requirements specified in this section shall apply to all existing buildings which do not conform to the requirements of this chapter for new buildings. If alterations or repairs are made to any existing building, where deemed practical by the building inspector, the entire building shall be made to conform to the requirements specified herein for new buildings.

(1) *Change of use or occupancy*. If the existing use or occupancy of any existing building or structure is changed to a use or occupancy which would not be permitted in a similar building erected, the entire building shall be made to conform to the requirements specified in this section for new buildings; however, the building inspector may approve any such change in the use or occupancy of any existing building or structure even though such building is not made fully to conform to the requirements of this chapter if, in his judgment, such a change in use or occupancy of the existing building or structure will not extend or increase any nonconformity or hazard of the building and provided further that such use or occupancy conforms to the provisions of chapter 17 of this Code.

(2) *Structural alterations and repairs*. Every alteration or repair to any structural part or portion of any existing building or structure shall, when deemed necessary for the safety of the occupants in the opinion of the building inspector, be made to conform to the requirements of this chapter.

(Code 2011, § 14.12)

Sec. 14.13. Moving of buildings.

(1) *Permits*. No building or structure shall be moved without first obtaining a permit from the building inspector. When any building or structure is to be moved over any public thoroughfare, a separate permit shall also be obtained from the city engineer and the route and time of moving shall be approved in writing by the chief of police. The application for a permit shall conform to the regulations of section 14.06 and shall show the type of construction of the building or structure, its occupancy and use, its location, and the intended occupancy and use in the new location.

(2) *Buildings or structures which can be moved*.

(a) A permit may be granted for the moving of any building or structure which is structurally sound and safe from one location to another location on the same premises, or from one premises within the city to another premises.

(b) A permit may be granted for the moving of any building or structure which is structurally sound and safe from one premises outside of the city to a premises within the city, provided that such building or structure conforms to the regulations of this Code and the building or structure was built on or after June 1, 1980. Proof of when the building or structure was built, in the form of a building permit or equivalent from the authority having jurisdiction, shall be provided to the building inspector at the time of application for the moving permit. If such proof cannot be provided, the moving of such building or structure can only be considered after the building inspector has determined the building or structure is or can be made compliant with the state building codes extant on June 1, 1980.

(3) *Buildings or structures which cannot be moved*. No permit shall be granted for the moving of any building or structure, or portion thereof, which has deteriorated or has been damaged to an extent greater than 50 percent of the equalized assessed value of the building or structure.

(4) *City plan commission approval*.

(a) No permit to move a building or structure shall be issued by the building inspector until the plan commission, after due hearing and by a majority vote, has determined that the building or structure may be moved.

(b) The building inspector shall determine before the hearing whether the building or structure is structurally sound, will be located in compliance with chapter 17 of this Code and will be of a type of construction required under this Code.

(c) The application for a moving permit shall be accompanied with photographs of exteriors of the building or structure, and if the exterior of the building or structure is to be altered or additions made thereto, plans must be provided.

(d) If the plan commission determines, after reviewing the documents and photographs submitted, that the building or structure, including the proposed exterior, if alterations or additions are to be made, will be in harmony with the neighborhood and the site to which the building is to be moved, a permit may be issued.

(e) Further regulations may be imposed by the city plan commission to promote safe and harmonious development. Included is the requirement that a performance bond be furnished to the city in a sum as fixed by the plan commission, but in no case less than $10,000.00.

(f) The performance bond shall be executed by the applicant and a corporate surety and shall provide in substance that the applicant and surety are firmly bound unto the city in the penal sum of not less than $10,000.00, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city, and shall reimburse the city for all damages to any city property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employees, or subcontractors. If the removal of the structure has caused any damage to the streets, highways, or any other city property, over which the building or structure was moved, the building mover shall immediately place them in as good repair as they were before the moving permit was granted. Upon failure of the building mover to do so within ten days to the satisfaction of the street superintendent, the street superintendent shall order the repair of the damage done to such street, highway, or any other city property, and hold sureties of the bond given by the building mover responsible for the payment of same. The corporate surety shall be authorized to execute bonds in the state and have a power of attorney on file in the city clerk-treasurer's office. Such bond shall have affixed thereto an affidavit setting forth that no officer, official, or employee of the city has any interest, directly or indirectly, in any premium, commission, or fee out of the sale of furnishing such bond. The performance bond shall also be executed to the effect that the person to whom the permit has been granted will fully complete and have ready for occupancy, the proposed building or structure and any alterations thereto, within 100 days from the start of the moving of such building or structure, unless otherwise prescribed by the commission.

(5) *Insurance requirements*. The applicant for a moving permit shall provide to the building inspector a certificate of insurance evidencing insurance coverage as follows:

(a) Comprehensive general liability written on an occurrence basis, including premises, products, completed operations, elevators, independent contractors, broad form property damage, contractual liability, explosion, collapse, and underground. Bodily injury and property damage combined shall not be less than $500,000.00 per occurrence and $1,000,000.00 aggregate.

(b) Comprehensive automobile liability protecting contractor and employees from claims arising from the ownership, maintenance, or use of any motor vehicle, including owned, non-owned, or hired vehicles. Bodily injury and property damage combined shall not be less than $500,000.00 per occurrence and $1,000,000.00 aggregate.

(c) Worker's compensation and employer's liability complying with applicable state or federal worker's compensation laws. Policy limits shall not be less than statutory for worker's compensation and for employer's liability not less than $100,000.00 each accident, $100,000.00 disease for each employee, and $500,000.00 disease policy limit.

(d) Umbrella liability. The insurance coverage shall follow the form and limits of the employer's liability, comprehensive automobile liability, and the comprehensive general liability policies.

Bodily injury and property damage combined shall not be less than $1,000,000.00 per occurrence and $2,000,000.00 aggregate.

(e) Additional insured. The insurance certificate shall name as an additional insured the city, its employees, elected officials, representatives, and members of its boards or commissions.

(f) Financial rating of company providing coverage shall be an "A" or better as rated by A.M. Best.

(g) Indemnification certificate. The indemnification certificate shall reference this document and contractor shall indemnify the city and hold it harmless and waive right of subrogation against all loss, cost, and expense, including, but not limited to, attorney's fees and other costs of defense, occasioned to the contractor at any time by reason of liability imposed by law upon the contractor for damages because of operations of the contractor conducted at or from the leased premises pursuant to rights granted hereunder, but only as such liability arose in whole or in part by reason of any negligent act or omission of contractor or of any persons or organization for whose acts or omissions the contractor is legally responsible. In addition, the paid applicants or the insurer shall notify the city in writing at least 30 days prior to cancellation of any certificate of insurance afforded under this section.

(6) *Surety and insurance license*. The corporate surety or insurance carrier shall be authorized to execute bonds or sell insurance in the state and have a power of attorney or agent's license on file in the city clerk-treasurer's office. The bond or certificate of insurance shall have affixed thereto an affidavit setting forth that no officer, official, or employee of the city has any interest, directly or indirectly, in any premium, commission, or fee, or out of the sales or furnishings of such bond or certificate of insurance.

(7) *Continuous moving operation*. The moving of a building or structure shall be a continuous operation. The storage of such building or structure on any property, unless approved by the building inspector, is prohibited.

(Code 2011, § 14.13)

Sec. 14.14. Demolition of buildings.

A permit shall be obtained from the building inspector prior to the razing or demolition of any building or structure within the city.

(1) *Barricade required*. A snow fence or other approved barricade shall be provided around the site as soon as any portion of the building or structure is removed and shall remain during razing operations.

(2) *Service connections*.

(a) Before a building or structure may be demolished or removed, the owner or agent shall notify all utility companies providing service (i.e., water, gas, electrical) to disconnect all service connections and appurtenant equipment. A utility disconnection notification shall be submitted to the building inspector prior to demolition of any structure. Such notification shall bear the signature of an authorized person or agent of the utility.

(b) The sanitary or storm sewer lateral shall be permanently capped by the owner or agent at the street right-of-way line or designated location as determined by the building inspector. The permanently capped laterals shall be inspected by the building inspector prior to backfilling.

(3) *Restoration of site*. Whenever a building or structure is razed or demolished under the provisions of this section, all debris and materials resulting from such demolition shall be removed from the premises all basements and other excavations and depressions revealed or caused by such demolition shall be filled to the general grade of the premises and all surfacing on such premises shall be removed, unless intended to be used in connection with the proposed use of the premises. All appurtenant structures on the premises no longer useful for

the intended use of the premises shall likewise be razed or demolished and the resulting debris removed from the premises. All resulting vacant areas shall be seeded or planted as required by the building inspector.

(Code 2011, § 14.14)

Sec. 14.15. Swimming pools and ponds.

The term "swimming pool," when used in this chapter, shall mean any manmade depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water 12 inches or greater in depth is contained and which is used primarily for the purpose of swimming or wading. The term "pond," when used in this chapter, shall mean any manmade depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, in which water 12 inches or greater in depth is contained and which is used primarily for the purpose of, but not limited to, landscaping, aesthetics and the support of aquatic life.

(1) *Permit required*. No person shall construct, install, erect, inflate, set-up, enlarge, or alter any swimming pool or pond without first obtaining a permit from the building inspector.

(2) *Permit applications*. Application for a swimming pool or pond permit shall be made by the occupant of the property on a form provided by the building inspector and shall be accompanied by plans drawn to scale, showing the following:

(a) Proposed location of the pool or pond on the lot or parcel, distance to lot lines and distance to existing structures on the property.

(b) Pool or pond dimensions and proposed water depth.

(c) Existing overhead or underground wiring relative to the proposed location of the swimming pool or pond.

(3) *Permit fees*. Permit fees for swimming pools and ponds shall be as specified in the permit fee schedule as adopted by the city.

(4) *Setback requirements*. Swimming pools and ponds shall be allowed in the rear yard setback area only. A swimming pool or pond shall be a minimum of ten feet from any building or accessory structure that is located on the same lot. Setbacks to side yard and rear yard property lines shall be a minimum of seven feet from the outermost edge of the pool structure or high water mark of a pond. Swimming pools and ponds shall be located a minimum of ten feet, as measured from the outermost edge of the pool structure or high water mark of a pond from any overhead or underground electrical wire.

(5) *Exemption*. Stormwater and sediment ponds, required and constructed under the scope of Wis. Admin. Code ch. NR 216 or NR 151 or as may be approved by the city plan commission for multi-property neighborhood ponds, are exempt from the requirements of this section.

(Code 2011, § 14.15)

Sec. 14.16. Footing drain tiles.

Drain tiles, sumps, and sump pumps shall be required in conformance with Wis. Admin. Code ch. SPS 321.17, unless an analysis from a certified soil testing agency determines that the soil is of such type that would adequately provide drainage at the footing level.

(Code 2011, § 14.16)

Sec. 14.17. Garage provisions.

(1) *Unattached garages and accessory buildings*. Unattached garages and accessory buildings shall be constructed on concrete slabs as provided in section 14.03(1)(c) and may be framed with members spaced at two feet on center. Accessory structures, under 100 square feet in area, do not require a concrete slab base, but shall be securely anchored to the ground.

(2) *Attached garages*. Garages attached to a primary structure shall have footings and foundation walls to the established frost line. Garage floor drains shall be connected to the building sanitary sewer system.

(Code 2011, § 14.17)

Sec. 14.18. Radio and television antenna.

(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:

Antenna means the outdoor portion of the receiving equipment used for receiving television or radio waves from space and used for transmitting radio or television messages and programs.

Height means the overall vertical length of the antenna system above the ground or, if located on a building, that part above the level of such building upon which the system rests.

Mast means that portion of the outside antenna system to which the antenna is attached and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

(2) *Permits*. No person shall install, repair, or maintain, either as owner, or an agent or employee of the owner, or as an independent contractor for the owner, any outside television or radio receiving antenna, or any addition to or substitution for, such antenna until an inspection permit has first been obtained from the building inspector.

(3) *Technical requirements*. All television and radio receiving antenna installation shall be made in accordance with the following rules and regulations:

(a) Mast and antennas shall be of noncombustible and corrosive resistant material. The antenna and mast shall be of substantial material and construction and be supported in a rigid manner. Guy wires shall be installed as directed by the building inspector.

(b) Wherever possible and practical, the antenna mast shall, unless of the self-supporting type, be supported from the vertical wall of the building or structure. No antenna mast or structure of any sort shall be supported from the chimney.

(c) Outdoor antennas shall be of an approved type and shall not exceed the maximum height of 30 feet above a roof support or 70 feet above a ground support. In areas where reception is affected by obstructions, special permission may be granted by the city council to exceed the above-specified height limitations.

(d) Every antenna shall be adequately grounded for protection against a direct strike of lightning with an adequate ground wire.

(e) No wires, cables, or guy wires shall cross or extend over any part of any street or sidewalk. No wires, cables, or guy, electrical, or mechanical wires, used for a television antenna system, shall cross under or over any existing light or power circuit wires.

(f) Whenever it is necessary to install antenna near power lines, or where damage would be caused by its falling, a separate safety wire shall be attached to the cross arm of the antenna and secured in a direction away from the hazard.

(g) The transmission line shall not be attached to the same cross arm or supports for light, power, or communication conductors and shall not come nearer than six feet to a lightning rod. The wires from the antenna mast on the outside of the building wall and on the roof shall be supported in a manner to hold the wires taut on both horizontal and vertical runs. They shall be protected and insulated where entering the building by an insulating tube and shall be connected to an approved lightning arrestor located inside or outside the building. They shall have a permanent separation of two feet from open wires up to 250 volts potential and greater separation for higher voltages. The transmission wires shall be suitably insulated and shall be not smaller than No. 18 AWG or the equivalent. Transmission line and ground wires where carried above a flat roof shall be at least eight feet above the roof surface.

(h) Rawl plugs are approved only for supporting transmission lines.

(i) Standoff support insulators shall be used at least every ten feet in running the transmission line.

(j) Where radio or television receiving antennas are installed on a private residence, the antenna may be installed on the roof of a frame structure, provided the support and anchor screws are securely fastened to rafters, beams, or other substantial members and provided further that no antenna installed on a roof of a frame construction or in any way supported by material of a combustible construction shall exceed a height of 30 feet above the roof of the building.

(k) Lightning arrestors shall be approved as safe by Underwriters' Laboratories, Inc. The arrestor may be located outside or inside the building. If inside, the arrestor shall be located at the nearest readily accessible space where the transmission line enters the building, away from combustible materials and not in a hazardous location. The lightning arrestor shall be permanently grounded with an approved conductor and grounding electrode.

(l) When lead-in conductors of polyethylene ribbon type are used, lightning arrestors shall be installed in each conductor.

(m) When coaxial cable or shielded twin lead is used for lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.

(n) Antennas shall be designed and installed to withstand a wind pressure of 25 pound per square foot, plus ice loading and in no case shall guy wires be less than 3/32-inch, five-strand cable or equivalent, galvanized. Rawl plugs shall not be used for guy wires or for mounting brackets.

(o) The antenna mast shall be permanently grounded by the use of an approved conductor which shall be at least No. 8 AWG copper or equivalent wire. The grounding conductor shall be mechanically and electronically secured to the antenna mast and the grounding electrode by the use of approved fittings and run in as straight a line as practical. The grounding conductor may be uninsulated.

(4) *Grounding electrodes*. A metallic underground water piping system, either local or supplying a community, shall always be used as the grounding electrode where such a piping system is available. If the buried portion of the metallic piping system is less than ten feet, including well casting bonded to the piping system, or there is some likelihood of the piping system being disconnected, it shall be supplemented by one or more of the grounding electrodes recognized.

(a) *Other available electrodes*. Where a water system is not available, the grounding connection may be made to any of the following:

1. The metal frame of the building, if effectively grounded.

2. Other local metallic underground systems, such as piping, tanks and the like.

(b) *Made electrodes*. Where other electrodes are not available, the ground electrode shall consist of a driven pipe, driven rod, buried plate, or other device conforming to the following requirements:

1. *Plate electrodes*. Each plate electrode shall present not less than two square feet of surface to exterior soil. Electrodes of iron or steel plate shall be at least one-fourth of an inch thick. Electrodes of nonferrous metal shall be at least 0.06 inches thick.

2. *Pipe electrodes*. Electrodes of pipe or conduit shall not be smaller than three-fourths of an inch trade size and, if of iron or steel, shall have the outer surface galvanized or otherwise metal-coated for corrosion protection.

3. *Rod electrodes*. Electrodes of rods of steel or iron shall be at least five-eighths of an inch in diameter. Approved rods of nonferrous materials or their approved equivalent used for electrodes shall be not less than two inches in diameter.

4. *Installation*. Electrodes shall, as far as practical, be imbedded below permanent moisture level. Except where rock bottom is encountered, pipes or rods shall be driven to a depth of at least eight feet regardless of size or number of electrodes used. Pipes or rods, when less than standard commercial lengths, shall preferably be of one piece. Such pipes or rods shall have clean metal surfaces and shall not be covered with paint, enamel, or other poorly conducting materials. Where rock bottom is encountered at a depth of less than four feet, electrodes shall be buried in a horizontal trench and if pipes or rods are used as the electrode, they shall comply with subsections (4)b.2 and 3 of this section and shall not be less than eight feet in length. Each electrode shall be separated at least six feet from any other electrode, including those used for signal circuits, radio, lightning rods, or any other purpose.

5. *Resistance*. Made electrodes shall, if practical, have a resistance to ground not to exceed 25 ohms. If the resistance is not as low as 25 ohms, two or more electrodes connected in parallel shall be used.

(c) *Ground straps*. Ground straps for grounding masts and attaching arrestors to water pipes shall be approved ground fittings.

(5) *Hardware finishes*. The miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, and similar equipment, subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or sherardizing process after forming. These finishes are selected to guard against corrosion due to stack gases and other deposits and to protect the elements against electrolytic action of adjoining dissimilar metals.

(6) *Turnbuckles*. Turnbuckles shall be protected against turning by threading the guy wires through the turnbuckle.

(7) *Guy wires*. Any antenna over 20 feet in height, unless of the self-supporting type, shall have at least two sets of guy wires. A set of guy wires shall consist of at least three separate wires pulling in different directions. Each guy wire shall be fastened to an individual roof anchor.

(8) *Lightning arrestor*.

(a) The control cable for a rotor motor shall be protected with a suitable lightning arrestor. This arrestor shall be located where the control cable enters the building and shall be connected to a proper grounding electrode with an approved grounding conductor.

(b) All grounding conductors shall run in as straight a line as possible and shall everywhere preserve a downward course, if at all possible. No bend in a conductor shall have a radius of less than eight inches and the angle of any turn shall not exceed 90 degrees.

(9) *Minor repairs without permit*. Minor repairs to antenna may be made without a permit, provided that a prompt report is made to the building inspector showing the extent thereof. Should an investigation of such minor repairs by the building inspector disclose defects, the same shall be pointed out and corrected.

(10) *Application to existing antennas*. Every television or radio receiving antenna erected prior to February 19, 1953, may be maintained and operated in its present location, unless such antenna is so constructed and maintained as to be unsafe and dangerous as determined by the building inspector.

(11) *Additional rules*. To take advantage of progress and change in the industry, the building inspector may consult with members of the industry and other qualified persons and may put into effect any reasonable rules and regulations not in conflict with the provisions of this section.

(12) *Placement of towers or receivers*.

(a) No television tower or receiver or satellite receiver shall be placed in any required front setback.

(b) No television towers or receivers or satellite receivers shall be placed in any required side yard setback, unless at least six feet of side yard remains beyond the structure toward the adjacent property.

(Code 2011, § 14.18)

Secs. 14.19—14.22. Reserved.

Sec. 14.23. Building construction board of review.

(1) *Establishment of board*. In order that the objectives of sections 14.01 through 14.18 and chapter 19 may be more fully and equitably achieved and a means for interpretation provided, there is established a building construction board of review for the city. The building construction board of review shall hereinafter be referred to as "the board."

(2) *Organization*.

(a) *General*. The board shall consist of five members as follows:

1. One member of the city council.
2. Three state-licensed contractors.
3. One state-registered architect or engineer.

(b) *Terms*.

1. The city council member shall be appointed by the mayor for a term of two years. In the event such appointee ceases to be a council member during his term, the mayor shall appoint another council member for the unexpired term. The council member shall act as chairperson of the board.
2. The licensed residential building contractors and the registered architect or engineer shall be appointed by the mayor subject to confirmation by the city council. The initial appointment shall be for terms of one, two, three, and four years, and all subsequent appointments shall be for three-year terms.

(3) *Procedures, meetings, records, and decisions*.

(a) *Procedures*. The board shall be governed by rules and regulations as adopted by the board and approved by the city council. No rule or procedure shall be changed without the affirmative vote of four members of the board and the concurrence of the city council.

(b) *Meetings*. Meetings of the board shall be held at the call of the chairperson and at such times as the board may determine. The chairperson or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(c) *Records and decisions*. The board 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 filed immediately as public records. Each resolution or decision shall contain a statement of the grounds forming the basis of such resolution or decision. The chairperson shall notify the mayor and the city council of all resolutions or decisions.

(d) *Powers and duties*; *appeals*. The board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the building inspector in the enforcement of sections 14.01 through 14.18 or chapter 19. The board may reverse, affirm in part or modify any order, requirement, decision, or determination of the building inspector with the affirmative vote of four members of the board.

(4) *Appeal procedure*.

(a) *Generally*. Appeals to the board may be taken by a person aggrieved or by an officer, department, board, or bureau of the city affected by any decision of the building inspector by filing a written notice of appeal to the chairperson of the board within 15 days of the decision. The aggrieved shall be given the opportunity to present evidence under oath to the board at a hearing scheduled for that purpose. The board shall fix a reasonable time for the hearing and shall render a decision to the aggrieved and to the building inspector within ten days of the concluded hearing. A $75.00 fee shall be paid to the city clerk-treasurer's office prior to the scheduled hearing. No action shall be taken until such fee has been paid.

(b) *Appeal of board decisions*. Any person, or any board, taxpayer, department, or bureau of the city, aggrieved by any decision of the board, may appeal such decision to a court of record.

(Code 2011, § 14.23)

Sec. 14.24. Reserved.

HEATING, VENTILATING AND AIR CONDITIONING REGULATIONS

PLUMBING REGULATIONS

VIOLATIONS AND PENALTIES

HEATING, VENTILATING AND AIR CONDITIONING REGULATIONS

Sec. 14.25. Heating, ventilating and air conditioning code.

Secs. 14.26—14.29. Reserved.

Sec. 14.30. Electrical code.

Secs. 14.31—14.34. Reserved.

Sec. 14.25. Heating, ventilating and air conditioning code.

The heating, ventilating and air conditioning code, which is on file and available for inspection in the office of the city clerk-treasurer, is adopted by reference as if fully set forth herein.

(Code 2011, § 14.25)

Secs. 14.26—14.29. Reserved.

Sec. 14.30. Electrical code.

(1) *Adoption of state codes*. The state administrative electrical code, volume 2, and the state administrative illumination code, Wis. Admin. Code ch. SPS 319, are hereby adopted by reference and incorporated in this chapter as if fully set forth. Violations of the provisions hereby adopted shall

be deemed a violation of this section, and subject to enforcement and abatement procedures as set forth in this chapter.

(2) *Purpose*. The purpose of this code is the practical safeguarding of persons and property from hazards arising from the use of electricity.

(3) *Scope*. The provisions of this code shall apply to the supply of electricity, as governed by the local electrical utility, the licensing of electricians, the authority and duties of the electrical inspector, and all methods and regulations of electrical installation.

(4) *Administration and enforcement*. The electrical inspector shall enforce all the ordinances and laws relating to electrical installations. The electrical inspector, as used in the electrical code, shall mean the city inspector of the city.

(a) *Duties*. The electrical inspector shall have the authority to enter all buildings and premises and all parts thereof, under Wis. Stats. § 66.0119, in order to make an inspection, or test of the electrical equipment or wiring contained therein or thereon to enforce the regulations of this electrical code.

(b) *Authority to discontinue electrical service*. In case of an emergency and where electrical systems are dangerous to life or property, the electrical inspector is hereby empowered with authority to order the discontinuance of electrical service until the unsafe system is restored to comply with the provisions of this code. All discontinuance costs shall be the responsibility of the owner.

(5) *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:

Electrical apprentice means a person registered under the indenture status of the state. An apprentice shall be permitted to perform the work of a journeyman under full supervision of a licensed electrician.

Electrical contractor means any legal entity engaged in installing, altering, or repairing any electrical wiring and electrical system.

Electrical work means and includes the installation, superintending, or inspection of electrical wiring, devices, and equipment for the production, modification, utilization, or safe-guarding of electrical energy.

Industrial electrician means an electrician regularly employed by a person, firm, or corporation and whose work for such employer is limited exclusively to the plant or shop of his employer.

Journeyman electrician. The work of a journeyman electrician consists of installing, altering, or repairing electrical wiring and electrical systems.

Master electrician means a person who designs, plans, installs, or supervises all aspects of electrical wiring and electrical systems and electrical work.

(6) *Reserved.*

(7) *Reserved.*

(8) *Reserved.*

(9) *Reserved.*

(10) *Reserved.*

(11) *Permits*.

(a) *Generally*. In no case shall any electrical work be done unless an electrical permit has been issued. The electrical inspector shall issue permits for all electrical installations to the master electrician in charge upon filing of proper application, which shall be made on forms furnished by the inspector and shall describe the nature of work, as well as such other information as may

be required for inspection. The electrical inspector may require the applicant to furnish plans, specifications, or calculations covering the work of the permit.

(b) *Exemptions*. Electrical work performed by an industrial electrician in the plant or shop of his employer, where such electrical work does not involve a service change or work involved in a new or remodeled building requiring plan approval by the state department of industry, labor, and human relations (Wis. Admin. Code § SPS 350.10), is exempt from the electrical permit requirement of this subsection.

(c) *Permit suspension, revocation, or denial*. The electrical inspector may suspend, revoke, or deny any electrical permit subject to the appeal procedure as described under subsection (16)(c) of this section.

(d) *Seasonal and temporary work*.

1. *Required.* Permits and inspections shall be required for seasonal and temporary work.

2. *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:

Seasonal work means work performed for the utilization of electrical current during public events such as city functions, carnivals, church picnics, and other events where the event is open to the public.

Temporary work means electrical wiring and devices installed for a specific amount of time and then removed. The term "temporary work" includes temporary services.

(12) *Delinquent permit penalty*. Permit fees shall be doubled if any work is commenced prior to permit issuance. Payment of any fee mentioned in this subsection, however, shall in no way relieve any person of the penalties that may be imposed for violation of this electrical code.

(13) *Concealment of electrical installation*. Upon the completion of the wiring of any building, or before any wiring is to be hidden from view, the person doing the same shall notify the electrical inspector, and he shall inspect within 48 hours of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with this section and does not constitute a hazard to life or property, he shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is not strictly in accordance with this section, he shall issue orders to the person installing the same to remove all hazards and make the necessary changes or additions within ten days. Concealment of electrical work before inspection or failure to comply with the orders of the electrical inspector shall constitute a violation of this electrical code.

(14) *Construction requirements*.

(a) *Generally*. All new wiring and electrical equipment and apparatus installed to conduct electricity or facilitate the operation thereof in new or existing buildings shall be installed and connected in strict conformity with the provisions of this electrical code.

(b) *Exemptions*.

1. All conductors installed in buildings within the fire districts shall be enclosed in rigid metal conduit, intermediate metal conduit (IMC), electrical metallic tubing (EMT), or type MC metal-clad cable.

2. All service entrance conductors serving buildings within the fire districts or limits shall be enclosed in rigid metal conduit.

3. All service entrance conductors shall be installed in an approved raceway for all buildings. Service changes shall meet this requirement.

(c) *Commercial building permits*. A licensed electrician shall be on site during the installation, alteration, and testing of electrical systems and apparatus associated with commercial type systems. The minimum ratio of licensed electricians to unlicensed electricians shall be 1:3.

(15) *Liability of owner of electrical wiring and equipment*. This section shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling, installing, or repairing any electrical equipment for damages to anyone injured or any property destroyed by a defect therein. The city and its elected or appointed officials shall not be held as assuming any liability by reason of this electrical code, the inspection authorized in this section or certificate issued.

(16) *Violations and penalties*.

(a) *Prosecution*. The electrical inspector shall take necessary action to see to it that violations of this section are prosecuted in the city court. However, nothing in this chapter shall preclude the electrical inspector from commencing actions directly under Wis. Stats. § 66.0413, under local ordinances relating to the abatement of nuisances or under Wis. Stats. § 823.02 or 823.22. In any court action or legal proceeding, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the electrical inspector.

(b) *Notice of violation and order*. As a complete alternative to the direct commencement of court action, the electrical inspector may serve a notice of violation and order on any person responsible for the wiring or alteration, repair, or use of an electrical system in violation of the provisions of this section or in violation of a permit or license issued under the provisions of this section. If a notice of violation and order is not complied with promptly, the electrical inspector shall see to the enforcement thereof under subsection (1) of this section. Where circumstances warrant, the electrical inspector may grant reasonable extensions of time for the completion of any remedial action required.

1. The notice and order provided for in this subsection shall:

a. Be in writing.

b. Include a description of the real estate sufficient for identification.

c. Specify the violation which exists and the remedial action required.

d. Allow a reasonable time for the performance of any action required.

e. Include a copy of the appeal procedure.

2. Notice of violation shall be served upon the owner of record or other responsible person by certified mail or by direct delivery. Where the owner of record cannot be found, notice of violation shall be deemed to have been delivered by leaving a copy of the notice of violation at the individual's usual place of abode with a person of suitable age and discretion who shall be informed of the contents thereof, by posting a copy of notice of violation in a conspicuous place in or about the structure affected by the notice or by causing such notice to be published in a newspaper of general circulation in the area as a class 2 notice.

3. The electrical inspector, in the performance of his duties, shall receive the assistance of the chief of police and fire chief and of all other appropriate city officials, including the city attorney, in prosecuting violations of this section.

(c) *Appeals*. Any person aggrieved by an order under subsection (16)(b) of this section, the denial of a license or a permit suspension, revocation, or denial entered by the electrical inspector, may file a written petition for review to the chairperson of the board of electrical examiners within ten days of the action of the electrical inspector. The aggrieved shall be given a written notice stating the reasons for license denial or permit suspension, revocation, or denial and shall be given the opportunity to present evidence to the board of electrical examiners at a hearing scheduled for that purpose. The board shall meet within ten days of receipt of the petition and shall render a written decision to the aggrieved and the electrical inspector within ten days of the concluded hearing. The board shall affirm, modify, or reverse the decision of the electrical inspector. A majority vote of the voting members present shall be required to modify or reverse the decision.

(17) *Penalties*. Any person who violates any provision of this section, upon conviction thereof, shall forfeit not less than $50.00 for the first offense, not less than $100.00 for the second offense and, for any subsequent offense, not less than $200.00, each forfeiture not to exceed $300.00, together with the cost of prosecution or, in default of payment thereof, by imprisonment in the county jail for a period not to exceed 30 days. Each and every day during which such violation occurs shall be deemed a separate offense.

(Code 2011, § 14.30)

Secs. 14.31—14.34. Reserved.

PLUMBING REGULATIONS

Sec. 14.35. Plumbing code.

Secs. 14.36—14.39. Reserved.

Sec. 14.35. Plumbing code.

The plumbing code, which is on file and available for inspection in the office of the city clerk-treasurer, is adopted by reference as if fully set forth herein.

(Code 2011, § 14.35)

Secs. 14.36—14.39. Reserved.

VIOLATIONS AND PENALTIES

Sec. 14.40. Prosecution.

Sec. 14.41. Penalties.

Sec. 14.40. Prosecution.

(1) *Building inspector*. The building inspector shall take necessary action to see to it that violations of this chapter are prosecuted in the municipal court. However, nothing in this chapter shall preclude the building inspector from commencing actions directly under Wis. Stats. § 66.0413, under local ordinances relating to the abatement of nuisances or under Wis. Stats. § 823.02 or 823.22. In any court action or legal proceeding, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the building inspector.

(2) *Notice of violation and order*. As a complete alternative to the direct commencement of a court action, the building inspector may serve a notice of violation and order on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this chapter, or in violation of a permit or certificate issued under the provisions of this chapter. The building inspector may also suspend or revoke any permit for any building or structure on any property on which such noncompliance is discovered in accordance with section 14.08(7). If a notice of violation and order is not complied with promptly, the building inspector shall see to the enforcement thereof under subsection (1) of this

section. Where circumstances warrant, the building inspector may grant reasonable extensions of time for the completion of any remedial action required.

(a) The notice and order provided for in this subsection shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Specify the violation which exists and the remedial action required.
4. Allow a reasonable time for the performance of any action required.
5. Include a copy of the appeal procedure.

(b) *Notice of violation and order.* Where the owner of record cannot be found, notice of violation shall be deemed to have been delivered by leaving a copy of the notice of violation at the individual's usual place of abode with a person of suitable age and discretion, who shall be informed of the contents thereof, by posting a copy of the notice of violation in a conspicuous place in or about the structure affected by the notice or by causing such notice to be published in a newspaper of general circulation in the area as a class 2 notice.

(3) *Appeals*. Any person aggrieved by an order entered by the building inspector under subsection (2) of this section shall have the right to appeal the order under the provisions of section 14.23(4).

(4) *Assistance from other officials*. The building inspector, in the performance of his duties, shall receive the assistance of the chiefs of the police department and fire department and of all other appropriate city officials, including the city attorney, in prosecuting violations of this chapter.

(Code 2011, § 14.40)

Sec. 14.41. Penalties.

Any person who violates any provision of this chapter, upon conviction thereof, shall forfeit not less than $50.00 for the first offense, not less than $100.00 for the second offense and, for any subsequent offense, not less than $200.00, each forfeiture not to exceed $300.00, together with the cost of prosecution or, in default of payment thereof, by imprisonment in the county jail for a period not to exceed 30 days. Each and every day during which such violation occurs shall be deemed a separate offense.

(Code 2011, § 14.41)

Chapter 15 HISTORIC PRESERVATION

Sec. 15.01. Purpose and intent.

Sec. 15.02. Definitions.

Sec. 15.03. Historic preservation commission composition.

Sec. 15.04. Historic structure, historic site, and historic district designation criteria.

Sec. 15.05. Powers and duties.

Sec. 15.06. Procedures.

Sec. 15.07. Interim control.

Sec. 15.08. Penalties for violations.

Sec. 15.01. 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, archeological, or historic interest or value is a public necessity and is required in the interest of 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 improvement, sites, and districts which represent or reflect elements of the city, 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 attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry.

(Code 2011, § 15.01)

Sec. 15.02. 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:

Certificate of appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site, or any improvement in a historic district.

Commission means the historic preservation commission created under this chapter.

Historic district means an area designated by the common 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 chapter, or an improved parcel, or part thereof, on which is situated a historic structure and any abutting improved 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 chapter. Such designated historic structures shall include:

(a) Merritt Black House, 104 River Street.

(b) Norman Brokaw House, 714 Grignon Street.

(c) Fargo's Furniture, 172-176 W. Wisconsin Avenue.

(d) Kaukauna Public Library, 111 Main Avenue.

(e) Grignon Mansion, 1313 Augustine Street.

(f) Holy Cross Church, 309 Desnoyer Street.

(g) U.S. Post Office, 112 Main Avenue.

(h) Nicolet Public School, 109 E. 8th Street.

(i) Lindauer & Rupert, 137, 139, 141 E. 2nd Street.

(j) Julius J. Martens Building, 124-128 E. 3rd Street.

(k) Captain Meade House, 309 Division Street.

(l) Kuehn Blacksmith Store, 148, 150, 152 E. 2nd Street.

(m) Frank St. Andrews House, 320 Dixon Street.

(n) St. Mary's Church, 119 W. 7th Street.

(o) Charles Stribley House, 705 W. Wisconsin Avenue.

(p) Klein Dairy Farmhouse, 1018 Sullivan Avenue.

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.

Improved means any building, structure, place, work of art, or other object, constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes; provided, however, that the term "improved parcel" also includes any unimproved area of land which is treated as a single entity for such tax purposes.

(Code 2011, § 15.02)

Sec. 15.03. Historic preservation commission composition.

A historic preservation commission is hereby created, consisting of seven members, all of which shall be residents of the city. 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. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The mayor shall appoint the commissioners subject to confirmation by the common council. The commission may adopt bylaws for harmonious operations consistent with this article. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

(Code 2011, § 15.03)

Sec. 15.04. Historic structure, historic site, and historic district designation criteria.

(1) For 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; or

(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.

(2) The commission may adopt specific operating guidelines, subject to council ratification, for historic structure, historic site, and historic district designation, provided such are in conformance with the provisions of this chapter.

(Code 2011, § 15.04)

Sec. 15.05. Powers and duties.

(1) *Designation*. The commission shall have the power, subject to section 15.06, to recommend designation of historic structures and historic sites and to recommend designation of historic districts within the city. Such designations shall be made based on section 15.04. Historic districts, sites, and structures shall be approved by the common council. Once designated, such historic structures, sites, and districts shall be subject to all the provisions of this chapter.

(2) *Regulation of construction, reconstruction, alteration, and demolition*.

(a) No owner or person in charge of a historic structure, historic site, or structure within a historic district shall reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property 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 historic preservation commission. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.

(b) Upon filing of any application for a certificate of appropriateness with the commission, the commission shall approve the application unless:

1. 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 improvement or site upon which the work is to be done.

2. 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 with the district.

3. 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 preservation ordinance and to the objectives and design criteria of the historic preservation plan for the district.

4. 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.

(c) 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 30 days of the filing of the application. If no action is taken within 30 days of the submittal of the application, the application is considered approved.

(d) 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 city permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

(e) 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.

(3) *Appeals*. Should the commission deny a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the common 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 chapter.

(4) *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 a suitable plaque to be placed declaring that such property is a historic structure, site, or district.

(Code 2011, § 15.05)

Sec. 15.06. Procedures.

(1) *Designation of historic structures and historic sites*.

(a) The commission may, after receipt of an application submitted by the owner of property or with approval of an owner of property, and after public hearing, recommend the designation of historic structures and historic sites, or recommend the rescission of such designation or recommendation, after application of the criteria in section 15.04. At least ten days prior to such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of the property in whole or in part situated within 200 feet of the boundaries of the property affected. Notice of such hearing shall also be published as a class I notice under state law.

(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 recommend the designation of the property as either a historic structure or historic site or rescind the designation. After the recommendation has been made, notification shall be sent to the property owner. Notification shall also be given to the city clerk-treasurer, building inspector, plan commission, and city assessor. The commission shall forward the recommendation to the city council for ratification. Upon ratification, the owner shall record the certification in the county register of deeds office.

(2) *Designation of historic district*.

(a) For preservation purposes, the historic preservation commission may select geographically defined areas within the city to be designated as historic districts and shall then 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 application of the criteria in section 15.04. Each historic preservation plan prepared for or by the historic preservation commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guideline for development, and a statement of preservation objectives.

(b) Review and adoption procedure.

1. The historic preservation commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place, and purpose of the public hearing shall be sent by the city clerk-treasurer and to the councilmembers of the city in which the historic district is located and the owners of record, as listed in the office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. The notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the historic preservation commission shall vote to recommend, reject, or withhold action on the plan. Such recommendation shall be forwarded to the common council.

2. The common council, upon receipt of the recommendations from the historic preservation commission, shall hold a public hearing, notice to be given as noted in subsection (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 the plan.

(Code 2011, § 15.06)

Sec. 15.07. 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 historic preservation commission at which a nomination form is first presented until the final disposition of the nomination by the historic preservation commission or the city council, unless such alteration, removal, or demolition is authorized by formal resolution of the city council as necessary for the public health, welfare, or safety. In no event shall the delay be for more than 180 days.

(Code 2011, § 15.07)

Sec. 15.08. Penalties for violations.

Any person violating any provision of this chapter 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, zoning administrator, or their designees.

(Code 2011, § 15.08)

Chapter 16 SHORELAND AND WETLANDS ZONING

Sec. 16.01. Statutory authorization, findings of fact, and statement of purpose.

Sec. 16.02. General provisions.

Sec. 16.03. Definitions.

Sec. 16.04. Zoning maps.

Sec. 16.05. District boundaries.

Sec. 16.06. Permitted uses.

Sec. 16.07. Prohibited uses.

Sec. 16.08. Nonconforming structures and uses.

Sec. 16.09. Zoning administrator.

Sec. 16.10. Zoning permits.

Sec. 16.11. Certificates of compliance.

Sec. 16.12. Fees.

Sec. 16.13. Recording.

Sec. 16.14. Revocation.

Sec. 16.15. Board of appeals.

Sec. 16.16. Amending shoreland and wetland regulations.

Sec. 16.17. Enforcement and penalties.

Sec. 16.01. Statutory authorization, findings of fact, and statement of purpose.

(1) *Statutory authorization*. This chapter is adopted pursuant to the authorization in Wis. Stats. §§ 62.23, 62.231 and 281.31.

(2) *Findings of fact and purpose*. Uncontrolled use of the shoreland and wetlands and the pollution of the navigable waters of the city would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The state legislature has delegated responsibility to all cities to:

(a) Promote the public health, safety, convenience, and general welfare.

(b) Maintain the stormwater and floodwater storage capacity of wetlands.

(c) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(d) Protect fish, their spawning grounds, other aquatic life, and wildlife by preserving wetlands and other aquatic habitat.

(e) Prohibit certain uses detrimental to the shoreland-wetland area.

(f) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling, and other earth-moving activities.

(Code 2011, § 16.01)

Sec. 16.02. General provisions.

(1) *Compliance*. The use of wetlands and the alteration of wetlands within the shoreland area of the city shall be in full compliance with the terms of this chapter and other applicable local, state, or federal regulations. See section 16.08 for the standards applicable to nonconforming uses. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this chapter.

(2) *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 department of transportation are exempt when Wis. Stats. § 30.12(4)(a) applies.

(3) *Abrogation and greater restrictions*.

(a) This chapter supersedes all the provisions of any city zoning ordinance enacted under Wis. Stats. § 62.23 which relate to floodplains and shoreland-wetlands, except that where another city ordinance is more restrictive, 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.

(4) *Interpretation*. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other powers granted by state law. Where a provision of this chapter is required by a standard in Wis. Admin. Code ch. NR 117, and where the provision is unclear, the provision shall be interpreted in light of the Wis. Admin. Code ch. NR 117 standards in effect on the date of the adoption of or most recent text amendment to this chapter.

(5) *Severability*. Should any portion of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(6) *Annexed areas*. The county shoreland zoning provisions in effect on the date of annexation remain in effect administered by the city for all areas annexed by the city after May 7, 1982. These annexed lands are described on the city's official zoning map. The county shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the city zoning administrator.

(Code 2011, § 16.02)

Sec. 16.03. Definitions.

(1) For the purpose of administering and enforcing this chapter, all distances, unless otherwise specified, shall be measured horizontally.

(2) 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:

Accessory structure or use means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

Boathouse, as defined in Wis. Stats. § 30.121(1), means a permanent structure used for the storage of watercraft and associated materials which has one or more walls or sides.

Class 2 public notice means publication of a public hearing notice under Wis. Stats. ch. 985 in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

Department means department of natural resources.

Development means any manmade change to improved or unimproved real estate, including, but not limited to:

(a) The construction of buildings, structures, or accessory structures;

(b) The construction of additions or substantial alterations to buildings, structures, or accessory structures;

(c) The placement of buildings or structures;

(d) Ditching, filling, lagooning, dredging, grading, paving, excavation, or drilling operations; and

(e) The deposition or extraction of earthen materials.

Drainage system means one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Environmental control facility means any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air or water pollutants, solid waste, and 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.

Fixed houseboat, as defined in Wis. Stats. § 30.121(1), means a structure not actually used for navigation which extends beyond the ordinary high watermark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

Navigable waters. The term "navigable waters" means and includes:

(a) Lake Superior, Lake Michigan, all natural inland lakes within this state, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the state portion of boundary waters which are navigable under the laws of this state. Under Wis. Stats. § 281.31, notwithstanding any other provision of law or administrative rule promulgated

hereunder, shoreland ordinances required under Wis. Stats. § 62.231 and Wis. Admin. Code ch. NR 117 do not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river.
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
3. Such lands are maintained in nonstructural agricultural use.

(b) The state supreme court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreation craft of the shallowest draft on an annually recurring basis (Muench v. Public Service Commission, 261 Wis. 492 (1952) and Degaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)). For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

Ordinary high watermark 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 or other easily recognized characteristics.

Planning agency means the city plan commission created under Wis. Stats. § 62.23(1), a board of public land commissioners, or a committee of the city council which acts on matters pertaining to planning and zoning.

Shoreland means lands within the following distances from the ordinary high watermark of navigable waters:

(a) 1,000 feet from a lake, pond, or flowage; and

(b) 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland-wetland district means the zoning district created as a part of this chapter, comprised of shorelands that are designated as wetlands on the wetland inventory maps which have been adopted and made a part of this chapter.

Unnecessary hardship means circumstances where special conditions which were not self-created affect a particular property and make strict conformity with restrictions governing area, setback, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

Variance means an authorization granted by the board of appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter.

Wetland alteration means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

Wetlands means those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(Code 2011, § 16.03)

Sec. 16.04. Zoning maps.

The following maps are hereby adopted and made part of this chapter and are on file in the office of the city clerk-treasurer:

(1) State wetland inventory maps, stamped "final" on September 2, 1987.

(2) Floodplain zoning maps titled "Flood Boundary and Floodway Map," dated July 16, 1981.

(Code 2011, § 16.04)

Sec. 16.05. District boundaries.

(1) The shoreland-wetland zoning district includes all wetlands in the city, which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this chapter and which are:

(a) Within 1,000 feet of the ordinary high watermark of navigable lakes, ponds, or flowages. Lakes, ponds or flowages in the city shall be presumed to be navigable if they are shown on the federal geological survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter.

(b) Within 300 feet of the ordinary high watermark 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 either continuous or intermittent waterways on the United States geological survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter. Floodplain zoning maps adopted in section 16.04(2) shall be used to determine the extent of floodplain areas.

(2) Determinations of navigability and ordinary high watermark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the department for a final determination of navigability or ordinary high watermark.

(3) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the department to determine if the shoreland-wetland district boundary, as mapped, is in error. If department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in subsections (4) and (5) of this section, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

(4) Wetlands which are filled prior to September 2, 1987, the date on which the city received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this chapter.

(5) Wetlands located between the original ordinary high watermark and bulkhead line established prior to May 7, 1982, under Wis. Stats. § 30.11, are not subject to this chapter.

(Code 2011, § 16.05)

Sec. 16.06. Permitted uses.

The following uses are permitted subject to the provisions of Wis. Stats. chs. 30 and 31 and the provisions of other local, state, and federal laws, if applicable:

(1) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

(a) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating.

(b) 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.

(c) The practice of silviculture, including the planting, thinning, and harvesting of timber.

(d) The pasturing of livestock.

(e) The cultivation of agricultural crops.

(f) The construction and maintenance of duck blinds.

(2) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

(a) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

(b) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries.

(c) The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks, where possible.

(d) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction of maintenance.

(e) The construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.

(f) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section 16.16

(g) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

(3) Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:

(a) The construction and maintenance of roads which are necessary for the continuity of the city street system, the provision of essential utility and emergency services or to provide access to uses permitted under subsection (3)(c) of this section, provided that:

1. The road cannot as a practical matter be located outside the wetland.

2. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section 16.16(3).

3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

4. Road construction activities are carried out in the immediate area of the roadbed only.

5. Any wetland alteration must be necessary for the construction or maintenance of the road.

(b) The construction and maintenance of nonresidential buildings, provided that:

1. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals.

2. The building cannot, as a practical matter, be located outside the wetland.

3. The building does not exceed 500 square feet in floor area.

4. Only limited filling and excavating necessary to provide structural support for the building is allowed.

(c) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural, and scientific areas, game refuges, and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves, and public boat launching ramps, provided that:

1. Any private development allowed under this subsection shall be used exclusively for the permitted purpose.
2. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the construction of park shelters or similar structures is allowed.
3. The construction and maintenance of roads necessary for the uses permitted under this subsection are allowed only where such construction and maintenance meets the criteria in subsection (3)(a) of this section.
4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
5. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines, sewage collection lines, and related facilities and the construction and maintenance of railroad lines, provided that:
   a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
   b. Only limited filling or excavating necessary for such construction or maintenance is allowed.
   c. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section 16.16(3).

(Code 2011, § 16.06)

Sec. 16.07. Prohibited uses.

(1) Any use not listed in section 16.06 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with section 16.16

(2) The use of a boathouse for human habitation, and the construction or placement of a boathouse or fixed houseboat below the ordinary high watermark of any navigable waters, is prohibited.

(Code 2011, § 16.07)

Sec. 16.08. Nonconforming structures and uses.

(1) The lawful use of a building, structure, or property which existed at the time this chapter or an applicable amendment to this chapter took effect and which is not in conformity with the provisions of the chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following:

(a) The shoreland-wetland provisions of this chapter authorized by Wis. Stats. § 62.231 shall limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of this chapter, or of an environmental control facility in existence on May 7, 1982, related to that structure. All other modifications to nonconforming structures are subject to Wis. Stats. § 62.23(7)(h) which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure, or property shall conform to this chapter.

(c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this chapter adopted under Wis. Stats. § 62.231 may be continued although such use does not conform to the provisions of the chapter. However, such nonconforming use may not be extended.

(d) The maintenance and repair of nonconforming boathouses which are located below the ordinary high watermark of any navigable waters shall comply with the requirements of Wis. Stats. § 30.121.

(2) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(Code 2011, § 16.08)

Sec. 16.09. Zoning administrator.

The building inspector is appointed zoning administrator for the purpose of administering and enforcing this chapter. The zoning administrator shall have the following powers and duties:

(1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms.

(2) Issue permits and certificates of compliance and inspect properties for compliance with this chapter.

(3) Keep records of all permits issued, inspections made, work approved, and other official actions.

(4) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.

(5) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten days after they are granted or denied to the appropriate district office of the department.

(6) Investigate and report violations of this chapter to the appropriate city planning agency and the district attorney, corporation counsel, or city attorney.

(Code 2011, § 16.09)

Sec. 16.10. Zoning permits.

(1) *When required*. Unless another section of this chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development, or any change in the use of an existing building or structure is initiated.

(2) *Application*. An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the city and shall include, for the purpose of proper enforcement of these regulations, the following information:

(a) *General information*.

1. Name, address, and telephone number of applicant, property owner, and contractor, where applicable.

2. Legal description of the property and a general description of the proposed use or development.

3. Whether or not a private water supply or sewage system is to be installed.

(b) *Site development plan*. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

1. Dimensions and area of the lot.
2. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
3. Description of any existing or proposed on-site sewage systems or private water supply systems.
4. Location of the ordinary high watermark of any abutting navigable waterways.
5. Boundaries of all wetlands.
6. Existing and proposed topographic and drainage features and vegetative cover.
7. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps.
8. Location of existing or future access roads.
9. Specifications and dimensions for areas of proposed wetland alteration.

(3) *Expiration*. All permits issued under the authority of this chapter shall expire one year from the date of issuance.

(Code 2011, § 16.10)

Sec. 16.11. Certificates of compliance.

(1) Except where no zoning permit is required, no land shall be occupied or used and no building which is constructed, altered, added to, modified, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof and the proposed use thereof conform to the provisions of this chapter.

(b) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

(c) The certificate of compliance shall be issued within ten days after notification of the completion of the work specified in the zoning permit, provided the building or premises and proposed use thereof conforms to all the provisions of this chapter.

(2) The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof, pursuant to rules and regulations established by the city council.

(3) Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

(Code 2011, § 16.11)

Sec. 16.12. Fees.

The city council may, by resolution, adopt fees for the following:

(1) Zoning permits.

(2) Certificates of compliance.

(3) Public hearings.

(4) Legal notice publications.

(5) Rezoning petitions.

(Code 2011, § 16.12)

Sec. 16.13. Recording.

Where a zoning permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

(Code 2011, § 16.13)

Sec. 16.14. Revocation.

Where the conditions of a zoning permit are violated, the permit shall be revoked by the board of appeals.

(Code 2011, § 16.14)

Sec. 16.15. Board of appeals.

The mayor shall appoint a board of appeals under Wis. Stats. § 62.23(7)(e) consisting of five members, subject to confirmation by the city council. The board of appeals shall adopt rules for the conduct of its business as required by Wis. Stats. § 62.23(7)(e)3.

(1) *Powers and duties*. The board of appeals:

(a) Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter.

(b) May authorize upon appeal a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates that:

1. Literal enforcement of the terms of this chapter will result in unnecessary hardship for the applicant.

2. The hardship is due to special conditions unique to the property and is not self-created or based solely on economic gain or loss.

3. Such variance is not contrary to the public interest as expressed by the purpose of this chapter.

4. Such variance will not grant or increase any use of property which is prohibited in the zoning district.

(2) *Appeals to the board*. Appeals to the board of appeals may be taken by any person aggrieved or by an officer, department, board, or bureau of the community affected by any order, requirement, decision, or determination of the zoning administrator or other administrative official. Such appeals shall be taken within a reasonable time as provided by the rules of the board by filing with the official whose decision is in question and with the board of appeals a notice of appeal specifying the reasons for the appeal. The zoning administrator or other official whose decision is in question shall transmit to the board all the papers constituting the record on the matter appealed.

(3) *Public hearings*.

(a) Before making a decision on an appeal or application, the board of appeals shall, within a reasonable period of time, hold a public hearing. The board shall give public notice of the

hearing by publishing a class 2 notice under Wis. Stats. ch. 985 specifying the date, time, and place of the hearing and the matters to come before the board. At the public hearing any party may present testimony in person, by agent, or attorney.

(b) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the department at least ten days prior to all public hearings on issues involving shoreland-wetland zoning.

(4) *Decisions*.

(a) The final disposition of an appeal before the board of appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the board chairperson. Such decision shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, or modify the order, requirement, decision, or determination appealed in whole or in part or dismiss the appeal for lack of jurisdiction or prosecution.

(b) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the department within ten days after the decision is issued.

(Code 2011, § 16.15)

Sec. 16.16. Amending shoreland and wetland regulations.

The city council may alter, supplement, or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of Wis. Stats. § 62.23(7)(d)2, Wis. Admin. Code ch. NR 117 and the following:

(1) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the department within five days of the submission of the proposed amendment to the city planning agency.

(2) All proposed text and map amendments to the shoreland and wetland zoning regulations shall be referred to the city planning agency and a public hearing shall be held after class 2 notice as required by Wis. Stats. § 62.23(7)(d)2. The appropriate district office of the department shall be provided with written notice of the public hearing at least ten days prior to such hearing.

(3) In order to ensure that this chapter will remain consistent with the shoreland protection objectives of Wis. Stats. § 281.31, the city council may not rezone a wetland in a shoreland-wetland zoning district or any portion thereof where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

(a) Stormwater and floodwater storage capacity.

(b) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.

(c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(d) Shoreline protection against erosion.

(e) Fish spawning, breeding, nursery, or feeding grounds.

(f) Wildlife habitat.

(g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

(4) Where the district office of the department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (3) of this section, the

department shall so notify the city of its determination either prior to or during the public hearing held on the proposed amendment.

(5) The appropriate district office of the department shall be provided with:

(a) A copy of the recommendation and report, if any, of the city planning agency on a proposed text or map amendment within ten days after the submission of those recommendations to the city council.

(b) Written notice of the action on the proposed text or map amendment within ten days after the action is taken.

(6) If the department notifies the city planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (3) of this section, that proposed amendment if approved by the city council shall not become effective until more than 30 days have elapsed since written notice of the city approval was mailed to the department as required by subsection (5) of this section. If, within the 30-day period, the department notifies the city that the department intends to adopt a superseding shoreland and wetland zoning ordinance for the city as provided in Wis. Stats. § 62.231(6), the proposed amendment shall not become effective until the ordinance adoption procedure under Wis. Stats. § 62.231(6) is completed or otherwise terminated.

(Code 2011, § 16.16)

Sec. 16.17. Enforcement and penalties.

Any development, building or structure, or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced, or any use or accessory use established after the effective date of the ordinance from which this chapter is derived in violation of the provisions of this chapter by any person, including building contractors or their agents, shall be deemed a violation. The zoning administrator shall refer violations to the city planning agency and the district attorney, corporation counsel, or city attorney, who shall prosecute such violations. Any person who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than $5.00 or more than $300.00 per offense, together with the taxable costs 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 thereof may be enjoined and the maintenance thereof may be abated by action at suit of the city, state, or any citizen thereof, pursuant to state law.

(Code 2011, § 16.17)

Chapter 17 ZONING CODE

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Sec. 17.01. Applicability.

This chapter, established under Wis. Stats. § 62.23, shall apply to:

(1) The regulation and restriction of the height, number of stories, and the size of buildings and other structures.

(2) The percentage of lot that may be occupied.

(3) The size of yards, courts, and other open spaces.

(4) The density of population.

(5) The regulating of nonconforming uses.

(6) The location and use of buildings, structures, and land for trade, industry, residence, or other purposes, provided that there shall be no discrimination against temporary structures.

(7) The regulation of development in the officially designated floodplain.

(Code 2011, § 17.01)

Sec. 17.02. Purpose.

The purpose of this chapter is to promote the public health, safety, and general welfare of the community through provisions designed to:

(1) Encourage the most appropriate use of the land.

(2) Conserve the value of land and buildings.

(3) Prevent the overcrowding of land and the congestion of streets.

(4) Provide adequate light and air.

(5) Secure safety from fire, panic, and other dangers.

(6) Avoid undue concentration of population.

(7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(Code 2011, § 17.02)

Sec. 17.03. 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 areas shown on the official floodplain zoning map which would be inundated by the base flood or regional flood as defined herein. These areas may be numbered A0, A1 to A30, or A99. A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory use or structure means a use or structure on the same lot with the principal use or structure and of a nature customarily incidental and subordinate to the principal use or structure.

Alteration means a change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

Automobile filling stations means buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed, such as ignition service, tire repair, repair and replacement of minor parts such as pumps and filters, brake service, and the like. The term "filling station" does not include a repair or body shop.

Base flood. See *Flood, regional*.

Base flood elevation. See *Flood, regional elevation*.

Boarding house means an establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units without limitation on time periods involved and for a total of at least four or more boarders.

Buildable area includes the portion of a lot remaining after the required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on percent of the lot which may be covered by buildings may require open space within the buildable area.

Building means a structure having one or more stories and a roof which is used or intended to be used for the shelter or enclosure of persons, property, or animals.

Building frontage, for purposes of computation of number and area of signs permitted on buildings, in cases where lineal feet of building frontage is a determinant, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as, for instance, where there is a diagonal corner entrance, or where two sides of a building have entrances of equal importance and carry approximately equal volumes of pedestrian traffic, the building inspector shall select building frontage on the basis of interior layout of the buildings, traffic on adjacent streets, or other indicators available. See also *Lot frontage*.

Building height means a building's vertical measurement, from the mean level of the finished grade in front of the building to the highest point on the roof line of a flat roof or of a roof having a slope of less than 15 degrees from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15 degrees or more.

Building line means the rear edge of any required front yard or the rear edge of any required setback line.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a city ordinance and approved by the department, pursuant to Wis. Stats. § 30.11, and which allows complete filling to the landward side of the line, except where such filling is prohibited by the floodway provisions of this chapter.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Children's home. See *Convalescent home*.

Clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons are medical doctors, chiropractors, osteopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the state.

Common open space means a parcel of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public, or for the exclusive recreational use and enjoyment of residents of the development from which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

Convalescent home means a place where regular care is provided to three or more infirm persons, children, or aged persons who are not members of the family if care is provided in a private residence. The term "convalescent home" includes institutions, whether operated for profit or not, including places operated by units of government.

Day nursery means a place where day care is provided to four or more children who are not members of the family which resides on the premises, provided that the term "day nursery" does not include public or private schools organized, operated or approved under state law.

Department (DNR) means the state department of natural resources.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, construction of, or additions or substantial improvements to, buildings, other structures or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition or extraction of materials.

Dog kennel means a place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than three adult dogs are kept for any purpose.

Drive-in restaurant means any establishment dispensing or serving food in automobiles, including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.

Dry land 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.

Dwelling, manufactured home, means a structure transportable in one or more sections which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and any plumbing, heating, air conditioning, or electrical systems are included and contained therein.

Dwelling, mobile home, means a building transportable in one or more sections, built on a permanent chassis, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a single dwelling with a permanent foundation when connected to the required utilities.

Dwelling, multiple-family, means a building containing three or more dwelling units. The term "multiple-family dwelling" includes cooperative apartments, condominiums, apartments, and the like. Regardless of how rental units are equipped, any multiple-family dwelling in which units are available for rental periods of less than one week shall be considered a hotel.

Dwelling, single-family detached, means a building containing not more than one dwelling unit, entirely separated from structures on adjacent lots. The term "detached dwelling" shall not include mobile homes, travel trailers, or other forms of portable or temporary housing.

Dwelling, two-family, means one building, containing not more than two dwelling units or two buildings, attached at the side, with not more than one dwelling unit per building. The term "two-family dwelling" is intended to imply single-family semi-detached buildings and duplexes or any form which conforms to this definition.

Dwelling unit means a room connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units and containing independent cooking and sleeping facilities.

Encroachment means any fill, structure, building, accessory use, or development in the floodway.

Encroachment, hydraulic; equal degree of. Any encroachment into the floodway shall be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

Erected means anything built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavation, fill, drainage, demolition of an existing structure and the like shall be considered part of erection.

Family means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons, but provided, further, that domestic servants employed on the premises may be housed on the premises without being counted as family.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas caused by the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodfringe means that portion of the floodplain between the floodplain limits and the floodway area which is covered by floodwaters during the regional flood. The floodfringe is generally associated with standing water rather than rapidly flowing water.

Flood hazard boundary map means a map prepared by the federal emergency management agency (FEMA), designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. Such map forms the basis for both the regulatory and insurance aspects of the national flood insurance program.

Flood insurance study 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, provides both flood insurance rate zones and regional flood, provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance study maps 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 two feet of freeboard above the water surface profile elevation designated for the regional flood.

Flood, regional, means a flood determined to be representative of large floods known to have generally occurred in state and which may be expected to occur on a particular stream because of similar characteristics once every 100 years. This means that in any given year, there is a one percent chance that the regional flood may occur or be exceeded.

Flood, regional elevation, means an elevation equal to that which reflects the height of the regional flood.

Flood storage means those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

Floodplain means land which has been or may be covered by floodwater during the regional flood. The floodplain encompasses both the floodway and flood fringe district.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain, storage capacity of, means the volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

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 stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwaters or flood flows of any river or stream associated with the regional flood.

Floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, excluding public corridors, common restrooms, attic areas, unenclosed stairways, elevator structures, heating, or other building machinery equipment or basement space.

Freeboard means a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than the height calculated. These factors 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 aggradation of the river or stream bed.

Garage, private, means an accessory structure designed or used for inside parking of private passenger vehicles, recreation vehicles, or boats by the occupants of the principal structure.

Habitable building means any building or portion thereof used for human habitation.

Hearing notice means a publication or posting meeting the requirements of Wis. Stats. ch. 985.

Height, building. See *Building height*.

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.

Home occupation means an occupation conducted entirely in a dwelling unit, provided that:

(a) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall, under no circumstances, change the residential character thereof.

(b) No person, other than members of the family residing on the premises, shall be engaged in such occupation.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, mounted flat against the wall of the principal structure at a position not more than two feet in distance from the main entrance to the residence.

(d) No home occupation shall occupy more than 25 percent of the first floor area of the residence. Home occupations may be conducted within an accessory building or structure, provided that business is conducted entirely within the confines of such a building or structure and between the hours of 8:00 a.m. to 8:00 p.m.

(e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

(f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises.

Hotel means an establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotels may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court, or any form which conforms to this definition.

Increase in regional flood height means a calculated upward rise in the regional flood elevation equal to or greater than 0.01 foot, resulting from 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.

Kindergarten. See *Day nursery*.

Landscaping includes, but is not limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and complimentary structural landscape architectural features, such as rocks, fountains, sculpture, decorative walls, and tree wells.

Limited access roads means a street or highway to which private drives for vehicular access are prohibited by a governing jurisdiction.

Lot means a parcel of land used or set aside and available for use as the site for one or more buildings and building accessories thereto, or for any other purpose, in one ownership and not divided by a street, or including any land within the limits of a public or private street right-of-way. The term "record lot" means land designated as a distinct and separate parcel on a legally recorded deed or plat in the county clerk's office.

Lot, corner, means a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot coverage means the percentage of lot area that is covered or occupied by buildings, including accessory buildings, or the percentage of a lot that may be covered or occupied by buildings, including accessory buildings, under the terms of this chapter.

Lot depth means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot frontage means the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in this chapter. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the building inspector shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.

Lot, interior, means a lot other than a corner lot with only one frontage on a street.

Lot, reversed frontage, means a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner, interior, or through lot.

Lot, through, means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Lot types. The diagram which follows illustrates terminology used in these zoning regulations with reference to corner lots, interior lots, reversed frontage lots, and through lots.

Lot width means the distance between each side lot line as measured along the street line or right-of-way line. However, the width of lots facing cul-de-sacs may be reduced to not less than 85 percent of the normal required width.

May. The term "may" is permissive.

Mobile home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "mobile home" does not include recreational vehicles or travel.

Mobile home park means premises where mobile homes are located for nontransient living purposes and where sites or lots are set aside or offered for lease or rent for use by mobile homes for living

purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

Mobile home site means a lot or parcel within a mobile home park designated for the accommodation of not more than one mobile home.

Mobile home subdivision means a premises where mobile homes are located for nontransient living purposes and where lots are set aside or offered for sale or use as mobile homes for living purposes, including land, building, structure, or facility used by occupants of mobile homes on such premises.

Municipality or *municipal* means the city.

NGVD or *National Geodetic Vertical Datum* means elevations reference to mean sea level datum, 1929 adjustment.

Net acre means the total acreage of a lot, tract, or parcel, excluding land in existing and proposed streets and street rights-of-way.

Net density refers to the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including streets or street rights-of-way. In the determination of the number of dwellings to be permitted on a specified parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Nonconforming structure means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter.

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.

Nursing home. See *Convalescent home*.

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.

Occupied. See *Used*.

Office, business, means an office for such activities as real estate agencies, advertising agencies, but not sign shops, insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, but not a finance company, abstract and title agencies, or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. The term "business office" does not include a barber and beauty shop.

Office, professional, means an office for the use of persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians, psychiatrists, psychologists, and the like. It is characteristic that display advertising is not used and that the use is characterized by offering consultation services.

Official floodplain zoning map means that map, adopted and made part of this chapter, which has been approved by the department and FEMA.

Off-street loading space means any off-street space or berth located on the same site with a building or structure having the principal use of the site and utilized for the temporary parking, less than 24 hours, of commercial vehicles to facilitate the loading and unloading of merchandise and materials.

Off-street parking space means any off-street space or berth available to the general public to patronize businesses and serve nonresidential uses, for employees' on-the-job storage of their vehicles used for access to their jobs and for occupants of dwellings for storage of their personal vehicles.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

Ordinary high watermark 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 erosion, destruction, or

prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Pari-mutuel racing facility means an entertainment facility containing a racetrack, licensed under Wis. Stats. § 562.05(1), at which pari-mutuel betting is conducted. The term "pari-mutuel racing facility" may include such accessory uses and structures as restaurants and taverns, as well as boarding and veterinary facilities for racing animals.

Person includes a firm, association, organization, trust, partnership, company, or corporation as well as an individual.

Planned unit development means a residential land development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces, and the preservation of significant natural resources.

Present tense includes the future tense and the singular includes the plural.

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 industry, labor, and human relations, 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.

Reach, hydraulic, means that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in the stream bed slope or vegetation.

Regional flood. See *Flood, regional*.

Regional flood elevation. See *Flood, regional elevation*.

Salvage or wrecking yards are sites or facilities at which vehicles, appliances, machinery, equipment, electronics, scrap metals, paper, cardboard, plastic or other like salvageable materials are collected, stored, processed, crushed, sorted, separated, dismantled, demolished or otherwise handled, whether such activity is conducted within or without a structure, and whether the same is screened, fenced or done in the open.

Shopping center means a commercial land development consisting of three or more establishments, comprehensively planned as an entity via a unitary plan, under one ownership or unified control or management.

Sign means any structure, part thereof or device attached thereto or painted or represented thereon, which displays or includes any numeral, letter, word, model, banner, emblem, device, trademark, or other representation used as or in the nature of an announcement, advertisement, direction, or designation of any person or thing in such a manner as to attract attention from outside of the building. The following types of signs are exempted from permit requirements, but must be in conformance with all other requirements in this chapter:

(a) *Construction signs*. Two construction signs per construction site not exceeding 100 square feet in area which shall be confined to the site of construction and shall be removed 30 days after completion of construction or prior to occupancy after construction, whichever is sooner.

(b) *Directional and instructional signs*. Directional and instructional non-electric signs which provide instruction or direction and are located entirely on a property to which they pertain, do not exceed six square feet in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances, and exits.

(c) *Non-illuminated emblems*. Non-illuminated emblems or insignia of any nation, political subdivision, or nonprofit organization.

(d) *Government signs*. Government signs for control of traffic and other regulatory purposes and including danger signs, railroad crossing signs, and signs of public utilities indicating danger or aids to service or safety which are erected by or on the order of a public officer in the performance of his duty.

(e) *Home occupation signs*. Home occupation signs associated with permitted home occupations as defined in this section.

(f) *House numbers and nameplates*. Property numbers, post box numbers, names of occupants of the premises, or other identification not having commercial connotations.

(g) *Interior signs*. Interior signs located entirely within a building.

(h) *Memorial signs and plaques*. Memorial signs or tablets, plaques, names of buildings, and date of erection, which are cut into masonry surfaces or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area.

(i) *No trespassing or no dumping signs*. No trespassing and no dumping signs not to exceed 1½ square feet in area.

(j) *Public notices*. Public notices posted by public officials or employees in the performance of their duties.

(k) *Public signs*. Public signs required as specifically authorized for a public purpose by any law, statute, or ordinance.

(l) *Political and campaign signs*. Political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that such signs are subject to the following regulations:

1. Such signs, except billboards, may be erected not earlier than 30 days prior to the primary election and shall be removed within 15 days following such general election.

2. No sign, except billboards, shall exceed 16 square feet in nonresidential zoning districts and eight square feet in residential zoning districts.

3. No sign shall be located within 15 feet of the public right-of-way at a street intersection or over the right-of-way.

(m) *Real estate signs*. One real estate sales sign for each street frontage on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies and is not directly illuminated. Such signs are subject to the following regulations:

1. In residential zoning districts, such signs shall not exceed six square feet in area and shall be removed within seven days after the sale, rental, or lease has been accomplished.

2. In all other zoning districts, such signs shall not exceed 32 square feet in area and shall be removed within 15 days after the sale, rental, or lease has been accomplished.

(n) *Temporary window signs*. In commercial and industrial zoning districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 50 percent of the total window area and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.

(o) *On-premises symbols and insignia*. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

(p) *On- and off-premises temporary signs*. Temporary signs not exceeding 32 square feet in area pertaining to fund or pledge drives or events of civic, philanthropic, educational, or religious organizations, provided that such signs are posted not more than 30 days before such event and removed within five days after the event.

(q) *Vehicular signs*. Truck, bus, trailer, or other vehicle signs while operating in the normal use of business, which is not primarily the display of signs.

(r) *Neighborhood identification signs*. In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

Sign area includes the entire area within the periphery of a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including frames or structural elements of the sign bearing no advertising matter. In the case of double face signs, where both faces advertise a single facility, product, or service, only one face shall count toward the total aggregate area. Where both faces do not advertise a single facility, product, or service, each face shall be measured as surface area.

Sign, number, for the purpose of determining the number of signs, means a single display surface or device containing elements organized, related, and composed to form a unit. In the case of double face signs, where both faces advertise a single facility, product, or service, the total sign shall constitute a single sign. Where both faces do not advertise a single facility, product, or service, each sign face shall constitute a single sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Sign, on-site, means a sign relating in its subject matter to the premises on which it is located. Unless provided otherwise, all permitted signs shall be on site.

Sign types.

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product, or activity or for which no legal owner can be found.

Awning sign means a sign painted on, printed on, or attached flat against the surface of an awning. The term "awning" shall be defined as a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Billboard sign means any wall-mounted or freestanding sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which such sign is located.

Changeable copy sign, automatic, means a sign on which the characters, letters, or illustrations can be changed or rearranged automatically on a lampback or through mechanical means without altering the face or surface of the sign.

Delivery sign means signs identifying the occupant shall be permitted at the rear entrance doors to the premises. Such signs shall be of a nonluminous type, but may be illuminated by a protected, shielded incandescent light directed at the sign. The size of the sign shall not exceed six square feet in area. No other sign shall be permitted on the rear of the building.

Detached sign means a sign not attached to or painted on a building, but which is supported by structures or supports in or upon the ground, fence, or wall and independent of support from any building.

Directory sign means a sign identifying two or more persons, agencies, or establishments located in a place or location common to all.

Facade means the entire building front, including the store front, with an entrance and display windows, the upper facade, usually with regularly spaced windows, and the cornice that caps the building.

Flat sign means a sign attached to and parallel to the face of a building or erected or painted on the outside wall of a building and where support of such sign is provided by the wall. No part of such sign shall extend more than 18 inches from the building.

Ground sign means a sign erected on a freestanding frame, mast, pole, or more than one such mast or pole, not attached to any building.

Home occupation sign means a sign that identifies only the name or occupation of a practitioner or one conducting a permitted home occupation in a dwelling.

Identification sign means a sign whose copy is limited to the name and address of a building, institution, or person or to the activity or occupation being identified.

Illuminated sign means any sign illuminated in any manner by an artificial light source.

Logo means a symbol or trademark commonly used to identify a business or organization, but which in itself contains no word or numeral.

Marquee sign means any sign attached to or supported by a marquee structure. The term "marquee" shall be defined as a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Nonpermanent sign means any sign not permanently affixed to a structure or a self-propelled or towed vehicle or not permanently ground mounted, which is intended to be displayed for a short time on the premises.

Owner means a person recorded as such on official records. For the purpose of this chapter, the owner of property on which the sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the building inspector.

Projecting sign means a sign, other than a flat sign, which is attached to and projects 18 inches or more from the face of the building wall or other structure not specifically designed to support the sign.

Roof line means the uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of such facade, excluding any cupolas, pylons, chimneys, or minor projections.

Roof sign means a sign erected upon, against, or above a roof line and extending above the highest point of the roof.

Roof street sign means a sign erected on the roof of a building, no portion of which is above the roof line.

Signable area means one designated area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which a sign is to be displayed. The size of the signable area is determined by calculating the number of square feet which are enclosed by an imaginary rectangle or square drawn around the selected area. The term "signable area" shall be limited to that portion of the building below the sill line of the second story, unless the business being signed is located on the second story, in which case the signable area may extend to the sill line of the third story.

Subdivision identification sign means a sign containing the name of the subdivision in which it is located.

Temporary sign means a sign not constructed or intended for long-term use.

Wall sign means a sign attached to or erected against the wall of a building with the face in a parallel place to the plane of the building.

Window sign means any sign installed inside or upon a window, facing the outside, and which is intended to be seen from the exterior.

Storage capacity of a floodplain. See *Floodplain, storage capacity of*.

Story means that portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it, or, if there is not a floor above, then the space between such floor and the ceiling next above it.

Street line means the dividing line between the street and the lot. The term "street line" is the same as the legal right-of-way line.

Structure means any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas, or liquid storage tanks, bridges, dams and culverts.

Structure, accessory. See *Accessory use or structure*.

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. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For purposes of this definition, 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. 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.

(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.

Unnecessary hardship means a situation in which circumstance or 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 purpose of this chapter.

Used means intended, designed, or arranged to be used or occupied.

Utility storage structure means an uninhabited, subordinate structure not attached to the principal structure or the accessory structure, the use of which is incidental to and customary in conjunction with the principal use of the structure, e.g., storage of lawn and garden equipment, etc., to be located in the rear yard of the principal structure.

Variance means an authorization by the board of appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards contained in this chapter.

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.

Well means an excavation opening in the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater, regardless of its intended use.

Yard means an open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward; provided, however, that fences, walls, poles, posts, and other customary yard accessory ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front, means a yard extending across the front of a lot between the side lot lines and extending from the street line to the nearest line of the principal structure or projection of the principal structure.

Yard, rear, means a yard extending across the rear of a lot between the side lot lines and extending from the rear property line to the nearest line of the principal structure or projection of the principal structure.

Yard, side, means a yard extending between the nearest building or projection thereto and the side lot line and extending from the front yard to the rear yard.

(Code 2011, § 17.03; Ord. No. 1677, 3-20-2012)

Sec. 17.04. Reserved.

Sec. 17.05. Establishment of districts.

For the purpose of this chapter, the city is hereby divided into the following districts:

(1) RSF Residential Single-Family District.

(2) RNC Residential Neighborhood Conservation District.

(3) RTF Residential Two-Family District.

(4) RMF Residential Multifamily District.

(5) CCD Commercial Core District.

(6) CBD Central Business District.

(7) CHD Commercial Highway District.

(8) CSD Commercial Shopping Center District.

(9) IND Industrial District.

(10) IPD Industrial Park District.

(11) IT Institutional District.

(12) MH Mobile Home District.

(13) CH Conservancy District.

(14) FWD Floodway District.

(15) FFD Flood Fringe District.

(16) FPD General Floodplain District.

(Code 2011, § 17.05)

Sec. 17.06. Official zoning map.

(1) *Establishment*. The location and boundaries of all districts, except those relating to floodplain regulations, shall be as shown on the map titled the "Official Zoning Map of Kaukauna, Wisconsin." The official zoning map, with all notations, dimensions, designations, references and other data shown shall accompany and be part of this chapter and, upon adoption by the city council, shall be signed by the mayor and attested to by the city clerk-treasurer.

(2) *Amendment*. Amendments to the official zoning map shall be approved by the city council in accordance with the regulations in this chapter and Wis. Stats. § 62.23 and shall promptly be portrayed on the official zoning map. Amendments shall be effective upon adoption by the city council. All amendments shall be noted on the official zoning map by date and ordinance number.

(3) *Interpretation of boundaries*. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(a) Boundaries as indicated as approximately following the centerlines of streets, highways, alleys, or a railroad right-of-way shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Where boundaries do not follow property lines and distances are not specified on the official zoning map, boundaries shall be determined by the use of the scale on the official zoning map.

(Code 2011, § 17.06)

Sec. 17.07. Floodplain zoning ordinance.

(1) *Statutory authorization; finding of fact; statement of purpose; title; general provisions.*

(a) *Statutory authorization*. The ordinance from this section is derived is adopted pursuant to the authorization in Wis. Stats. § 62.23.

(b) *Finding of fact*. Uncontrolled development and use of the floodplains and rivers of this city would impair the public health, safety, convenience, general welfare, and tax base.

(c) *Statement of purpose*. This section is intended to regulate floodplain development to:

1. Protect life, health, and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and home buyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(d) *Title*. This section shall be known as the floodplain zoning ordinance of the city.

(e) *General provisions*.

1. *Areas to be regulated*. This section 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.

2. *Official maps and revisions*. The boundaries of all floodplain districts are designated as floodplains or A zones on the maps listed below and the revisions in the maps listed in this subsection 2 and any city revisions thereto. 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 (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the city engineer. If more than one map or revision is referenced, the most restrictive information shall apply.

Official maps: based on the county flood insurance study (FIS), dated (July 22, 2010), volume number (55087cv000a).

(a) County flood insurance rate map (FIRM), panel numbers (55087c0334d, 55087c0341d, 55087c0342d, 55087c0343d, 55087c0344d, 55087c0353d, 55087c0361d, 55087c0363d, 55087c0456d, 55087c0460 and 55087c0500d) dated July 22, 2010, with corresponding profiles that are based on the FIS.

3. *Establishment of districts*. The regional floodplain areas are divided into three districts as follows:

   a. The FWD Floodway District 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 FFD Floodfringe District is that portion of the floodplain between the regional flood limits and the floodway.

   c. The general FPD Floodplain District is those areas that have been or may be covered by floodwater during the regional flood.

4. *Locating floodplain boundaries*. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subsection (1)(e)4.a or b of this section. If a significant difference exists, the map shall be amended according to subsection (8) of this section. 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 subsection (7)(c)3 of this section and the criteria in subsections (1)(e)4.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.

      Note: where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to subsection (8)(a)6 of this section.

5. *Removal of lands from floodplain*. Compliance with the provisions of this section 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 subsection (8) of this section.

6. *Compliance*. Any development or use within the areas regulated by this section shall be in compliance with the terms of this section and other applicable local, state, and federal regulations.

7. *Municipalities and state agencies regulated*. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section 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.

8. *Abrogation and greater restrictions*.

   a. This section supersedes all the provisions of any city zoning ordinance enacted under Wis. Stats. § 62.23 which relate to floodplains. If another ordinance is more restrictive

than this section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

b. This section is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.

9. *Interpretation*. In their interpretation and application, the provisions of this section are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by state law. If a provision of this section, 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 section is derived or in effect on the date of the most recent text amendment to this section.

10. *Warning and disclaimer of liability*. The flood protection standards in this section 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 section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages, nor does this section create liability on the part of, or a cause of action against, the city or any officer or employee thereof for any flood damage that may result from reliance on this section.

11. *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 city for all annexed areas until the city 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 city'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 city zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

12. *General development standards*. The common council 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 floodprone 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 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 standards of this section. 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.

(2) *General standards applicable to all floodplain districts*.

(a) *Hydraulic and hydrologic analyses*.

1. Except as allowed in subsection (2)(a)3 of this section, no floodplain development shall:

a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

2. 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 (2)(a)3 of this section are met.

3. 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 subsection (8) of this section.

(b) *Watercourse alterations*. 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 cities, 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. It shall be the responsibility of the person altering the watercourse to provide the technical or scientific data necessary to the zoning administrator. All data shall be prepared and submitted by a state-licensed engineer. 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.

(c) *Wis. Stats. chs. 30 and 3; 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 subsection (8) of this section.

(d) *Public or private campgrounds*. Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:

1. The campground is approved by the department of health services.

2. A land use permit for the campground is issued by the zoning administrator.

3. The character of the river system and the elevation of the campground are such that a 72-hour warning of an impending flood can be given to all campground occupants.

4. 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 city emergency government coordinator and the chief of police 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.

5. 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 (2)(d)4 of this section. To remain in compliance with all applicable regulations, including those of the state department of health services and all other applicable regulations.

6. Only camping units are allowed.

7. 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.

8. 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.

9. The city shall monitor the limited authorizations issued by the campground operator to ensure compliance with the terms of this section.

10. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either subsection (3) or (4) of this section for the floodplain district in which the structure is located.

11. 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.

12. 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.

(3) *FWD Floodway District.*

(a) *Applicability*. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to subsection (5)(d) of this section.

(b) *Permitted uses*. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if they are not prohibited by any other ordinance; they meet the standards in subsections (3)(c) and (d) of this section; and all permits or certificates have been issued according to subsection (7)(a) of this section.

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 subsection (3)(c)4 of this section.

4. Uses or structures accessory to open space uses, or classified as historic structures that comply with subsections (3)(c) and (d) of this section.

5. Extraction of sand, gravel or other materials that comply with subsection (3)(c)4 of this section.

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 subsection (3)(c)3 of this section.

(c) *Standards for developments in floodway areas*.

1. *Generally*.

a. Any development in floodway areas shall comply with subsection (2) of this section and have low flood damage potential.

b. Applicants shall provide the following data to determine the effects of the proposal according to subsection (2)(a) of this section:

i. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

ii. An analysis calculating the effects of this proposal on regional flood height.

c. 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 (3)(c)b of this section.

2. *Structures*. Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

   a. The structures are not designed for human habitation and do not have a high flood damage potential;

   b. The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;

   c. The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

   d. The structures have all service facilities at or above the flood protection elevation.

3. *Public utilities, streets, and bridges*. Public utilities, streets, and bridges may be allowed by permit, if:

   a. Adequate floodproofing measures are provided to the flood protection elevation; and

   b. Construction meets the development standards of subsection (2)(a) of this section.

4. *Fills or deposition of materials*. Fills or deposition of materials may be allowed by permit, if:

   a. The requirements of subsection (2)(a) of this section are met;

   b. 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;

   c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

   d. The fill is not classified as a solid or hazardous material.

(d) *Prohibited uses*. All uses not listed as permitted uses in subsection (3)(b) of this section are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses.

2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.

3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts.

4. 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.

5. 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 812.

6. Any solid or hazardous waste disposal sites.

7. Wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)b.

8. 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.

(4) *FFD Floodfringe District.*

(a) *Applicability*. This subsection applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to subsection (5)(d) of this section.

(b) *Permitted uses*. Any structure, land use, or development is allowed in the floodfringe district if the standards in subsection (4)(c) of this section are met, the use is not prohibited by this chapter or any other ordinance or regulation and all permits or certificates specified in subsection (1) of this section have been issued.

(c) *Standards for development in floodfringe areas*. Subsection (2)(a) of this section shall apply in addition to the following requirements according to the use requested.

1. *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:

a. 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 make compliance with the fill standards impractical.

b. 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.

c. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (4)(c)1.d of this section.

d. In developments where existing street or sewer line elevations make compliance with subsection (4)(c)1.c of this section impractical, the city may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if the city has written assurance from police, fire, and emergency services that rescue and relief be provided to the structure by wheeled vehicles during a regional flood event, or the city has a natural disaster plan approved by state emergency management and the department.

2. *Accessory structures or uses*.

a. Except as provided in subsection (4)(c)2.b 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.

b. 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 subsections (3)(c)2.a. through d of this section and subsection (4)(c)5 of this section.

3. *Commercial uses*. Any commercial structure which is erected, altered, or moved into the floodfringe area shall meet the requirements of subsection (4)(c)1 of this section. Subject to the requirements of subsection (2)(c)6 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.

4. *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 subsection (5) of this section. Subject to the requirements of subsection (2)(c)6 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.

5. *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 (7)(e) of this section. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

6. *Public utilities, streets, and bridges*. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans, and:

   a. 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 subsection (7)(e) of this section to the flood protection elevation.

   b. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

7. *Sewage systems*. All on-site sewage disposal systems shall be floodproofed, pursuant to subsection (7)(e) of this section, to the flood protection elevation and shall meet the provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.

8. *Wells*. All wells shall be floodproofed, pursuant to subsection (7)(e) of this section, to the flood protection elevation and shall meet the provisions of Wis. Admin. Code chs. NR 811 and 812.

9. *Solid waste disposal sites*. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

10. *Deposition of materials*. Any deposited material must meet all the provisions of this section.

11. *Manufactured homes*.

    a. 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.

    b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

       i. Have the lowest floor elevated to the flood protection elevation; and

       ii. Be anchored so they do not float, collapse, or move laterally during a flood.

    c. 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 (4)(c)1 of this section.

12. *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 subsections (4)(c)11.b and c 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.

(5) *FPD General Floodplain District.*

(a) *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.

(b) *Permitted uses*. Pursuant to subsection (5)(d) of this section, it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (subsection (3)(b) of this section) and floodfringe areas (subsection (4)(b) of this section) are allowed within the general floodplain district, according to the standards of subsection (5)(c) of this section, provided that all permits or certificates required under subsection (7)(a) of this section have been issued.

(c) *Standards for development in the general floodplain district*. Subsection (3) of this section applies to floodway areas, subsection (4) of this section applies to floodfringe areas. The rest of this section applies to either district.

(d) *Determining floodway and floodfringe limits*. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

1. 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.

2. 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:

   a. 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.

   b. 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.

   c. Profile showing the slope of the bottom of the channel or flow line of the stream.

   d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.

3. Transmit one copy of the information described in subsections (5)(d)1 and 2 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 subsection (7)(b)2.c of this section apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(6) *Nonconforming uses*.

(a) *Generally*.

1. *Applicability*. If these standards conform to Wis. Stats. § 62.23(7)(h), 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 section is derived or any amendment thereto.

2. *Permitted uses.* The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this section may continue, subject to the following conditions:

   a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section. 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. 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.

b. 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 section.

c. The city 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.

Note: documentation is only required for modifications made to nonconforming structures and uses located in the floodplain.

d. 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 section. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (4)(c)1 of this section. 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 subsection.

e. Destroyed or damaged nonconforming structures, etc.

i. Except as provided in subsection (6)(a)2.e.ii 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 requirements of this section. 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.

ii. For nonconforming buildings that are damaged or 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 44 CFR part 60, or under the regulations promulgated thereunder.

f. 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 subsection (3)(c)1 of this section, flood-resistant materials are used and construction practices and floodproofing methods that comply with subsection (5) of this section are used.

(b) *Floodway areas*.

1. 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:

a. Has been granted a permit or variance which meets all requirements of this section;

b. Meets the requirements of subsection (6)(a) of this section;

c. Will not increase the obstruction to flood flows or regional flood height;

d. Any addition to the existing structure shall be floodproofed, pursuant to subsection (5) of this section, by means other than the use of fill, to the flood protection elevation;

e. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation;

f. It must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood; and

g. Its use must be limited to parking or limited storage.

2. 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 city ordinances and Wis. Admin. Code ch. SPS 383.

3. 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 city ordinances and Wis. Admin. Code chs. NR 811 and 812.

(c) *Floodfringe areas.*

1. 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 city, 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 subsection (4)(c) of this section, except where subsection (6)(c)2 of this section is applicable.

2. Where compliance with the provisions of subsection (6)(c)1 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 appeals, using the procedures established in subsection (7)(c) of this section, may grant a variance from those provisions of subsection (6)(c)1 of this section for modifications or additions, using the criteria listed in subsections (6)(c)2.a through f of this section. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;

b. Human lives are not endangered;

c. Public facilities, such as water or sewer, will not be installed;

d. Flood depths will not exceed two feet;

e. Flood velocities will not exceed two feet per second; and

f. The structure will not be used for storage of materials as described in subsection (4)(c)5 of this section.

3. If neither the provisions of subsections (6)(c)1 or 2 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 district, if the addition:

a. Meets all other regulations and will be granted by permit or variance;

b. Does not exceed 60 square feet in area; and

c. 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.

4. 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.

5. All new wells, or additions to, replacement, repair, or maintenance of, a well shall meet the applicable provisions of this section and Wis. Admin. Code chs. NR 811 and 812.

(7) *Administration*. Where a zoning administrator, planning agency, or a board of appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats. § 62.23(7) these officials shall also administer this section.

(a) *Zoning administrator (building inspector).*

1. *Powers and duties.* The building inspector is authorized to administer this section and shall have the following duties and powers:

a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and ensure that the regional flood elevation for the proposed development is shown on all permit applications.

b. Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.

(bm) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

c. Keep records of all official actions, such as:

i. All permits issued, inspections made, and work approved.

ii. Documentation of certified lowest floor and regional flood elevations for floodplain development.

iii. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances, and amendments.

iv. All substantial damage assessment reports for floodplain structures.

d. Submit copies of the following items to the department regional office:

i. Within ten days of the decision, a copy of any decisions on variances, appeals for map or text interpretations.

ii. Map or text amendments.

iii. 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, copies of substantial damage assessments performed and all related correspondence concerning the assessments.

e. Investigate, prepare reports, and report violations of this section to the city zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.

f. Submit copies of text and map amendments and biennial reports to the FEMA regional office.

2. *Land use permit*. A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the building inspector shall include:

a. *General information*.

i. Name and address of the applicant, property owner, and contractor.

ii. Legal description, proposed use, and whether it is new construction or a modification.

b. *Site development plan*. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

i. Location, dimensions, area, and elevation of the lot;

ii. Location of the ordinary highwater mark of any abutting navigable waterways;

iii. Location of any structures with distances measured from the lot lines and street center lines;

iv. Location of any existing or proposed on-site sewage systems or private water supply systems;

v. Location and elevation of existing or future access roads;

vi. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

vii. The elevation of the lowest floor of proposed buildings and any fill using national geodetic and vertical datum (NGVD) or North American Vertical Datum (NAVD);

viii. 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 subsection (3) or (4) of this section are met; and

ix. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to subsection (2)(a) of this section. This may include any of the information noted in subsection (3)(c)1 of this section.

c. *Data requirements to analyze developments*. 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 by state law and other proposed developments, exceeding five acres in area, or where the estimated cost exceeds $125,000.00, the applicant shall provide:

i. An analysis of the effect of the development on the regional flood profile, velocity of flow, and floodplain storage capacity;

ii. A map showing location and details of vehicular access to lands outside the floodplain; and

iii. A surface drainage plan showing how flood damage will be minimized.

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.

d. *Expiration*. All permits issued under the authority of this section shall expire 180 days after issuance.

3. *Certificate of compliance*. No land shall be occupied or used, and no building which is 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:

a. The certificate of compliance shall show that the building, premises or part thereof, and the proposed use, conform to the provisions of this section.

b. Application for such certificate shall be concurrent with the application for a permit.

c. If all provisions of this section are met, the certificate of compliance shall be issued within ten days after written notification that the permitted work is completed.

d. 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 subsection (5) of this section.

4. *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.

(b) *Zoning agency.*

1. The city plan commission shall:

a. Oversee the functions of the office of the building inspector; and

b. Review and advise the governing body on all proposed amendments to this section, maps, and text.

2. The plan commission shall not:

a. Grant variances to the terms of this section in place of action by the board of appeals; or

b. Amend the text or zoning maps in place of official action by the city council.

(c) *Board of appeals*. The board of appeals, created under Wis. Stats. § 62.23(7)(e), is hereby authorized to act for the purposes of this section. The board shall exercise the powers conferred by state law and adopt rules for the conduct of business. The building inspector may not be the secretary of the board.

1. *Powers and duties*. The board of appeals shall:

a. *Appeals*. Hear and decide 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 section.

b. *Boundary disputes*. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map described in subsection (1)(e) of this section.

c. *Variances*. Hear and decide, upon appeal, variances from the standards of this section.

2. *Appeals to the board*.

a. *Appeals.* Appeals to the board may be taken by any person aggrieved, or by any officer or department of the city affected by any decision of the building inspector 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.

b. *Notice and hearing.* Notice and hearing for appeals, including variances.

i. *Notice*. The board shall:

A. Fix a reasonable time for the hearing.

B. Publish adequate notice pursuant to state law specifying the date, time, place and subject of the hearing.

C. Ensure that notice shall be mailed to the parties in interest and the department regional office at least ten days in advance of the hearing.

ii. *Hearing*. Any party may appear in person or by agent. The board shall:

A. Resolve boundary disputes according to subsection (7)(c)3 of this section.

B. Decide variance applications according to subsection (7)(c)4 of this section.

C. Decide appeals of permit denials according to subsection (7)(d) of this section.

c. *Final decision.* The final decision regarding the appeal or variance application shall:

i. Be made within a reasonable time.

ii. Be sent to the department regional office within ten days of the decision.

iii. Be a written determination signed by the chairperson or secretary of the board.

iv. State the specific facts which are the basis for the board's decision.

v. 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.

vi. 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.

3. *Boundary disputes*. The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:

a. 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.

b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.

c. If the boundary is incorrectly mapped, the board should inform the city plan commission or the person contesting the boundary location to petition the governing body for a map amendment according to subsection (8) of this section.

4. *Variance*.

a. The board may, upon appeal, grant a variance from the standards of this section if an applicant convincingly demonstrates that:

i. Literal enforcement of the provisions of this section will cause unnecessary hardship;

ii. The hardship is due to adoption of this section and unique property conditions not common to adjacent lots or premises. In such case, this section or map must be amended;

iii. The variance is not contrary to the public interest; and

iv. The variance is consistent with the purpose of this section in subsection (1)(c) of this section.

b. In addition to the criteria in subsection (7)(c)4.a of this section, to qualify for a variance under FEMA regulations, the following criteria must be met:

i. The variance may not cause any increase in the regional flood elevation (RFE).

ii. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.

iii. 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 section.

c. A variance shall not:

i. Grant, extend, or increase any use prohibited in the zoning district.

ii. Be granted for a hardship based solely on an economic gain or loss.

iii. Be granted for a hardship which is self-created.

iv. Damage the rights or property values of other persons in the area.

v. Allow actions without the amendments to this section or maps required in subsection 17.07(8)(a) of this section.

vi. Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.

d. 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.

(d) *To review appeals of permit denials.*

1. The board of appeals (subsection (7)(b) of this section) shall review all data related to the appeal. This may include:

a. Permit application data listed in subsection (7)(a)2 of this section.

b. Floodway/floodfringe determination data in subsection (5)(d) of this section.

c. Data listed in subsection (3)(c)1.b.ii of this section where the applicant has not submitted this information to the zoning administrator.

d. Other data submitted with the application, or submitted to the board with the appeal.

2. For appeals of all denied permits, the board shall:

a. Follow the procedures of subsection (7)(c) of this section;

b. Consider zoning staff recommendations; and

c. Either uphold the denial or grant the appeal.

3. For appeals concerning increases in regional flood elevation, the board shall:

a. 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.

b. 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 that no other reasons for denial exist.

(e) *Floodproofing.*

1. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect registered in the state that the floodproofing measures will protect the structure or development to the flood protection elevation.

2. Floodproofing measures shall be designed to:

   a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

   b. Protect structures to the flood protection elevation;

   c. Anchor structures to foundations to resist flotation and lateral movement; and

   d. Ensure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

3. Floodproofing measures may include:

   a. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.

   b. Adding mass or weight to prevent flotation.

   c. Placing essential utilities above the flood protection elevation.

   d. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

   e. Constructing water supply wells and waste treatment systems to prevent the entry of floodwaters.

   f. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(f) *Public information*.

1. Where useful, the administrator or his designee shall place marks on structures to show the depth of inundation during the regional flood.

2. Maps, engineering data, and regulations shall be available and available for distribution.

3. All real estate transfers may show what floodplain zoning district any real property is in.

(8) *Amendments.*

(a) *Generally*. The city council may change or supplement the floodplain zoning district boundaries and this section in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

1. Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.

2. Correction of discrepancies between the water surface profiles and floodplain zoning maps.

3. 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.

4. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height by 0.01 foot or more.

5. Any upgrade to this section required by Wis. Admin. Code § NR 116.05 or otherwise required by law, or for changes by the city.

6. 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.

(b) *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 subsections (5)(d) and (7)(a)2 of this section.

1. The proposed amendment shall be referred to the common council for a public hearing. 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.
2. No amendments shall become effective until reviewed and approved by the department.
3. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height by 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 city council.
4. 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 subsection (1)(e)4 of this section.

(9) *Enforcement and penalties*. Any violation of the provisions of this section by any person is unlawful and shall be referred to the city attorney who shall expeditiously prosecute all such violations. A violator shall, upon conviction, forfeit to the city a penalty of $50.00, as provided in section Wis. Stats. § 87.30(2), together with the taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the city, the state, or any citizen thereof, pursuant to Wis. Stats. § 87.30.

(10) *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:

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 use or structure means a use or structure on the same lot with the principal use or structure and of a nature customarily incidental and subordinate to the principal use or structure.

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 means a structure having one or more stories and a roof which is used or intended to be used for the shelter or enclosure of persons, property, or animals. See *Structure*.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a city 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 section.

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 section.

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 (DNR) means the state department of natural resources.

Development means any artificial change to improved or unimproved real estate, including, but not limited to, construction of, or additions or substantial improvements to buildings, other structures or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition or extraction of materials.

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 section is derived. At a minimum, this includes 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. The term "expansion to existing mobile/manufactured home park" includes installation of utilities, construction of streets, and either final site grading, or the pouring of 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 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 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 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 study means a technical engineering examination, evaluation, and determination of the local flood hazard areas. The flood insurance study 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.

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. The term "floodplain" 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 ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

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.

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.

Flood protection elevation means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. See also *Freeboard*.

Flood storage means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

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 stream bed.

Habitable structure or building 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 one 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 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 also *Development*.

Manufactured home means a structure transportable in one or more sections, which in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and any plumbing, heating, air conditioning, or electrical systems are included and contained therein. 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 mobile recreational vehicles.

Municipality or *municipal* means the city.

NAVD or *North American Vertical Datum* means elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or *National Geodetic Vertical Datum* means elevations referenced to mean sea level datum, 1929 adjustment.

New construction, for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of the ordinance from which this section is derived and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it 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 section 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 section for the area of the floodplain which it occupies, such as a residence in the floodway.

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 section, as described in subsection (1)(e)2 of this section, 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 high water 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 characteristics.

Person means an individual, or group of individuals, corporation, partnership, association, city, or state agency.

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. The term "private sewage system" 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 state. The term "regional flood" means 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 after the permit issuance 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 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, stream bed, or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.

Subdivision 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 this section.

Variance means an authorization by the board of appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards, not uses, contained in the floodplain zoning ordinance.

Violation means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. 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.

Watershed means the entire region contributing runoff or surface water to a watercourse or body of water.

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.

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.

(Code 2011, § 17.07)

Sec. 17.08. Application of chapter.

The regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as provided in this section:

(1) No land, building, or structure shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations specified in this section for the district in which it is located.

(2) No sign shall be erected, hung, placed, painted, altered, or moved except in conformity with the regulations of the district in which it is located.

(3) No part of a yard, open space, off-street parking, or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.

(4) No lot or yard existing at the effective date of the ordinance from which this chapter is derived shall be reduced in dimension or area below the minimum requirements set forth in this chapter. Lots or yards created after the effective date of the ordinance from which this chapter is derived shall meet the minimum requirements established by this chapter.

(5) No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced. No accessory building shall be used unless the principal building on the lot is also used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

(Code 2011, § 17.08)

Sec. 17.09. Interpretation.

In their interpretation and application, the provisions of this chapter shall be considered minimum requirements. Where the provisions of this chapter impose greater restrictions than any statute, other regulation, ordinance, or covenant, the provisions of this chapter shall prevail. Where the provisions of any statute, other regulation, ordinance, or covenant impose greater restrictions than the provisions of this chapter, the provisions of such statute, other regulation, ordinance, or covenant shall prevail.

(Code 2011, § 17.09)

Sec. 17.10. Reserved.

Sec. 17.11. Nonconformities.

(1) *Applicability and intent*. Any use of land or structures, or any lot or structure which existed at the effective date of adoption or amendment of this chapter which would not be permitted or permissible by the provisions of this chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this chapter to permit such nonconformities to continue, subject to certain restrictions.

(2) *Nonconforming uses of land or land with minor structures only.* Where, at the effective date of the ordinance from which this chapter is derived, a use of land exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure with a replacement value of less than $10,000.00, such use may be continued subject to the following restrictions:

(a) Such use shall not be enlarged, increased, or extended to occupy a greater area of the lot than was occupied at the effective date of the ordinance from which this chapter is derived.

(b) Such use shall not be moved, in whole or in part, to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

(c) When such use is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not be resumed.

(d) No additional structure in connection with such use shall be erected.

(3) *Nonconforming uses of structures*. Where, at the effective date of the ordinance from which this chapter is derived, the use of a structure exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure with a replacement value exceeding $10,000.00, such use may be continued subject to the following restrictions:

(a) No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted or permissible in the district in which it is located.

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this chapter. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.

(c) There may be a change in tenancy, ownership, or management of a nonconforming use, provided that there is no change in the nature or character of such nonconforming use.

(d) When such use of a structure is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not be resumed.

(e) If a structure occupied by a nonconforming use is removed or destroyed, or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, the nonconforming use shall not be resumed.

(4) *Nonconforming structures*. Where, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, a structure exists which could not be erected in the district in which it is located by reason of restriction on lot area or coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

(a) Such structure shall not be altered in any manner which would increase the degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not, during its life, exceed 50 percent of the replacement cost of the structure.

(b) If such structure is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed, provided that reconstruction shall substantially reflect the prior structural arrangement and shall not increase the degree of nonconformity. If such structure is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the district in which it is located.

(5) *Nonconforming characteristics of use*. If characteristics of use such as lighting, parking, noise, or other matters pertaining to the use of land, structures, and premises are made nonconforming by the provisions of this chapter as adopted or amended, no change shall be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

(6) *Nonconforming lots of record*.

(a) In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of the ordinance from which this chapter is derived. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.

(b) If two or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of the ordinance from which this chapter is derived, the lands involved shall be considered to be an individual parcel for the purposes of this chapter, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.

(7) *Nonconforming signs*.

(a) No nonconforming signs shall be altered in any manner which would increase the degree of nonconformity. A legal nonconforming sign shall lose this designation if the sign is relocated or replaced or the structure or size of the sign is altered in any way, except for change of copy or normal maintenance, except towards compliance with this chapter. The legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. If such a sign is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign. If a nonconforming sign is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed, provided that any reconstruction does not increase the degree of nonconformity which previously existed.

(b) In the commercial core district, any nonconforming sign, the original cost of which was less than $2,500.00, shall be removed or altered to comply with the provisions of that district within two years of the effective date of the ordinance from which this chapter is derived. Signs that originally cost from $2,500.00 to $5,000.00 shall be removed or altered to comply with the provisions of that district within three years of the effective date of the ordinance from which this chapter is derived. Signs that originally cost more than $5,000.00 shall be removed or altered to comply with the provisions of that district within five years of the effective date of the ordinance from which this chapter is derived.

(8) *Casual, temporary, or illegal use*. The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

(9) *Repairs and maintenance*. Nothing in this chapter shall be deemed to prevent normal maintenance or repair of any structure, or to prevent restoring to a safe condition any structure declared to be unsafe.

(10) *Existing special exceptions*. Any use or structure existing on the effective date of the ordinance from which this chapter is derived which is classified as a special exception in the district in which it is located shall be deemed to have been granted approval, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement, or change in such use or structure shall require approval subject to section 17.47

(11) *Additional provisions for floodplain districts*. In addition to the provisions of this section, the following requirements shall apply to floodplain districts:

(a) *Floodway districts*. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway, unless the following criteria are met:

1. The modification or addition will not increase the amount of obstruction to flood flows as provided in section 17.40(3).
2. Any addition to the structure shall be floodproofed, pursuant to section 17.40(6), by means other than the use of fill, to the flood protection elevation.
3. No new on-site sewage disposal system or addition to an existing system, except where an addition has been ordered by a government agency to correct a health hazard, shall be allowed. Any replacement, repair, or maintenance of an existing on-site sewage disposal system shall meet applicable requirements of all land ordinances and all applicable chapters of state safety and professional services regulations (Wis. Admin. Code SPS).

(b) *Floodfringe districts*. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodfringe, unless the modification or addition is placed on fill or is floodproofed to the flood protection elevation as provided in section 17.40(6), except where compliance with this requirement 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 appeals, under section 17.50(3)(b), may grant a variance subject to the following criteria: human lives are not endangered; public facilities, such as water or sewer, are not to be installed; flood depths will not exceed two feet; flood velocities will not exceed two feet per second; and the structure will not be used for storage of materials described in section 17.30.00. In addition to the requirements in this section, all new on-site sewage systems and all new wells or additions to, replacements, repair, or maintenance thereof shall meet all applicable provisions of all local ordinances and Wis. Admin. Code chs. SPS 383, NR 111 and NR 112.

(Code 2011, § 17.11)

Secs. 17.12—17.14. Reserved.

DISTRICT REGULATIONS

SPECIAL PROVISIONS

ADMINISTRATION AND ENFORCEMENT

DISTRICT REGULATIONS

Sec. 17.15. Interpretation and organization.

Sec. 17.16. RSF Residential Single-Family District.

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Sec. 17.18. RTF Residential Two-Family District.

Sec. 17.19. RMF Residential Multifamily District.

Sec. 17.20. CCD Commercial Core District.

Sec. 17.21. CBD Central Business District.

Sec. 17.22. CHD Commercial Highway District.

Sec. 17.23. CSD Commercial Shopping Center District.

Sec. 17.24. IT Institutional District.

Sec. 17.25. IND Industrial District.

Sec. 17.26. IPD Industrial Park District.

Sec. 17.27. CH Conservancy District.

Sec. 17.28. MH Mobile Home District.

Secs. 17.29—17.31. Reserved.

Sec. 17.32. Supplementary district regulations.

Secs. 17.33, 17.34. Reserved.

Sec. 17.15. Interpretation and organization.

(1) District regulations shall be as set forth in this chapter.

(2) Permitted principal and accessory uses and structures listed for any district shall be permitted by right, subject to conditions as specified.

(3) Special exception uses and structures listed for any district are permissible only upon approval by the city council subject to the conditions as specified and any other conditions as may be imposed as provided by this chapter. (See section 17.47.)

(4) All uses and structures, dimensional, sign and off-street parking requirements shall be subject to section 17.32 and, where applicable, sections 17.35 through 17.40

(5) Off-street loading requirements for all districts are specified in section 17.32

(6) In those instances where district regulations set forth limited examples of permitted or permissible uses with reference to the phrase "and the like" or "and uses of a similar nature," it is understood that the examples serve as a guideline in determining other permitted or permissible uses.

(Code 2011, § 17.15)

Sec. 17.16. RSF Residential Single-Family District.

(1) *Purpose*. This district is intended to provide for moderate density single-family detached residential development in traditional development forms. Certain structures and uses designed to serve governmental, educational, religious, and noncommercial recreational uses are also permitted or permissible as special exceptions subject to restrictions and requirements necessary to preserve and protect the residential character of the district.

(2) *Permitted principal uses and structures*.

(a) Single-family dwellings.

(b) Public and semipublic nonprofit institutional uses, provided that principal access is directly onto a collector or arterial street to include:

1. Churches.

2. Schools.

3. Libraries.

(c) Parks, playgrounds, and community centers.

(d) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.

(e) Home occupations.

(3) *Special exception uses and structures*.

(a) Day nurseries.

(b) Convalescent homes, children's homes, or nursing homes.

(c) Public utility installations.

(d) Cemeteries.

(e) Gardens, nurseries, and orchards, provided that no office or store is provided on the premises.

(f) Community living arrangements/group homes, subject to Wis. Stats. § 62.23(7)(i).

(g) Clinics.

(4) *Dimensional requirements*.

(a) *Principal structures*.

1. *Single-family dwellings*.

a. Lot area: 7,200 square feet minimum.

b. Lot width: 60 feet minimum.

c. Front yard setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.

d. Side yard setback: seven feet minimum.

e. Rear yard setback: 20 feet minimum.

f. Lot coverage: 30 percent maximum.

g. Height: 35 feet maximum.

2. *Other permissible principal uses and structures*.

a. Lot area: 10,000 square feet minimum.

b. Lot width: 100 feet minimum.

c. Front yard setback: 25 feet minimum.

d. Side yard setback: 15 feet minimum.

e. Rear yard setback: 25 feet minimum.

f. Lot coverage: 25 percent maximum.

g. Height: 35 feet maximum.

(b) *Accessory uses and structures.*

1. *Attached garage*. All dimensional regulations (i.e., setbacks and height) of an attached garage shall be the same as the principal structure.

2. *Detached garage in rear yard*.

a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

b. Front yard setback: 60 feet minimum.

c. Rear yard setback: three feet minimum.

d. Side yard setback: three feet minimum.

e. Structure area: the maximum lot coverage by the total of all garage area, whether attached, detached, or combined, shall not exceed 1,400 square feet or exceed, in combination with the principal structure, 30 percent of the lot area.

f. Five feet minimum between principal and accessory structure.

3. *Detached garage in side yard or less than 60 feet front yard setback*.

a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

b. Front yard setback: 25 feet or the same setback as the principal structure, whichever is greater.

c. Rear yard setback: 20 feet minimum.

d. Side yard setback: seven feet minimum.

e. Structure area: the maximum lot coverage by the total of all garage area, whether attached, detached, or combined, shall not exceed 1,400 square feet or exceed, in combination with the principal structure, 30 percent of the lot area.

f. Five feet minimum between principal and accessory structure.

4. *Detached garage on corner lots*.

a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

b. Front yard and side street (front yard) setbacks: 25 feet or the same as the principal structure, whichever is greater.

c. Rear yard setbacks: three feet minimum setback, provided that the accessory structure is a minimum of ten feet from a neighboring principal structure.

d. Side yard setbacks: three feet minimum setback, provided that the accessory structure is a minimum of ten feet from a neighboring principal structure.

e. Structure area: the maximum lot coverage by the total of all garage area, whether attached, detached or combined, shall not exceed 1,400 square feet or exceed, in combination with the principal structure, 30 percent of the lot area.

f. Five feet minimum between principal and accessory structure.

5. *Utility storage structure*.

a. One utility storage structure when located on the same lot as the principal structure not occupied by nor involving the conduct of a business or home occupation.

b. The location of the utility storage structure must be located in the rear yard and comply with all setback requirements governing a detached garage.

c. Structure area: 170 square feet maximum.

d. The utility storage structure, combined with all other accessory structures, shall not occupy more than 30 percent of the rear yard area.

(5) *Permitted accessory signs*.

(a) One subdivision identification sign limited to 25 square feet in area.

(b) One temporary sign for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of property. No temporary sign shall be erected within ten feet of any adjacent side yard, and no temporary sign shall remain after the sale, lease, or development of the property.

(c) In connection with any public or semipublic institution, the following signs are permitted:

1. One identification sign limited to 25 square feet in area.
2. One bulletin board limited to 20 square feet in area.
3. Not more than two temporary signs or banners limited to a combined area of 30 square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two weeks.

(6) *Off-street parking requirements*.

(a) Dwellings: 1½ per unit.

(b) Churches: one per three fixed seats.

(c) High schools: one per three students and employees.

(d) Elementary schools, junior high schools, day nurseries: one per employee.

(e) Libraries, exhibits, community centers: one per three persons of maximum capacity.

(f) Convalescent homes, children's homes, nursing homes: one per four beds, plus one per employee.

(7) *Other requirements*. When property is used for any of the allowable uses in this section, it shall be landscaped and maintained in harmony with the surrounding area so as not to substantially interfere with the comfortable enjoyment of life or property by residents of the same area, nor to materially decrease the value of their properties. If a new construction, a lawn shall be planted within six months after the residence or other allowable building has been constructed.

(Code 2011, § 17.16)

Sec. 17.17. Reserved.

Sec. 17.18. RTF Residential Two-Family District.

(1) *Purpose*. This district is intended to provide for moderate to medium density residential development with emphasis on two-family and single-family attached residential uses. This district is also intended to provide for alternative development types and for infilling opportunities for parcels which, for various reasons, have been bypassed for development. Nonresidential uses are limited to those which are compatible with the medium density character of the district.

(2) *Permitted principal uses and structures*.

(a) Single-family dwellings.

(b) Two-family dwellings.

(c) Single-family attached with zero lot line.

1. *Intent*. The intent of allowing for single-family attached with zero lot line development is to accommodate quality single-family housing on an economic scale that facilitates and encourages energy efficiency, medium to low density development, and efficient use of public infrastructure.
2. *Character of site*. All single-family attached with zero lot line development shall be suitable for placement on a lot in such a manner that, if one single-family residence is removed, the remaining residence is not compromised. Single-family attached with zero lot line shall be permitted only in RTF Residential Two-Family and RMF Residential Multifamily Districts.
3. *Area and density requirements*.

a. Lot area: 4,500 square feet minimum.

b. Lot width: 35 feet minimum.

c. Front yard setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setback of the adjacent lots, but not less than 15 feet.

d. Side yard setback: zero on one side, provided that the structure is built as a two-family attached dwelling with each unit on its own lot. Remaining side yards setbacks are seven feet minimum.

e. Rear yard setback: 25 feet minimum.

f. Lot coverage: 30 percent maximum.

g. Height: 35 feet maximum.

4. *Utilities*. Each single-family unit shall be provided separate sanitary sewer lateral, storm sewer lateral (if applicable), water lateral, gas meter, and electric meter without such infrastructure passing through an adjoining unit.

5. *Lot split*. All lots shall be divided by certified survey map (CSM) or subdivision plat in compliance with chapter 18 of this Code and be clearly marked on the face of the CSM or plat as "single-family attached with zero lot line" for all applicable lots.

6. *Uniform control*. Both units for a single-family attached with zero lot line shall receive occupancy permits prior to any one unit being occupied. Easements shall be provided upon each lot as may be necessary for water, sewer, and all other utility services. The easements shall be approved by each of the utility providers. Foundation drains shall have a separate sump pump located in each dwelling unit. Restrictive covenants shall be recorded with the appropriate county register of deeds providing declarations or bylaws similar to those typically recorded on a declaration of condominium. The covenants shall provide for mediation of any and all disputes between owners of each unit and any third party with regard to construction, use, and maintenance of the real property. Furthermore, the covenants shall specifically state that the city and all approving authorities shall not be held responsible for enforcing the same, and that the covenants shall inure to all heirs and assigns. Evidence of such recording shall be provided to, and placed on file with, the city's building inspection department prior to the issuance of an occupancy permit.

(d) Public and semipublic nonprofit institutional uses, provided that principal access is directly onto a collector or arterial street to include:

1. Churches.

2. Schools.

3. Libraries.

(e) Parks, playgrounds, and community centers.

(f) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.

(g) Home occupations.

(3) *Special exception uses and structures*.

(a) Day nurseries.

(b) Convalescent homes, children's homes or nursing homes.

(c) Public utility installations.

(d) Cemeteries.

(e) Gardens, nurseries, and orchards, provided that no office or store is provided on the premises.

(f) Community living arrangements/group homes, subject to Wis. Stats. § 62.23(7)(i).

(g) Clinics.

(h) Cluster subdivisions per section 17.37

(i) PUD Planned Unit Development per section 17.36

(4) *Dimensional requirements*.

(a) *Principal structures*.

1. *Single-family dwellings.* Single-family detached dwellings shall meet all RSF Residential Single-Family Dimensional Requirements, per section 17.16(4)(a).

2. *Two-family dwellings*.

a. Lot area: 9,000 square feet minimum.

b. Lot width: 70 feet minimum.

c. Front yard setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.

d. Side yard setback: seven feet minimum.

e. Rear yard setback: 25 feet minimum.

f. Lot coverage: 30 percent maximum.

g. Height: 35 feet maximum.

3. *Single-family attached dwellings.*

a. Lot area: 18,000 square feet minimum.

b. Lot width: 100 feet minimum.

c. Front yard setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.

d. Side yard setback: 12 feet minimum.

e. Rear yard setback: 25 feet minimum.

f. Density: 12 dwelling units per net acre maximum.

g. Lot coverage: 25 percent maximum.

h. Height: 35 feet maximum.

i. Not more than eight dwelling units shall be contiguous or in one group or series and not more than two dwelling units in one group or series shall have the same or approximately the same roof or building line. Not less than 40 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas. A site plan under site plans, under section 17.32(11), is required for all single-family attached developments. Common open space shall be subject to the requirements of common open space, per section 17.32(9).

4. *Other permissible principal uses and structures.*

a. Lot area: 10,000 square feet minimum.

b. Lot width: 80 feet minimum.

c. Front yard: 25 feet minimum.

d. Side yard setback: ten feet minimum.

e. Rear yard setback: 25 feet minimum.

f. Lot coverage: 25 percent maximum.

g. Height: 35 feet maximum.

(b) *Accessory uses and structures.*

1. *Single-family detached dwellings.* Single-family detached dwellings shall meet all RSF Residential Single-Family Dimensional Requirements, per section 17.16(4)(b).

2. *Attached garages*. All dimensional regulations (i.e., setbacks and height) of an attached garage shall be the same as the principal structure.

3. *Detached garage in rear yard*.

   a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

   b. Front yard setback: 60 feet minimum.

   c. Rear yard setback: three feet minimum.

   d. Side yard setback: three feet minimum.

   e. Structure area: the maximum lot coverage by the total of all garage area, whether attached, detached or combined, shall not exceed 1,400 square feet or exceed, in combination with the principal structure, 30 percent of the lot area.

   f. Five feet minimum between principal and accessory structure.

4. *Detached garage in side yard or less than 60 feet front yard setback.*

   a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

   b. Front yard setback: 25 feet or the same setback as the principal structure, whichever is greater.

   c. Rear yard setback: 25 feet minimum.

   d. Side yard setback: Seven feet minimum.

   e. Structure area: the maximum lot coverage by the total of all garage area, whether attached, detached or combined, shall not exceed 1,400 square feet or exceed, in combination with the principal structure, 30 percent of the lot area.

   f. Five feet minimum between principal and accessory structure.

5. *Detached garage on corner lots.*

   a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

   b. Front yard and side street (front yard) setbacks: 25 feet or the same as the principal structure, whichever is greater.

   c. Rear yard setbacks: three feet minimum setback, provided that the accessory structure is a minimum of ten feet from a neighboring principal structure.

   d. Side yard setbacks: three feet minimum setback, provided that the accessory structure is a minimum of ten feet from a neighboring principal structure.

   e. Structure area: the maximum lot coverage by the total of all garage area, whether attached, detached or combined, shall not exceed 1,400 square feet or exceed, in combination with the principal structure, 30 percent of the lot area.

   f. Five feet minimum between principal and accessory structure.

6. *Utility storage structure.*

a. One utility storage structure when located on the same lot as the principal structure, not occupied by nor involving the conduct of a business or home occupation.

b. The location of the utility storage structure must be located in the rear yard and comply with all setback requirements governing a detached garage.

c. Structure area: 170 square feet maximum.

d. The utility storage structure, combined with all other accessory structures, shall not occupy more than 30 percent of the rear yard area.

(5) *Permitted accessory signs*.

(a) One subdivision identification sign limited to 25 square feet in area.

(b) One temporary sign for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of property. No temporary sign shall be erected within ten feet of any adjacent side yard, and no temporary sign shall remain after the sale, lease, or development of the property.

(c) In connection with any public or semipublic institution, the following signs are permitted:

1. One identification sign limited to 25 square feet in area.

2. One bulletin board limited to 20 square feet in area.

3. Not more than two temporary signs or banners limited to a combined area of 30 square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two weeks.

(6) *Off-street parking requirements*.

(a) Dwellings: 1½ per unit.

(b) Churches: one per three fixed seats.

(c) High schools: one per three students and employees.

(d) Elementary schools, junior high schools, day nurseries: one per employee.

(e) Libraries, exhibits, community centers: one per three persons of maximum capacity.

(f) Convalescent homes, children's homes, nursing homes: one per four beds, plus one per employee.

(7) *Other requirements*. When property is used for any of the allowable uses in this section, it shall be landscaped and maintained in harmony with the surrounding area so as not to substantially interfere with the comfortable enjoyment of life or property by residents of the same area, nor to materially decrease the value of their properties. If a new construction, a lawn shall be planted within six months after the residence or other allowable building has been constructed.

(Code 2011, § 17.18)

Sec. 17.19. RMF Residential Multifamily District.

(1) *Purpose*. This district is intended to provide for medium to high density residential areas with emphasis on multifamily residential use. Nonresidential uses are limited to those which are compatible with the high density character of the district.

(2) *Permitted principal uses and structures*.

(a) Single-family dwellings.

(b) Public and semipublic nonprofit institutional uses, provided that principal access is directly onto a collector or arterial street to include:

1. Churches.
2. Schools.
3. Libraries.

(c) Parks, playgrounds, and community centers.

(d) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.

(e) Home occupations.

(f) Two-family dwellings.

(g) Single-family attached with zero lot line.

1. *Intent*. The intent of allowing for single-family attached with zero lot line development is to accommodate quality single-family housing on an economic scale that facilitates and encourages energy efficiency, medium to low density development, and efficient use of public infrastructure.
2. *Character of site*. All single-family attached with zero lot line development shall be suitable for placement on a lot in such a manner that, if one single-family residence is removed, the remaining residence is not compromised. Single-family attached with zero lot line shall be permitted only in RTF Residential Two-Family and RMF Residential Multifamily Districts.
3. *Area and density requirements*.
   a. Lot area: 4,500 square feet minimum.
   b. Lot width: 35 feet minimum.
   c. Front yard setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setback of the adjacent lots, but not less than 15 feet.
   d. Side yard setback: zero on one side, provided that the structure is built as a two-family attached dwelling with each unit on its own lot. Remaining side yard setbacks are seven feet minimum.
   e. Rear yard setback: 25 feet minimum.
   f. Lot coverage: 30 percent maximum.
   g. Height: 35 feet maximum.
4. *Utilities*. Each single-family unit shall be provided separate sanitary sewer lateral, storm sewer lateral (if applicable), water lateral, gas meter, and electric meter without such infrastructure passing through an adjoining unit.
5. *Lot split*. All lots shall be divided by certified survey map (CSM) or subdivision plat in compliance with chapter 18 of this Code and be clearly marked on the face of the CSM or plat as "single-family attached with zero lot line" for all applicable lots.
6. *Uniform control*. Both units for a single-family attached with zero lot line shall receive occupancy permits prior to any one unit being occupied. Easements shall be provided upon each lot as may be necessary for water, sewer, and all other utility services. The easements shall be approved by each of the utility providers. Foundation drains shall have a separate sump pump located in each dwelling unit. Restrictive covenants shall be recorded with the appropriate county register of deeds providing declarations or bylaws similar to those typically recorded on a declaration of condominium. The covenants shall provide for mediation of any and all disputes between owners of each unit and any third party with regard to construction, use, and maintenance of the real property. Furthermore,

the covenants shall specifically state that the city and all approving authorities shall not be held responsible for enforcing the same, and that the covenants shall inure to all heirs and assigns. Evidence of such recording shall be provided to, and placed on file with, the city's building inspection department prior to the issuance of an occupancy permit.

(h) Multifamily dwellings not exceeding three stories or 45 feet in height.

(i) Townhouse development.

1. *Intent*. The intent of townhouse development is to accommodate quality single-family and two-family housing on an economical scale that facilitates and encourages energy efficiency, high density land management and desirable housing choices by allowing for high density land use and greater flexibility in design features for projects conceived and implemented as a comprehensive and cohesive development.

2. *Character of site.* All townhouse developments shall be suitable for development in a manner consistent with the city's comprehensive plan for high-density residential development. Townhouse developments shall only be permitted in areas zoned RMF Residential Multifamily.

3. *Uniform control*. All land proposed for townhouse development is under the legal control of the applicant whether the applicant is an individual, corporation, or partnership. The applicant shall have the unrestricted right to impose all of the conditions contemplated by the provisions of the regulations.

4. *Permitted uses*. Single- and two-family residential units connected by zero lot lines on at least one side.

5. *Area and density requirements*. A tract of land proposed for townhouse development shall contain a minimum of 20,000 square feet suitable for a minimum of six lots. There are no minimum front, side, or rear yard setbacks. A ten-foot setback is required for any building adjoining a side or rear yard on the periphery of the applicant's property. There is no minimum lot area or maximum lot coverage.

6. *Access*. Every lot shall have access to a public street either directly or via an approved private road or alley.

7. *Plat requirements*. All normal platting requirements shall be met, including requirements for public infrastructure and utilities.

8. *Design standards*. The following design standards shall apply to townhouse developments:

   a. One and one half parking stalls per residential unit on the lot.

   b. Each structure shall have its own footings, foundation, utilities, laterals, independent design, and roof line.

   c. A site plan per site plans section 17.32(11) is required for each lot.

9. *Zoning*. Where conflicts exist between interpretation of the RMF Residential Multifamily Zoning and interpretation of this section, this section shall apply.

(3) *Special exception uses and structures*.

(a) Day nurseries.

(b) Convalescent homes, children's homes, or nursing homes.

(c) Public utility installations.

(d) Cemeteries.

(e) Gardens, nurseries, and orchards, provided that no office or store is provided on the premises.

(f) Community living arrangements/group homes, subject to Wis. Stats. § 62.23(7)(i).

(g) Clinics.

(h) Cluster subdivisions per section 17.37

(i) PUD Planned Unit Development per section 17.36

(j) Multifamily dwellings exceeding three stories or 45 feet in height.

(4) *Dimensional requirements*.

(a) *Principal structures*.

1. *Single-family dwellings.* Single-family dwellings shall meet all RSF Residential Single-Family Basic Dimensional Requirements, per section 17.16 (4)(a)1 .

2. *Two-family dwellings.* Two-family dwellings shall meet all RTF Residential Two-Family Basic Dimensional Requirements, per section 17.18(4)(a)2.

3. *Single-family attached dwellings.* Single-family attached dwellings shall meet all RTF Residential Two-Family Basic Dimensional Requirements, per section 17.18(4)(a)3.

4. *Multifamily dwellings.* Multifamily dwellings not exceeding three stories or 45 feet in height.

a. Lot area: 10,000 square feet minimum.

b. Lot width: 80 feet minimum.

c. Front yard setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.

d. Side yard setback: ten feet minimum.

e. Rear yard setback: 25 feet minimum.

f. Density: 20 dwelling units per net acre maximum.

g. Lot coverage: 30 percent maximum.

h. Height: 45 feet maximum.

i. Not less than 40 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas. A site plan under section 17.32(11) is required for all multifamily developments.

(b) *Accessory structures/uses*.

1. *Single-family dwellings.* Single-family dwellings shall meet all RSF Residential Single-family, section 17.16(4)(b) dimensional requirements.

2. *Two-family dwellings.* Two-family dwellings shall meet all RTF Residential Two-family, section 17.18(4)(b) dimensional requirements.

3. *Single-family attached dwellings*. Single-family attached dwellings shall meet all RTF Residential Two-family, section 17.18(4)(b) dimensional requirements.

4. *Attached garages.* All dimensional regulations (i.e., setbacks and height) of an attached garage shall be the same as the principal structure.

5. *Detached garage in rear yard*.

a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

b. Front yard setback: 60 feet minimum.

c. Rear yard setback: three feet minimum.

d. Side yard setback: three feet minimum.

e. Structure area: maximum 30 percent of the rear yard or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.

f. Five feet minimum between principal and accessory structure.

6. *Detached garage in side yard or less than 60 feet front yard setback.*

a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

b. Front yard setback: 25 feet or the same setback as the principal structure, whichever is greater.

c. Rear yard setback: 25 feet minimum.

d. Side yard setback: Seven feet minimum.

e. Structure area: maximum 30 percent of the rear yard and side yard areas combined or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.

f. Five feet minimum between principal and accessory structure.

7. *Detached garage on corner lots.*

a. Height: total building height of 18 feet, maximum side wall height of ten feet, and one story maximum.

b. Front yard and side street (front yard) setbacks: 25 feet or the same as the principal structure, whichever is greater.

c. Side yard setbacks: three feet minimum setback, provided that the accessory structure is a minimum of ten feet from a neighboring principal structure.

d. Rear yard setbacks: three feet minimum setback, provided that the accessory structure is a minimum of ten feet from a neighboring principal structure.

e. Structure area: maximum 30 percent of the rear yard or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.

f. Five feet minimum between principal and accessory structure.

8. *Utility storage structure.*

a. One utility storage structure when located on the same lot as the principal structure not occupied by nor involving the conduct of a business or home occupation.

b. The location of the utility storage structure must be located in the rear yard and comply with all setback requirements governing a detached garage.

c. Structure area: 170 square feet maximum.

d. The utility storage structure, combined with all other accessory structures, shall not occupy more than 30 percent of the rear yard area.

(5) *Permitted accessory signs*.

(a) One subdivision identification sign limited to 25 square feet in area.

(b) One temporary sign for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of property. No temporary sign shall be erected within ten feet of any adjacent side yard and no temporary sign shall remain after the sale, lease, or development of the property.

(c) In connection with any public or semipublic institution, the following signs are permitted:

1. One identification sign limited to 25 square feet in area.
2. One bulletin board limited to 20 square feet in area.
3. Not more than two temporary signs or banners limited to a combined area of 30 square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two weeks.

(6) *Off-street parking requirements*.

(a) Dwellings: 1½ per unit.

(b) Churches: one per three fixed seats.

(c) High schools: one per three students and employees.

(d) Elementary schools, junior high schools, day nurseries: one per employee.

(e) Libraries, exhibits, community centers: one per three persons of maximum capacity.

(f) Convalescent homes, children's homes, nursing homes: one per four beds, plus one per employee.

(7) *Other requirements*. When property is used for any of the above allowable uses, it shall be landscaped and maintained in harmony with the surrounding area so as not to substantially interfere with the comfortable enjoyment of life or property by residents of the same area, nor to materially decrease the value of their properties. If a new construction, a lawn shall be planted within six months after the residence or other allowable building has been constructed.

(Code 2011, § 17.19)

Sec. 17.20. CCD Commercial Core District.

(1) *Purpose*. This district is established to provide for a centrally located intensely developed core of commercial activity. It is intended that the physical development of the district be highly concentrated and integrated offering a convenient and attractive shopping environment. It is also intended that, to the maximum extent practicable, various establishments be operated and managed in a coordinated manner. Permitted uses are limited to those which are highly compatible, mutually reinforcing, and conducive to common approaches in operation, area design improvements, traffic and pedestrian circulation, and parking. In addition, buildings and structures are subject to a certificate of appropriateness in section 17.48

(2) *Permitted principal uses and structures*.

(a) Retail outlets for sale of food, home furnishings, appliances, and wearing apparel, including repair strictly incidental to sales, office equipment, hardware, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, camera or photographic supplies, including camera repair, alcoholic beverages for off-premises consumption, sporting goods, hobby and pet shops, delicatessen, bake shop, but not wholesale bakery, musical instruments, florist and gift shops, and similar products.

(b) Service establishments such as barber and beauty shops, shoe repair, restaurants, except drive-in restaurants, interior decorator, photographic studios, dance or music studio, tailor or dressmaker, laundry or dry cleaner, radio or television repair, and similar uses.

(c) Banks and other financial institutions, employment offices, business offices, professional offices, and similar establishments.

(d) Dwellings above or behind other principal uses so as to not interrupt business frontage.

(3) *Permitted accessory uses and structures*. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be

kept in closed containers and that such containers shall not be visible from portions of the premises customarily open to pedestrian or automobile circulation or parking.

(4) *Special exception uses and structures*.

(a) Clubs and organizations.

(b) Printing and publishing establishments.

(c) Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.

(d) Dwellings.

(e) Hotels.

(f) Taverns.

(g) Bowling alleys.

(h) Automobile sales and service.

(i) Automobile filling stations.

(j) Mortuaries.

(5) *Dimensional requirements*. There are no minimum lot area or width requirements, no yard requirements or maximum height limitations; provided, however, that buildings and structures are subject to a certificate of appropriateness in section 17.48

(6) *Permitted accessory signs*. One exterior sign permitted on each sidewall of a building fronting on a street or public way. On all exterior signs, the name and graphics/logo of the business must occupy at least 60 percent of the sign area. Advertising by material or product manufacturers and suppliers shall not be considered the graphics/logo of the business, except when such manufacturer constitutes the entire official name of the business (i.e., Domino's Pizza or Pizza Hut). No sign or any part of a sign structure shall extend above the roofline of buildings. Signs shall not be permitted on sidewalls, unless fronting on a street or public way and no sign shall be painted directly onto the surface of a building.

(a) *Flat signs*. For each principal structure, flat signs limited in aggregate area to 15 percent of the wall area fronting on a street or public way (total wall area, including the window area). Flat signs are permitted, provided that:

1. Flat signs may not project more than 18 inches beyond the primary surface of the building.

2. Flat signs may be luminous or illuminated by any acceptable method, but no blinking, flashing, or alternating lighting shall be permitted. All lighting and electrical elements, such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from public view.

3. Flat signs shall be located in the signable area of the building facade. If no signable area can be distinguished in the facade, a suitable signable area shall be determined by the redevelopment authority. If a sign is placed between windows, the height of the sign may not exceed more than two-thirds the height of the space.

4. In buildings containing two or more businesses, the signable area may also include an area adjacent to the entrance to be used for a business directory. This sign shall not exceed seven square feet in total area. In addition, in buildings that contain two or more businesses, the owner may divide the signable area for the building occupants. In buildings where the facade is divided by architectural details, each business may be allowed a signable area.

(b) *Projecting signs*. Projecting signs are permitted, provided that:

1. One projecting sign per street front.

2. Size of the sign not to exceed 16 square feet.
3. Projecting signs may be displayed only if a building facade is 20 inches or more in width, unless the sign consists solely of a symbol.
4. Signs shall project no more than five feet from the face of a building.
5. Distance from a projecting sign to a side property line shall not be less than three feet.
6. Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade of the right-of-way line of nine feet.
7. Projection shall be at 90 degrees to the building face.
8. Both sides of the sign shall be finished.
9. Signs should be a simple, geometric shape, such as a square, rectangle, circle, hexagon, etc., or may be a cutout symbolic or representational shape related to the nature of the business.
10. For one-story structures, projecting signs may extend to the juncture of roof and wall.

(c) *Awnings*. Flameproofed, fabric awnings shall be permitted. The only items of information allowed on an awning shall be the name of the business, graphics/logo, and the street number and the combined area of such signs in excess of 15 square feet must be counted as part of the total area allowed that building for its exterior signs.

(d) *Window signs*. No window sign shall occupy more than 30 percent of the total area of the window in which the sign is located. No window sign shall be affixed to a window surface, except that the name, monogram, logo, address, and telephone number of the person or firm occupying the premises as well as a description of products or services offered may be permanently affixed upon a window. The surface area of such signs is not to be included in the overall computation of allowable signage. The provisions of this subsection shall not restrict the reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of business, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowing window signs.

(e) *Detached signs*. For every 100 feet of lot frontage, one detached sign limited to 50 square feet in area on each side (limit of two sides and 100 square feet) and 25 feet in height; provided, however, that the building is set back at least 35 feet from the street curb.

(f) *Nonpermanent signs*. Nonpermanent signs shall be restricted in use to the display of special limited time promotions, sales, or events and shall be used for the sole purpose of serving as an identification sign. Such signs shall be limited in use on any premises to a period not to exceed 14 consecutive days at a time and not more frequently than four times per calendar year with a minimum of 30 days lapsed between each period of use. A sign permit shall be obtained prior to each time a sign is placed on a premises. The maximum size of such signs shall be 20 square feet on each face, back to back.

(g) *Roof street signs*. Roof street signs shall be displayed within the selected signable area. The gross area permitted for the sign may not be more than 40 percent of the signable area. If the sign is enclosed by a box or outline, the total area of the sign, including the background, is counted as the gross area. If the sign consists of individual letters, only the area of the letters is counted as the gross area. In case of multiple occupancies, the signable area may be divided among the occupants.

(7) *Off-street parking requirements*.

(a) *All permitted principal uses except dwelling units*. Any exterior expansion of a building or construction of a building shall be subject to review by the city plan commission to ensure that adequate off-street parking is available in the area. New construction or expansion creating 750

square feet or more of floor space shall provide specific locations of employee and customer parking and attest to its availability in writing, specifically noting if the parking is private or public and what parking space is available. Lack of parking is grounds for denial of the building permit application. Denials for permits shall be provided in writing, noting the reasons for denial and any supporting documentation of the denial. Appeals from this determination can be submitted to the city common council within 45 days of written notice of the denial. The common council can override the city plan commission's denial by a three-fourths vote of the common council.

(b) *Dwelling units*. 1½ parking stalls per dwelling unit. Dwelling units classified as elderly housing through applicable state or federal designations shall have one parking stall per dwelling unit.

(Code 2011, § 17.20)

Sec. 17.21. CBD Central Business District.

(1) *Purpose*. This district is established to provide for a centrally located readily accessible area which offers a wide range of retail, service, and governmental uses. The central business district should also provide convenient parking and safe, convenient pedestrian circulation.

(2) *Permitted principal uses and structures*.

(a) See section 17.20(2).

(b) Clubs and organizations.

(c) Printing and publishing establishments.

(d) Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.

(e) Hotels.

(3) *Permitted accessory uses and structures*. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(4) *Special exception uses and structures*.

(a) Drive-in banks and restaurants.

(b) Taverns.

(c) Bowling alleys.

(d) Automobile sales and service.

(e) Automobile filling stations.

(f) Building equipment and supply establishments.

(g) Mortuaries.

(h) Dwellings.

(i) Veterinary hospitals.

(5) *Dimensional requirements*. There are no minimum lot area or width requirements and no maximum height requirements. Any lot adjacent to a residential district without an intervening street shall have a yard at least 25 feet in width if at the side and 25 feet in depth if at the front or rear. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of section 17.32(10).

(6) *Permitted accessory signs*.

(a) *Flat signs*. For each principal structure, flat signs limited in aggregate area to 20 percent of the wall area fronting on a street or public way (total wall area, including the window area). Flat signs are permitted, provided that:

1. Flat signs may not project more than 18 inches beyond the primary surface of the building.
2. Flat signs may be luminous or illuminated by any acceptable method, but no blinking, flashing, or alternating lighting shall be permitted. All lighting and electrical elements, such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from public view.
3. Flat signs shall not be permitted on side walls, unless fronting on a street or public way, and no sign shall be painted directly on the surface of a building.
4. Flat signs shall be located in signable area of the building facade. If a sign is placed between windows, the height of the sign may not exceed more than two-thirds the height of the space.
5. In buildings containing two or more businesses, the signable area may also include an area adjacent to the entrance to be used for a business directory. This sign shall not exceed seven square feet in total area. In addition, in buildings that contain two or more businesses, the owner may divide the signable area for the building occupants. In buildings where the facade is divided by architectural details, each business may be allowed a signable area.

(b) *Projecting signs*. Projecting signs are permitted, provided that:

1. One projecting sign shall be permitted per street front.
2. Size of the sign shall not to exceed 20 square feet.
3. Projecting signs may be displayed only if a building facade is 20 feet or more in width, unless the sign consists solely of a symbol.
4. Signs shall project no more than five feet from the face of a building.
5. Distance from a projecting sign to a side property line shall not be less than three feet.
6. Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade of the right-of-way line of nine feet.
7. Projection shall be at 90 degrees to the building face.
8. Both sides of the sign shall be finished.
9. Signs should be a simple, geometric shape, such as a square, rectangle, circle, hexagon, etc., or may be a cutout symbolic or representational shape related to the nature of the business.
10. For one-story structures, projecting signs may extend to the juncture of roof and wall.

(c) *Awnings*. Flameproofed, fabric awnings shall be permitted. The only items of information allowed on an awning shall be the name of the business, graphics/logo, and the street number and the combined area of such signs in excess of 15 square feet must be counted as part of the total area allowed that building for its exterior sign.

(d) *Window signs*. No window sign shall occupy more than 30 percent of the total area of the window in which the sign is, except that the name, monogram, logo, address, and telephone number of the person or firm occupying the premises as well as a description of products or services offered may be permanently affixed upon a window. The surface area of such signs is not to be included in the overall computation of allowable signage. The provisions of this subsection shall not restrict the reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of business, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowable window signs.

(e) *Detached signs*. For every 100 feet of lot frontage, one detached sign limited to 100 square feet in area on each side (limit of two sides and 200 square feet) and 25 feet in height; provided, however, that the building is set back at least 35 feet from the street curb.

(f) *Nonpermanent signs*. Nonpermanent signs shall be restricted in use to the display of special limited time promotions, sales, or events and shall not be used for the sole purpose of serving as an identification sign. Such signs shall be limited in use on any premises to a period not to exceed 14 consecutive days at a time and not more frequently than four times per calendar year with a minimum of 30 days lapsed between each period of use. A sign permit shall be obtained prior to each time a sign is placed on a premises. The maximum size of such signs shall be 20 square feet on each face, back to back.

(g) *Roof street signs*. Roof street signs shall be displayed within the selected signable area. The gross area permitted for the sign may not be more than 40 percent of the signable area. If the sign is enclosed by a box or outline, the total area of the sign, including the background, is counted as the gross area. If the sign consists of individual letters, only the area of the letters is counted as the gross area. In case of multiple occupancy, the signable area may be divided among the occupants.

(7) *Off-street parking requirements*.

(a) *Dwelling units*. 1½ spaces per dwelling unit shall be required.

(b) *Hotels*. One parking space per sleeping room shall be required for hotels.

(Code 2011, § 17.21)

Sec. 17.22. CHD Commercial Highway District.

(1) *Purpose*. This district is intended to provide for general commercial uses convenient to major streets. Many of these uses require large lot areas, do not readily relate to pedestrian circulation, require significant parking and loading areas and, in general, operate independent of one another.

(2) *Permitted principal uses and structures*.

(a) See section 17.21(2).

(b) Drive-in banks and restaurants.

(c) Building equipment and supply establishments.

(d) Taverns, billiard parlors, and bowling alleys.

(e) Automobile, boat, construction equipment and farm implement sales, service, repair, and automobile filling stations.

(f) Wholesale and warehouse establishments.

(g) Mortuaries.

(h) Veterinary hospitals and dog kennels.

(i) Gardens, orchards, and nurseries, including where an office or store is maintained on the premises.

(j) Agricultural-related uses, such as feedmills and farm co-ops.

(3) *Permitted accessory uses and structures*. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(4) *Special exception uses and structures*.

(a) Public utility installations.

(b) Light manufacturing uses, including packaging bottling, storage, and laboratory uses, provided all activities are conducted in completely enclosed buildings.

(c) Commercial recreational uses, such as golf and archery ranges, rinks, and the like.

(d) Pari-mutuel racing facility.

(5) *Dimensional requirements*. For all permissible principal uses and structures, the following apply:

(a) *Minimum dimensions*.

1. Lot area: 15,000 square feet.
2. Lot width: 100 feet.
3. Front yard: 25 feet.
4. Side yards: ten feet each.
5. Rear yard: ten feet.

(b) *Maximum dimensions*.

1. Lot coverage: 25 percent.
2. Height: 45 feet.

(c) *Required yards*. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of section 17.32(10). To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip not less than five feet in depth if at the front and five feet in width if at the side shall be required along any lot line adjacent to a street. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street.

(6) *Permitted accessory signs*. For all permissible principal uses and structures, for each ten lineal feet of frontage on a public street, frontage being determined by the principal entrance to the premises, a maximum of one sign and 30 square feet of sign area. The sign area may be used in a lesser number of signs than permitted, but the maximum number of signs shall not be exceeded even though the total area permitted is not used. No sign shall be erected within five feet of any lot line.

(7) *Off-street parking requirements*.

(a) *Applicable parking requirements as specified in the CBD district*. See section 17.21(7).

(b) *Wholesale and warehouse establishments*. One per 300 feet of floor space.

(c) *Light manufacturing*. One per employee on maximum shift.

(Code 2011, § 17.22)

Sec. 17.23. CSD Commercial Shopping Center District.

(1) *Purpose*. This district is intended to provide for the establishment of new planned and unified shopping centers in areas not presently zoned for commercial uses, but the district may be applied to existing centers generally meeting the requirements of the district. This district is also intended to encourage the development of a variety of commercial establishments with depth rather than single purpose strip type commercial development. Since the shopping center may extend near residential areas, great care is required in fitting it into its surroundings. Rezoning to this district requires a showing of need for the establishment of new commercial development outside existing commercial areas.

(2) *Permitted principal uses and structures*. See section 17.20(2)(a) through (c). All uses are subject to the requirement that all sales, storage, and display shall be within completely enclosed buildings.

(3) *Permitted accessory uses and structures*. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be kept in closed containers and that such containers shall not be visible from residential districts, from portions of the premises customarily open to customer parking, traffic, or public ways.

(4) *Special exception uses and structures*. Public utility installations.

(5) *Dimensional requirements*. For all shopping center developments, the following apply:

(a) *Minimum dimensions*.

1. Lot area: two acres.

2. Lot width: street frontage requirement, 200 feet.

(b) *Maximum dimensions*.

1. Lot coverage: 25 percent.

2. Height: 35 feet.

(c) *Yards adjacent to streets or residential districts*. All yards adjacent to streets or residential districts shall be at least 100 feet in depth if at the front or rear, and 100 feet in width if at the side. Yards adjacent to other than streets or residential districts shall be at least 50 feet in depth if at the front or rear and 50 feet in width if at the side. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of section 17.32(10). To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip not less than 15 feet in depth if at the front and 15 feet in width if at the side shall be required along any lot line adjacent to a street. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street. A site plan under section 17.32(11) is required for all shopping center developments.

(6) *Permitted accessory signs*.

(a) *For each shopping center development*. One general identification sign limited to 200 square feet in area if mounted approximately parallel to the right-of-way or two signs limited to 100 square feet in area if mounted back to back or angled to be read from opposite directions for each frontage of the development.

(b) *For each establishment*. One sign and one square feet of sign area for each lineal foot of building frontage. Such signs shall refer only to the name and nature of the business conducted in the building and to goods and services offered, and shall be mounted flat against the wall of the building. Insofar as practicable, such signs shall be oriented away from surrounding residential areas.

(7) *Off-street parking requirements*. Shopping centers, one per 200 square feet of floor area.

(Code 2011, § 17.23)

Sec. 17.24. IT Institutional District.

(1) *Purpose*. The intent of this district is to provide for areas of the community where public or semipublic institutional uses are or can be established and to ensure that such areas will continue in this use unless otherwise approved by the city.

(2) *Permitted principal uses and structures*.

(a) Public parks, parkways, playgrounds, golf courses, and other uses of a similar nature.

(b) Public and semipublic zoos, arboretums, museums, exhibits, and libraries.

(c) Public and semipublic institutional uses, including churches, convents, elementary schools, high schools, colleges, hospitals, clinics, elderly homes, children's homes, convalescent homes, and other uses of a similar nature.

(d) Public administrative offices.

(e) Public utility installations, navigation works, flood control works, and other uses of a similar nature.

(3) *Permitted accessory uses and structures*. Uses and structures which are necessary and desirable adjuncts to permissible principal uses and structures and are under the management or control of the public or semipublic agency or entity responsible for the principal use and structure.

(4) *Special exception uses and structures*. Public garages, maintenance yards, equipment yards, and other uses of a similar nature.

(5) *Dimensional requirements*. There are no minimum lot requirements. Any lot adjacent to a public street or residential district shall have a yard at least 25 feet in width if at the side, and 25 feet in depth if at the front or rear. Maximum lot coverage shall not exceed 30 percent. Maximum height of any structure within 40 feet of a residential district shall not exceed 45 feet.

(6) *Permitted accessory signs*. Identification, informational, or directional signs erected by public or semipublic agencies or entities in connection with permissible principal uses and structures or for other public purposes. No sign shall be erected within ten feet of any side or rear lot line.

(a) *Permitted advertisement signs*. Temporary signs placed or arranged upon the inside of fences of athletic fields within parks or inside of any dog walking park may be permitted by the health and recreation committee of the common council with conditions thereon as it finds necessary and appropriate to promote public health, safety and welfare, including, but not limited to:

1. Placement of signage shall be such that its message is visible only to persons within the park, not passersby, and, in the case of a fence enclosing an athletic field within a park, only to persons within the athletic field and not other park users.

2. Signage shall not be placed at points of ingress and egress to the park or athletic field.

3. Permittee must be a not-for-profit group using the area to be signed.

4. Any single sign shall not exceed 32 square feet in area.

5. The term or duration of such permitted use shall be stated.

6. The sign content shall be appropriate considering the permittee group.

7. The sign, as installed, shall not compromise the structural integrity of a fence or wall on which it is placed.

8. No view obstruction for traffic shall result from any sign.

(7) *Off-street parking requirements*.

(a) *Applicable parking requirements as specified in the RSF district*. See section 17.16(7).

(b) *Offices*. One per 250 square feet of floor space.

(c) *Hospitals*. One per three beds.

(d) *Exhibits, museums, libraries*. One per three persons of maximum capacity.

(Code 2011, § 17.24)

Sec. 17.25. IND Industrial District.

(1) *Purpose*. This district is intended to provide for industrial, warehousing and wholesaling, and certain service and commercial activities in areas already established for such uses.

(2) *Permitted principal uses and structures*.

(a) Supply establishments, wholesale, warehouse, and building equipment.

(b) Automobile, boat, construction and farm implement sales, service, and repair.

(c) Agricultural related uses, including feedmills and co-ops.

(d) Printing and publishing.

(e) Service establishments catering to commercial and industrial uses, including business machine services, linen supply, freight movers, communication services, canteen services, and uses of a similar nature.

(f) Transportation terminals.

(g) Light manufacturing uses, including bottling, packaging, laboratories, and uses of a similar nature.

(h) Manufacturing uses, including production, cleaning, processing, testing, and the distribution of materials and goods, except wrecking yards, fertilizer, and chemical manufacture, cement manufacture, explosive storage or manufacture smelting, tanneries, and slaughterhouses. All manufacturing uses are subject to the provisions of section 17.38

(3) *Permitted accessory uses and structures*.

(a) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(b) Outside storage of equipment and materials shall be located behind the building setback line and screened from view of any public street or residential district boundary by a fence, wall, or shrubs. All outside areas shall be clean and orderly.

(c) Railroad spurs and service rails with side or rear yards only.

(4) *Special exception uses and structures*.

(a) Salvage or wrecking yards.

(5) *Dimensional requirements*. For all permissible principal uses and structures, the following shall apply:

(a) *Minimum dimensions*.

1. Lot area: 9,000 square feet.

2. Lot width: 90 feet.

3. Front yard: 25 feet.

4. Side yards: 15 feet each; provided, however, that side yards shall be increased one foot in width for every three feet in building height above 35 feet.

5. Rear yard: 30 feet.

(b) *Railroad right-of-way*. There are no side or rear yard requirements when a railroad right-of-way abuts at the side or rear property line.

(c) *Required side or rear yard adjacent to residential district boundary*. Any required side or rear yard adjacent to a residential district boundary shall be subject to the landscape buffer requirements of section 17.32(10).

(6) *Permitted accessory signs*. For each principal structure, the following shall apply:

(a) *Flat signs*. Flat signs limited in aggregate area to 25 percent of the wall area fronting on a street.

(b) *Detached signs.* For every 90 feet of lot frontage, one detached sign limited in area to 200 square feet on each side (limit of two sides and 400 square feet) and 30 feet in height.

(c) *Temporary signs*. Temporary signs as provided in section 17.16(6)(b).

(7) *Off-street parking requirements*.

(a) *Applicable parking requirements as specified in the CH district*. See section 17.22(7).

(b) *Manufacturing and service uses*. One per employee on maximum shift.

(c) *Other uses*. Sufficient off-street parking such that no public street shall be used for parking.

(Code 2011, § 17.25; Ord. No. 1677, 3-20-2012)

Sec. 17.26. IPD Industrial Park District.

(1) *Purpose*. This district is intended to provide for industrial, warehousing and wholesaling, and certain service and commercial activities in an industrial park setting or individual tract or parcel of substantial size.

Note: Development in this district may be subject to protective covenants and approval by the industrial and commercial commission.

(2) *Permitted principal uses and structures*. Permitted principal uses and structures of section 17.25(2), subject to the industrial performance standards of section 17.38, provided that, to the maximum extent practicable, all primary production activities shall be conducted within completely enclosed buildings; the front of all buildings shall be faced with decorative masonry or other materials of suitable aesthetic, safety, and durability value; and such facing shall extend not less than 20 feet on each side of the building or to an appropriate natural dividing point.

(3) *Permitted accessory uses and structures*.

(a) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(b) Outside storage of materials or products, provided that such storage shall not be closer than 70 feet from the street line; all storage areas shall be surfaced with gravel or hard surface materials; all aisles shall be hard surfaced; and materials shall be palletized or stored in containers if they are piled or stacked and such stacking shall not exceed 20 feet in height or the building height, whichever is less. All outside storage areas shall be clean and orderly.

(c) Temporary storage of waste materials and trash, provided that such materials/trash shall be enclosed by a fence of solid material not less than six feet in height.

(d) Railroad spurs and service rails within side or rear yards.

(4) *Special exception uses and structures*.

(a) Salvage or wrecking yards.

(5) *Dimensional requirements*. For all permissible principal uses and structures, the following shall apply:

(a) *Minimum dimensions*.

1. Lot area: 12,000 square feet.

2. Lot width: 100 feet.

3. Front yard: 50 feet or as shown in the applicable protective covenants with approval of the city industrial and commercial development commission.

4. Side yards: ten feet for any one side yard, 30 feet aggregate width for both side yards.

5. Rear yard: 25 feet.

(b) *Railroad right-of-way*. There are no side or rear yard requirements when a railroad right-of-way abuts at the side or rear property line.

(c) *Required side or rear yard adjacent to residential district boundary*. Any required side or rear yard adjacent to a residential district boundary shall be subject to the landscaped buffer requirements of section 17.32(10).

(d) *Maximum dimensions*.

1. Lot coverage: 30 percent.
2. Building height: 50 feet.

(e) *Site plan.* A site plan under section 17.32(11) is required for all development in the district.

(6) *Permitted accessory signs*. See section 17.25(6).

(7) *Off-street parking requirements*. See section 17.25(7).

(Code 2011, § 17.26; Ord. No. 1677, 3-20-2012)

Sec. 17.27. CH Conservancy District.

(1) *Purpose*. This district is intended to provide for the conservation and protection of natural resources. Generally this district is intended to include marshlands, drainageways, river frontage, woodlands, and other lands of significant natural environmental or aesthetic value.

(2) *Permitted principal uses and structures*. Open space uses, including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection, and water retention and control; provided, however, that no such uses involve structures, fill, soil or peat removal, or disruption of the natural flow of any watercourse or natural topography.

(3) *Permitted accessory uses and structures*. Uses customarily and clearly incidental to permissible uses, provided that such uses do not require structures or fill.

(4) *Special exception uses and structures*.

(a) Structures and fill accessory to permitted principal uses.

(b) Parks, campgrounds, and accessory structures.

(c) Public shooting ranges and accessory structures.

(d) Fish hatcheries, raising of minnows, waterfowl and other lowland animals, and accessory structures.

(e) Public utilities.

(5) *Dimensional requirements*. For all permissible principal uses and structures, the following apply:

(a) *Minimum dimensions*.

1. Lot area: 20,000 square feet.
2. Lot width. There are no lot width requirements.

(b) *Use involving a structure*. Any use involving a structure shall provide front and rear yards of at least 50 feet in depth and side yards at least 50 feet in width each.

(6) *Permitted accessory signs*. All permissible principal uses and structures are allowed one identification sign limited in aggregate area to 200 square feet.

(7) *Off-street parking requirements*. Sufficient off-street parking such that no public street shall be used for parking.

(Code 2011, § 17.27)

Sec. 17.28. MH Mobile Home District.

(1) *Purpose*. It is the intent of this district to provide for mobile homes as a means of providing balance and variety to dwelling types by allowing this type of housing in a conventional residential setting through a mobile home subdivision and, to a more limited extent, a mobile home park.

(2) *Permitted principal uses and structures*. All mobile homes shall be certified as meeting the mobile home construction and safety standards of the department of housing and urban development and, in addition, meet the following requirements:

(a) *Minimum width*. Minimum width of the main body shall not be less than 20 feet as measured across the narrowest portion.

(b) *Length to width ratio*. A length to width ratio shall not exceed 2.5:1.

(c) *Roof pitch*. The pitch of the main roof shall not be less than one foot of rise for every four feet of horizontal run, and the minimum distance from eaves to ridge shall be ten feet.

(d) *Reflection from exterior surfaces*. Reflection from exterior surfaces shall not be greater than from siding coated with clean, white, gloss exterior enamel.

(e) *Foundation*. Each mobile home shall have a permanent foundation.

(3) *Permitted accessory uses and structures*. See section 17.16(3).

(4) *Special exception uses and structures*. Mobile home parks: see section 17.39

(5) *Dimensional requirements*.

(a) *Mobile home subdivisions*.

1. *Minimum dimensions*.

a. Tract area: two acres.

b. Lot area: 4,800 square feet.

c. Lot width: 60 feet.

d. Front yard: 25 feet.

e. Rear yard: 20 feet.

f. Side yards: Ten feet each.

2. *Site plan*. A site plan under section 17.32(11) is required.

(b) *Mobile home parks*.

1. *Minimum dimensions*.

a. Tract area: Two acres.

b. Site area: 4,000 square feet.

c. Site width: 50 feet.

d. Front yard: Two feet.

e. Rear yard: 20 feet.

f. Side yards: Ten feet each.

2. *Site plan*. A site plan under section 17.32(11) is required. All mobile home parks are subject to the provisions of section 17.39

(6) *Permitted accessory signs*. See section 17.16(6).

(7) *Off-street parking requirements*. Dwellings, one per unit.

(8) *Floodplain requirements*.

(a) Owners or operators of all existing mobile home parks and mobile home subdivisions located in the regional floodplain shall file an evacuation plan, indicating alternate vehicular access and escape routes, including mobile home hauler routes, with the appropriate local disaster preparedness authorities and shall provide for adequate surface drainage to minimize flood damage.

(b) All new, replacement, and substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall be elevated to the flood protection elevation, shall be anchored so they do not float, collapse, or move laterally during a flood and shall meet the development standards contained in section 17.30(2).

(Code 2011, § 17.28)

Secs. 17.29—17.31. Reserved.

Sec. 17.32. Supplementary district regulations.

(1) *General application*. The regulations set forth in this section shall supplement or modify the regulations set forth in other applicable regulations set forth in this chapter.

(2) *Lots and yards*.

(a) *More than one building per lot*. In any district, more than one building housing a principal use may be erected on a single lot, provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot.

(b) *Through lots*. On through lots, the required front yard shall be as provided on each street, except that on through lots fronting limited access roads, the setbacks for fences, hedges, berms, or accessory buildings shall be as if for a rear yard setback in the yard adjacent a limited access road.

(c) *Development in mapped streets*. Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.

(d) *Access*. Every building housing a principal use erected or moved shall be on a lot with direct access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking.

(e) *Building groups*. In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.

(f) *Yard encroachments*. Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as provided in this chapter or as otherwise permitted in these regulations:

1. Roof eaves may project into a required side yard not more than three feet where the required side yard is eight feet or more in width. Roof eaves may project into a required side yard not more than two feet where the required side yard is less than eight feet.

2. Sills, belt courses, cornices, vertical solar screens, and other ornamental features may project not over one foot into a required yard.

3. Fire escapes, stairways, and balconies, whether unroofed, open and unenclosed, or enclosed, shall not intrude into required yards.

4. Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven-foot clearance from grade, and provided,

further, that such extension shall be at least five feet distant from the adjacent lot line and shall not extend more than three feet from the building.

(g) *Corner lots*. On corner lots, the street side yard shall equal the required front yard for lots fronting on that street.

(h) *Through lot map*. There shall be created and maintained for public review within the department of public works a through lot map that designates all through lots within the corporate limits of the city. The map shall label those roads listed as a limited access road for purposes of issuing building permits.

(3) *Accessory uses and structures*.

(a) *Accessory buildings on vacant lots*. In any residential district, no accessory building shall be built on a lot without a principal building.

(b) *Fences, hedges and retaining walls*.

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:

Hedge means any combination of two or more vegetative plants that, when mature, provides an opaque visual barrier of 50 percent or more.

Height of fence, *hedge*, or *retaining wall* means the vertical height of a fence, hedge or retaining wall shall be measured from the grade adjacent to the fence, hedge or foot of a retaining wall.

Permanent fence means fences intended, designed, and constructed to be in place for longer than six months.

Permanent fence materials. Permanent fences shall be constructed of naturally decay-resistant or treated wood, galvanized or vinyl-coated chainlink, prefabricated or manufactured vinyl, wrought iron, brick, masonry, concrete, stone or other similar materials as approved by the building inspector.

Prohibited fences, except as may be permitted in areas zoned IND Industrial, no fence may be constructed with barbed or razor wire or designed to produce an electric shock or in any way designed to create a risk of injury to one crossing the fence.

Retaining wall means a vertical or nearly vertical wall constructed to prevent lateral movement of soil.

Retaining wall materials means retaining walls shall be constructed of naturally decay-resistant or treated wood, masonry brick and stone, landscape blocks designed for the purpose or other materials as approved by the building inspector.

Temporary fences means fences intended, designed, and constructed to be in place for a maximum of six months, as evidenced by no permit being obtained prior to construction. Erosion control fences are an exception.

Temporary fence materials means materials commonly known as "snow fence," "construction fence," "welded wire," "chicken wire" or other similar materials. Temporary fences may be supported with impact-driven posts.

2. *Permits and fees.*

a. *Permits required*. All permanent fences and retaining walls, regardless of length or height, shall require a permit to be issued by the building inspector. Hedges are exempt from permits and fees.

b. *Permit fees*. Permit fees shall be established by common council resolution and fee schedules shall be kept on file in the office of the city clerk-treasurer.

3. *Temporary fences in residential zoning*:

   a. Temporary fences used for the protection of plantings, the control of snow or similar uses shall be permitted in residential zoning, provided that all of the height and location requirements for permanent fences are followed.

   b. Temporary fences are required to be removed no later than six months after placement. Temporary fences may not be re-established sooner than six months after removal.

   c. Permits are not required for temporary fences.

4. *Permanent fences and hedges in areas zoned residential*.

   a. *Fences and hedges in front yard.*

      i. *Height*. Fences and hedges in front yards shall have a maximum vertical height of 42 inches.

      ii. *Visibility*. Fences in front yards shall be constructed to provide a minimum of 50 percent through-visibility.

      iii. *Additional requirements*. Additional requirements, as required under section 8.11 of this Code, to include streets, alleys, and driveways.

   b. *Fences and hedges in side and rear yards.*

      i. *Fences.* Fences in rear and side yards shall have a maximum vertical height of 72 inches.

      ii. *Hedges.* Hedges in rear and side yards may be allowed to grow to a natural height.

      iii. *Additional requirements*. Additional requirements, as required under section 8.11 of this Code,, to include streets, alleys, and driveways.

   c. *Locations of fences and hedges.*

      i. *Location of fences.* Fences may be located such that the finished exterior surface is at the property line.

      ii. *Location of hedges.* Hedges shall be planted such that, when mature, foliage will not extend beyond the property line. This planting requirement shall not subject an owner to city enforcement action for hedges planted prior to the adoption of this revision.

      iii. *Location of property lines*. It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:

         A. The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.

         B. If unable to comply with subsection (3)(b)4.c.iii.A of this section, then, if requested by the building inspector, and at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land surveyor certifying the location of the finished fence shall be provided to the building inspector.

         C. Appearance of fence: fences shall be constructed such that all supporting vertical and horizontal framing members of the fence shall face the interior of the lot on which the fence is erected.

         D. Structural integrity: all fences shall be constructed to withstand a wind load of at least 30 pounds per square foot. The construction of any opaque fence

that is four feet or more in height shall be properly anchored into a depth of not less than 36 inches below grade.

5. *Retaining walls in residential zoning*.

a. *Height*.

i. *Requirements.* A retaining wall within six feet of a property line shall have a maximum height of 24 inches. An additional wall may be erected, provided that a minimum 24-inch horizontal terrace is established between the lower and upper walls. Retaining walls with a total vertical height of greater than 48 inches shall be permitted only when designed through structural analysis by a registered professional.

ii. *Additional requirements*. Additional requirements, as required under section 8.11, to include streets, alleys, and driveways.

b. *Location*. Retaining walls shall be located such that the finished exterior surface is one foot inside of the property line.

c. *Location of property lines*. It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:

i. The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.

ii. If unable to comply with subsection (3)(b)5.c.i of this section, then, if requested by the building inspector, at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land surveyor, certifying the location of the finished retaining wall, shall be provided to the building inspector.

6. *Fences, hedges, and retaining walls in commercial, business, and institutional zoning.*

a. *Requirements.* Except as provided in section 17.32(10), landscape buffers, fences, hedges and retaining walls shall comply with the requirements of fences, hedges and retaining walls in residential zoning.

b. *Special exceptions*. Upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.

7. *Fences, hedges, and retaining walls in industrial zoning*. Fences, hedges, and retaining walls in industrial zoning shall comply with the requirements of fences, hedges, and retaining walls in residential zoning with the following exceptions:

a. Fences within industrial zoning shall have a maximum vertical height of eight feet.

b. In industrial zoning, a barbed wire topper is permitted on a seven-foot high fence, provided that:

i. The total height of the fence with the topper does not exceed eight feet.

ii. Topper arms that extend out may not extend over the property line.

c. Except as provided in section 17.32(10), landscape buffers.

d. Special exceptions: upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.

(c) *Accessory parking and storage*.

1. In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within one foot of a property line.

Exception: In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall not be greater than the width of such garage or carport.

2. No person shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-drawn camper, or any like business or recreational vehicle in the required front yard of any residential district, except upon the customary driveway emplaced to provide access to a garage attached or adjacent to the principal building, carport, or a rear parking area. Any of the vehicles in this subsection parked within the front yard on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface. For the purposes of this subsection, the term "store" means leaving any such vehicle unattended for more than four hours.

3. No person shall park or store such units as defined in this subsection or any other equipment on any terrace in the city except for those places where the common council has authorized the removal of a terrace for the purpose of parking.

4. The parking and storage of unregistered or inoperable vehicles shall be as governed under section 10.07

5. No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than two feet to any residential lot line.

(4) *Height exceptions*. The height limitations in sections 17.15, 17.16 and 17.18 through 17.28 do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(5) *Corner visibility*. On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along such street lines 50 feet from the point of intersection.

(6) *Signs*.

(a) *Prohibited signs*. The following exterior building signs shall be prohibited within the city:

1. Abandoned signs.

2. Flashing signs, remnants, banners, streamers, and all other fluttering or spinning signs, except in connection with temporary sales, civic or cultural events, or officially recognized holidays.

3. Snipe signs or signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.

4. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign, excluding allowed portable signs or signs or lettering on buses, taxies, or vehicles operated during the normal course of business.

5. Signs displaying flashing or intermittent lights customarily associated with danger or emergencies. An illuminated sign or lighting device shall employ only lights of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights or lights creating the illusion of movement. Signs located wholly within a building, public service information signs, and other electronic message or mechanical message centers which are classified as changing signs are permitted and are not subject to this restriction.

6. Signs which purport to be or are an imitation of or resemble an official traffic sign or signal or which bear words "stop," "caution," "warning" or similar words that are displayed in the colors normally associated with them as official signs are prohibited.

(b) *Construction specifications*.

1. All signs shall be constructed in accordance with the requirements of chapter 14 of this Code and the national electric code, as amended, and the additional construction standards set forth in this section, where applicable.

2. All ground and roof sign structures shall be self-supporting Structures and permanently attached to sufficient foundations.

3. Electric service to ground signs shall be concealed.

4. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:

   a. For solid signs: 30 pounds per square foot on any face of the sign or structure.

   b. For skeleton signs: 30 pounds per square foot of the total face cover of the letters and other sign surfaces or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

5. No sign shall be suspended by nonrigid attachments that will allow the sign to swing due to wind action. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations. All nonpermanent signs shall be braced or secured to prevent motion.

6. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of ingress and egress.

7. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the city fire prevention code.

8. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead conductors in accordance with the national electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than six inches horizontally or vertically from any conductor or public utility guy wire.

(c) *Signs in residential districts*. No sign in a residential district shall exceed eight feet in height or produce artificial light from within.

(d) *Signs in commercial districts*.

1. Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations.

2. A detached sign, any part of which is closer than 15 feet to the right-of-way shall have a minimum vertical distance of ten feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three feet in height above grade.

3. Any detached sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of ten feet or shall be not more than three feet in height above grade.

4. All other projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of nine feet.

5. Canopy, marquee, and awning signs shall be placed at such a height so that the extreme lower edge of such structure is at least seven feet above sidewalk grade and such signs

shall not extend more than 72 inches into the public right-of-way. The vertical dimension of a sign, any portion of which is below the lower edge of the canopy or marquee structure, shall not exceed 20 inches.

6. Detached signs shall not project more than 72 inches into the public right-of-way, but in no case closer than two feet from the curbline as measured from the property line. The area of a ground sign shall not exceed 150 square feet per side.

(e) *Billboard requirements*. Pursuant to chapter 14 of this Code, the following regulations shall be enforced:

1. No billboards may be erected within a 500-foot radius of another existing billboard.
2. No billboard may be erected within 200 feet of an existing residential use or within 200 feet of a residential district.
3. The maximum size of billboards shall be 300 square feet on each face, except within 100 feet of U.S. 41, where the maximum size shall be 400 square feet on each face.
4. Billboards shall be set back from all property lines and existing buildings equal to the height to the top of the billboard.
5. Roof-mounted billboards are not permitted.
6. Billboards shall only be permitted in the commercial highway, commercial shopping center, industrial, and industrial park districts.
7. All billboards which are not in conformance with the above provisions shall be placed in conformance no later than July 9, 1990.
8. Exception. Signage permitted under section 17.24(6)(a) of this chapter.

(f) *Installation, maintenance, and repair*.

1. All signs shall be constructed and installed in accordance with the requirements of chapter 14 of this Code and the national electric code. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning, and other acts required for the maintenance of such signs.
2. The building inspector shall require compliance with all standards of this chapter. If the sign is not maintained to comply with safety standards outlined under chapter 14 of this Code, the building inspector shall require its removal in accordance with this section.

(g) *Abandoned signs*. Except as otherwise provided in this chapter, any sign that is located on property which becomes vacant and is unoccupied for a period of two months or more or any sign which pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. If the owner fails to remove the sign, the building inspector shall take appropriate legal action to cause the same to be removed.

(h) *Defective signs and signs for which no permit has been issued*. The building inspector shall cause to be removed or repaired any sign that is defective or endangers the public safety, such as a dangerous or materially, electrically, or structurally defective sign or a sign for which no permit has been issued.

(i) *Notice*. The building inspector shall give the owner of the sign 30 days' written notice to remove any abandoned sign, repair, or remove any defective sign or to remove a sign for which no permit has been issued. The notice shall describe the sign and specify the violation involved. The notice shall be sent by certified mail.

(j) *Appeals*.

1. The owner of the sign may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal under section 17.50 within 30 days after the date of mailing the notice.

2. For property located within the commercial core district, the owner of the sign may appeal to and be heard before the redevelopment authority.

(k) *Removal of signs by the building inspector*.

1. Notwithstanding the above, in cases of emergency, the building inspector may cause the immediate removal without notice of a dangerous or defective sign or for failure to comply with the written order of removal or repair.

2. After removal or demolition of the sign, a notice shall be mailed to the owner of the sign stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the building inspector, together with an additional ten percent for inspection and incidental costs.

3. If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment against the property of the sign owner and will be certified as an assessment against the property, together with interest at ten percent per annum, for collection in the same manner as real estate taxes.

4. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, unless facts to the contrary are brought to the attention of the building inspector as in the case of a leased sign.

5. For the purpose of removal, the definition of the term "sign" includes all sign embellishments and structures designed specifically to support the sign.

(7) *Off-street parking*.

(a) *Requirements not specified*. Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.

(b) *Fractional spaces*. Where computation of the required parking spaces results in a fractional number, only the fraction of two or larger shall be counted as one.

(c) *Changes in buildings or use*. Whenever a building or use is changed, structurally altered, or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.

(d) *Mixed uses*. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the uses computed separately.

(e) *Joint use*. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the city attorney shall accompany any joint use arrangement.

(f) *Off-lot parking*. Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met such parking spaces may be located off lot, provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the city attorney. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for

the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 300 feet of the entrance of the establishment.

(g) *Off-street parking; measurement*. Floor space or area shall mean the gross floor area inside exterior walls, where floor space is indicated in section 17.15, 17.16, and 17.18 through 17.28 as a basis for determining the amount of off-street parking required.

(h) *Design standards*.

1. Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet.
2. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows:
   a. 11 feet for 30-degree parking.
   b. 20 feet for 90-degree parking.
3. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.
4. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street.
5. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses.
6. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
7. All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated.

(8) *Off-street loading*.

(a) *Loading space requirements*. The loading space requirements specified in the following table shall apply to all districts.

Use	Floor Area (square feet)	Loading Spaces
Retail, wholesale, warehouse, service, manufacturing, and industrial establishments	2,000—10,000	1
	10,000—20,000	2
	20,000—40,000	3
	40,000—60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000—10,000	1
	10,000—50,000	2

	50,000—100,000	3
	Each additional 25,000	1
Funeral homes	2,500—4,000	1
	4,000—6,000	2
	Each additional 10,000	1

(b) *Multiple or mixed uses*. Where a building is devoted to more than one use or for different uses, and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

(c) *Location*. Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.

(d) *Design standards*. Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten feet in width, 25 feet in length, and eight feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.

(9) *Common open space*.

(a) *Nature*. Common open space shall not include street right-of-ways, driveways, parking areas, or yards required in connection with any building.

(b) *Buildings and structures*. Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.

(c) *Dedication*. When common open space or any portion thereof is approved for dedication, and complementary improvements are completed and accepted, a deed shall be conveyed to the city and the supervision and maintenance shall be the responsibility of the city.

(d) *Reservation*. When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary by the city to ensure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors, and assigns and shall constitute a covenant running with the land and be in recordable form.

(e) *Maintenance*. If common open space is improperly maintained, the city may serve written notice upon any property owner or association setting forth the manner in which such property owner

or association has failed to maintain the common open space and demanding that maintenance deficiencies be corrected within 30 days. If maintenance deficiencies, as originally set forth or subsequently modified, are not corrected within 30 days, the city may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien on such properties. The city, at the time of entry, shall file notice of any liens in the office of the city clerk-treasurer.

(10) *Landscaped buffer*. The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

(a) *Requirements*. Where these regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line.

2. The area shall be so designed, planted, and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally.

3. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.

4. Plantings shall be of a size and type which will ensure the meeting of the 75 percent opacity requirement within no longer than 12 months of the date of the first planting.

5. Failure to maintain the landscaped buffer area as set out above shall be a violation of this chapter.

(b) *Substitution for landscaped buffer area*. Except when otherwise specifically provided by this chapter, a six feet high opaque structure set in a six feet wide landscaped buffer area may be substituted for the six feet high planted buffer above. If such opaque structure is of nonliving material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscaping.

(c) *Sight distance*. When an accessway intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross-visibility at a level between 2½ feet and six feet within the areas of property on both sides of the accessway formed by the intersection of each side of the accessway and public right-of-way lines with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides. No structure of landscaping, except required grass or ground cover, shall be located closer than three feet from the edge of any accessway pavement.

(11) *Site plans*.

(a) *Applicability and procedures*. Where, by the terms of this chapter, a site plan is required prior to the issuance of a building permit, such site plan shall be submitted to the building inspector. The building inspector shall forward such site plan to the plan commission for their recommendation. No public notice and hearing is required for site plan consideration by the plan commission, but such matters shall be handled in a public session, as part of previously prepared agenda. All matters relating to plan commission consideration of site plans shall be a public record and approval shall require formal action of the plan commission. The site plan shall be submitted to the plan commission not less than 15 days prior to the public meeting of the plan commission at which approval is to be considered.

(b) *Contents*. A site plan required to be submitted by the requirements of this chapter shall include the following elements, where applicable:

1. Statements of ownership and control of the proposed development.
2. Statement describing in detail the character and intended use of the development.
3. A site plan containing the title of the project and the names of the project planner and developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:
    a. Boundaries of the project, any existing streets, buildings, water courses, easements, and section lines.
    b. Exact location of all buildings and structures.
    c. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
    d. Off-street parking and off-street loading areas.
    e. Recreation facilities, locations.
    f. All screening and buffers.
    g. Refuse collection areas.
    h. Access to utilities and points of utility hookups.
4. Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to:
    a. The various permitted uses.
    b. Ground coverage by structures.
    c. Impervious surface coverage.
5. Tabulations showing:
    a. The derivation of numbers of off-street parking and loading spaces shown in subsection (11)(b)4 of this section.
    b. Total project density in dwelling units per net acre.
6. Architectural definitions for buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
7. Storm drainage and sanitary sewage plans.
8. If common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations, surety arrangements, or other legal instruments providing adequate guarantee to the city that such common facilities will not become a future liability for the city.
9. Plans for signs, if any.
10. Landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for maintenance.
11. In the industrial districts, plans for the exterior walls of all buildings, lighting, outside storage, and industrial processes and materials pertinent to conformance with the industrial performance standards in this section.
12. Such additional data, maps, plans, or statements as may be required for the particular use or activity involved or as the applicant may believe is pertinent.

(12) *Placement of structures*.

(a) No dwelling shall be erected, placed, or built within any district unless the structure has a minimum width of 22 feet for at least 70 percent of the structure's length and has a perimeter frost barrier footing.

(b) No dwelling built prior to June 15, 1976, shall be relocated to any residential lot within the city except to an approved mobile home lot. Dwellings built after June 15, 1976, must have proof of compliance with applicable department of housing and urban development (HUD) codes and bear the HUD seal of compliance in order to be eligible for a moving permit. Proof of compliance must be provided by the applicant to the city plan commission along with a site plan for commission concurrence prior to the issuance of a moving permit.

(c) No nondwelling structure exceeding 170 square feet in ground area, which has its place of origin off premises, shall be relocated onto any residentially zoned lot, unless the structure complies with current city building regulations and that a bond or irrevocable cashier's check be received by the city for 100 percent of the market replacement value of the structure. The bond or cashier's check shall be returned upon final inspection of the structure finding compliance with all applicable building codes and zoning ordinances. If 60 days after issuance of a permit for the moving of the structure, the structure fails to comply with the building codes and zoning ordinances, then in addition to any compliance action taken by the building inspector, the bond or cashier's check shall be retained and may be applied to the costs of effecting compliance and to any forfeiture, court costs, and cost of prosecution imposed by the court.

(13) *Telecommunications antennas and towers*.

(a) *Purpose*. The purpose of this subsection is to establish general guidelines for the siting of towers and antennas. The goals of this subsection are to:

1. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;

2. Strongly encourage the joint use of new and existing tower sites;

3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

4. Minimize the adverse visual impact of the towers and antennas;

5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and

6. Protect the public health, safety and general welfare of the city.

(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:

Antennas means any exterior apparatus designed for telecommunications, radio or pager services through the sending or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunication signals, including, but not limited to, directional antennas, such as panels, microwaves and satellite dishes, and omni-directional antennas, such as whip antennas.

Antenna support structures means any building, pole, telescoping mast, tower, tripod or any other structure which supports an antenna.

Co-location means the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height refers to the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna.

Personal communication services (PCS) means a provider of personal wireless service facilities as defined by federal law.

Personal wireless facilities means transmitters, antenna structures, and other types of installations used to provide personal wireless services.

Pre-existing towers and antennas means any legally placed tower or antenna permitted prior to the effective date of the ordinance from which this section is derived that shall not be required to meet the requirements of this section other than applicable federal or state requirements or city building codes.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers or monopole towers. The term "tower" includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term "guy towers" are towers supported externally by a set or series of wires from the tower to the ground.

Tower site means the area encompassing a tower and all supporting equipment, structures paved or graveled areas, fencing and other items used in connection with the tower.

Wireless telecommunications services means licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhances specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

(c) *Special exception required*. A special exception permit in accordance with section 17.47 shall be required for the locating and construction of a new tower or for the co-location of an antenna on an existing tower not previously granted a special exception.

1. No special exception shall be granted for the placement of a tower in any residential zone or area zoned conservancy.
2. Antennas not exceeding 30 feet in antenna height may be placed on existing structures that have an existing height greater than 45 feet, irrespective of the zoning district.
3. No special exception for a tower site exceeding 30 feet in height shall be granted within 2,500 feet of an existing tower site whether the existing site is within or without the city.
4. If a special exception permit is granted, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
5. Any information of an engineering nature required by the special exception that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
6. Private HAM radio operators and citizen band radio operators, along with their associated towers and apparatus, licensed under applicable FCC regulations, shall be exempt from the provisions of this section, provided that the facilities are situated on the same lot as the transmitter/receiver set.

(d) *Information required*. Each applicant requesting a special exception permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the city council to be necessary to assess compliance with this section, including, but not limited to, the provision of co-location per subsection 17.32(12)(f).

(e) *Considered in granting special exception permits*. The city council shall consider the following factors in determining whether to issue a special exception permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this section are better served thereby:

1. Height of the proposed tower.
2. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
3. Proximity of the tower to residential structures and residential district boundaries.
4. Nature of uses on adjacent and nearby properties.
5. Surrounding topography.
6. Surrounding tree coverage and foliage.
7. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
8. Proposed ingress and egress to the tower site.
9. Availability of suitable existing towers and other structures as discussed in section 17.32(13)(f).
10. Compliance with current FAA and FCC regulations so as to, in part, minimize the possibility of interference with locally received transmissions.

(f) *Co-location*.

1. Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all other respects to accommodate co-location of both the applicant's antennas and comparable antennas for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
2. The holder of a permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional users demonstrate (through independent arbitration or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the original permit on the tower site shall become null and void.
3. No new tower shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the city council, that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
    a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
    b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
    c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
    d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

f. The fees, costs or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower.

(g) *Setbacks and separation*. The following setbacks and separation requirements shall apply to all towers and antennas for which a special exception permit is required; provided, however, that the city council may reduce the standard setbacks and separation requirements if the goals of this subsection would be better served thereby.

1. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.

2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

(h) *Landscaping*. The following requirements shall govern the landscaping surrounding towers for which a special exception permit is required; provided however, that the city council may waive such requirements if the goals of this subsection would be better served thereby.

1. Tower sites shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

3. Existing mature trees growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such towers sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(i) *Removal of abandoned antennas and towers*. Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the city council notifying the owner of such abandonment. If such antenna or tower is not removed within the 90 days, the city council may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

(j) *Applicability*.

1. *District height limitation*. The requirements set forth in this subsection shall govern the location of towers that exceed, and antennas that are installed, at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower, excluding antennas, exceed a height of 220 feet.

2. *Inventory of existing sites.* Each applicant for an antenna and or tower shall provide to the planning department an inventory of all existing towers that are within a five-mile radius of the proposed site, on which the company is also located, leased or owned, including specific information about the location, height and design of each tower that applies. The city plan department may share such information with other applicants applying for special exception permits under this article or other organizations seeking to locate antennas within the jurisdiction of the city council; provided, however, that the planning and zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(14) *Small wind energy system ordinance*.

(a) *Authority*. This section is adopted pursuant to authority granted by Wis. Stats. §§ 62.23(7) and 66.0401.

(b) *Purpose*. The purpose of this section is to:

1. Oversee the permitting of small wind energy systems.

2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stats. § 66.0401).

(c) *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:

Administrator means the city building inspector.

Common council means the city common council.

Meteorological tower (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

Owner means the individual or entity that intends to own and operate the small wind energy system in accordance with this section.

Rotor diameter means the cross-sectional dimension of the circle swept by the rotating blades.

Small wind energy system means a wind energy system that:

1. Is used to generate electricity;

2. Has a nameplate capacity of 100 kilowatts or less; and

3. Has a total height of 170 feet or less.

Total height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower means the monopole, freestanding, or guyed structure that supports a wind generator.

Wind energy system means the equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by Wis. Stats. § 66.0403(1)(m). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.

Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

(d) *Standards*. A small wind energy system shall be a conditionally permitted use in all zoning districts subject to the following requirements:

1. *Setbacks*. A wind tower for a small wind energy system shall be set back a distance equal to its total height from:

   a. Any public road right-of-way, unless permission is granted by the governmental entity with jurisdiction over the road. Such permission shall be in a form acceptable for recording in the county register of deeds office for the parcel on which the tower is located.

   b. Any overhead utility lines, unless permission is granted by the affected utility, such permission shall be in a form acceptable for recording in the county register of deeds office for the parcel on which the tower is located.

   c. All property lines, unless permission is granted from the affected landowner or neighbor, such permission shall be in a form acceptable for recording in the county register of deeds office for both the parcel on which the tower is located and the affected parcel.

2. *Access*.

   a. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

   b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

3. *Electrical wires*. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

4. *Lighting*. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

5. *Appearance, color, and finish*. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit.

6. *Signs*. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

7. *Code compliance*. A small wind energy system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

8. *Utility notification and interconnection*. Small wind energy systems that connect to the electric utility shall comply with the public service commission of Wis. Admin. Code ch. PSC 119, "rules for interconnecting distributed generation facilities."

9. *Met towers.* Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

(e) *Permit requirements*.

1. *Building permit*. A building permit shall be required for the installation of a small wind energy system.

2. *Documents*. The building permit application shall be accompanied by a lot plan which includes the following:

   a. Property lines and physical dimensions of the property.

   b. Location, dimensions, and types of existing major structures on the property.

   c. Location of the proposed wind system tower.

   d. The right-of-way of any public road that is contiguous with the property.

   e. Any overhead utility lines.

   f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).

   g. Tower foundation blueprints or drawings stamped by a design professional.

   h. Tower blueprint or drawing stamped by a design professional.

   i. The property lines and dimensions, with the names and addresses of the owners, of any properties proposed to be restricted from activities interfering with the system.

3. *Fees*. The same fee required for a building permit for a permitted accessory use must accompany the application for a building permit for a small wind energy system.

4. *Expiration*. A permit issued pursuant to this section shall expire if the small wind energy system is not installed and functioning within two years from the date the permit is issued.

(f) *Abandonment*.

1. A small wind energy system that is out-of-service for a continuous two-year period, excluding time spent on repairs or improvements, will be deemed abandoned. The administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice receipt date. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

2. If it is determined the small wind energy system is abandoned, the owner of same shall remove the wind generator from the tower at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense and such expense shall be entered as a special charge on the tax roll.

(g) *Building permit procedure*.

1. An owner shall submit an application to the administrator for a building permit for a small wind energy system. The application must be on a form approved by the administrator and must be accompanied by two copies of the lot plan identified above.

2. Within 30 days of receipt of an application, the administrator shall determine whether the application is satisfactorily completed and, if no other properties are to be restricted by the permit, place the application on the agenda before the city plan commission. If the application identifies other properties to be restricted by the permit, the applicant shall provide notice to the owners of those properties personally or by certified mail; and provide receipts for the delivery of such notice to 'the administrator. The administrator shall provide the notice form. The hearing before the city plan commission shall, in such cases, be scheduled in compliance with the timelines of Wis. Stats. § 66.0403(3) and (4). The plan commission shall approve or deny the application based on the criteria as provided within this Code.

3. If the application is approved, the administrator will return one signed copy of the application with the permit and retain the other copy with the application.

4. If the application is rejected, the administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the administrator's decision pursuant to Wis. Stats. ch. 68. The applicant may re-apply if the deficiencies specified by the administrator are resolved.

5. The owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.

(h) *Violations*. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with the ordinance from which this section is derived or with any condition contained in a building permit issued pursuant to this section. Small wind energy systems installed and operated prior to the adoption of this section are exempt.

(i) *Administration and enforcement*.

1. The administrator or other designated official shall administer this section.

2. The administrator may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.

3. The administrator may issue orders to abate any violation of this section.

4. The administrator may issue a citation for any violation of this section.

5. The administrator may refer any violation of this section to legal counsel for enforcement.

(j) *Penalties*.

1. Any person who fails to comply with any provision of this section or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as provided in section 17.56

2. Nothing in this section shall be construed to prevent the common council from using any other lawful means to enforce this section.

(Code 2011, § 17.32)

Secs. 17.33, 17.34. Reserved.

SPECIAL PROVISIONS

Sec. 17.35. General application.

Sec. 17.36. PUD Planned Unit Development.

Sec. 17.37. Cluster subdivisions.

Sec. 17.38. Industrial development.

Sec. 17.39. Mobile home park.

Sec. 17.40. Floodplain development.

Secs. 17.41—17.44. Reserved.

Sec. 17.35. General application.

Regulations for uses and structures specified in this subchapter shall apply to such uses and structures whether permitted by right or permissible by special exception.

(Code 2011, § 17.35)

Sec. 17.36. PUD Planned Unit Development.

(1) *Intent*. The intent of the planned unit development provisions is to encourage quality and desirable development by allowing for greater flexibility and design standards for projects conceived and implemented as comprehensive and cohesive developments. This subchapter is established to permit and encourage:

(a) Diversification, variation, and imagination in the relationship of uses, structures, and heights of structure.

(b) The preservation of open space.

(c) More rational, economic development with respect to the provisions of public services.

(2) *Character of site*. All planned unit developments shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence, or slipping of the soil, or other dangers, annoyances, or inconveniences.

(3) *Locational requirements*. All planned unit developments shall have direct access to major streets or highways without creating traffic on local residential streets outside the district. PUDs shall be so

located in relation to existing public utilities and facilities that no additional public expense will be involved, unless the developer agrees to offset the added public expense.

(4) *Unified control*.

(a) All land included for development as a PUD is under the legal control of the applicant, whether the applicant is an individual, partnership, corporation, or a group of individuals, partnerships, or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of this subchapter.

(b) The applicant shall state agreement to:

1. Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for PUD.

2. Provide agreements, contracts, deed restrictions, and sureties acceptable to the city for completion of the development according to the approved plans and maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained at public expense.

3. Bind their successors in title to any commitments made under subsections (1) through (3) of this section. All such agreements and evidence of unified control shall be examined by the city attorney, and no PUD shall be approved without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this subchapter.

(5) *Permitted uses*. Any use permitted in the RMF district (see section 17.19).

(6) *General requirements*. All permitted uses shall be subject to the accessory use and structure, sign, height, and parking requirements of the district in which it is located.

(7) *Area and density requirements*. A tract of land proposed for development as a planned unit development shall contain a minimum area of two acres and a maximum density of 14 dwelling units per net acre in the RTF district (see section 17.18) and 24 dwelling units per net acre in the RMF district (see section 17.19).

(8) *Internal lots and frontage*. Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required; provided, however, that no structure shall be located close to any peripheral property line than two times the height of such structure.

(9) *Access*. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public or private use, or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.

(10) *Common open space requirements*. There shall be a minimum open space requirement of 40 percent of the total net acreage of the tract. Common open space areas shall be subject to the conditions for such areas as specified in subsection 17.32(9).

(11) *Engineering design standards*. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, street lighting, and similar environmental design criteria shall not be mandatory in a planned unit development, but precise standards satisfactory to the plan commission shall be made a part of the approved plan and shall be enforceable as a part of this chapter.

(12) *Procedures for approving planned unit developments*. Approval of a planned unit development is subject to the following conditions:

(a) *Preapplication conference*. Prior to initiating a request for a special exception, a preapplication conference with the city plan commission is required. The purpose of such a preapplication conference shall be to assist in bringing the overall proposal as nearly as possible into conformity with this subchapter or other regulations applying generally to the property involved

and to define specifically those variations from application of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.

(b) *Concept plan*. A concept plan shall accompany the application and shall contain the following information:

1. The title of the project and names of the professional project planner and developer.
2. Scale, date, north arrow, and general location map.
3. Boundaries of the property involved, all existing streets, buildings, water courses, easements, section lines, and other existing important physical features in and adjoining the project.
4. Master plan locations and the acreages of each component thereof of the different uses proposed by dwelling types, open space designations and recreation facilities, and other permitted uses and off-street parking locations.
5. Master plan showing access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
6. Tabulations of total gross acreage in the development and the percentage thereof proposed to be devoted to the several dwelling types, other permitted uses, recreational facilities, open spaces, streets, parks, schools, and other reservations. Tabulations of projected density shall be computed by deducting gross acreage used for nonresidential purposes other than open space recreational uses.
7. Architectural drawings and sketches illustrating the design and character of the various structures proposed in the development.
8. Deed restrictions and other documents pertaining to the improvement, operation, and maintenance of common areas in the development.
9. In addition, the city plan commission may require additional material such as plans, maps, studies, and reports which may be needed in order to make the necessary findings and determinations that the applicable standards and guidelines have been complied with.

(c) *City plan commission recommendation and city council approval*. After conferences with the applicant and a public hearing, the city plan commission, in accordance with section 17.47, may recommend to the city council to approve, disapprove, or approve subject to stated stipulations and conditions, a request for a special exception. In making its decision, the city plan commission shall find that the plans, maps, and documents submitted by the applicant have met the requirements of these regulations. Council approval applies to the concept plan and request for a special exception only. Final city council approval is necessary for the final development plan according to subdivision procedures.

(d) *Binding nature of approval*. All terms, conditions, safeguards, and stipulations made at the time of approval of the PUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirement, condition, or safeguard shall constitute a violation of this subchapter.

(e) *Preliminary and final development plans*. Plans for development of land approved for a PUD shall be processed in accordance with the standard subdivision review procedures established by the city. The same information and data shall be furnished at each stage of plan approval as is required for a standard subdivision development. The preliminary plan required and submitted shall be in substantial compliance with the concept plan. In addition to the requirements of the city for reviewing subdivision plats, the following information shall be provided:

1. Building locations and architectural definitions of all structures proposed which are a part of the project shall be depicted on the preliminary plan or plat and the supplementary materials required.

2. Master landscape plan depicting existing and proposed vegetation and locations thereof on the site.

3. Fence, wall, and planting screens location, heights, and materials.

4. Tabulations analyzing the number of total gross acres in the project and the percentage thereof proposed to be devoted to the several dwelling types, other nonresidential uses, off-street parking, streets, open spaces, recreation areas, parks, schools, and other reservations.

5. Tabulations of total number of dwelling units in the project by types and the overall project density in dwelling units.

6. In addition to the plat certificates required when reviewing standard subdivision plats, and prior to recording a final plat, the developer shall file, as specified at the time of granting the special exception, a legally constituted maintenance association agreement for improving, perpetually operating, and maintaining the common facilities, including streets, drives, parking areas, and open space and recreation facilities; or he shall file such documents as are necessary to show how such common areas are to be improved, operated, or maintained. Such documents shall be subject to the approval of the city attorney.

(f) *Changes in plans*. Changes in plans not in substantial compliance with the site and development plan may be permitted by the city council, provided that an application indicating such changes is submitted by the developer or his successors in interest, and provided that it is found that any such changes are in accordance with all regulations in effect when the changes are requested. Changes other than those indicated shall be processed as for a new application for a PUD.

(g) *Deviations from approved plans*. Deviations from the approved plans or failure to comply with any requirement, condition, or safeguard imposed by the city council during approval or platting procedure shall constitute a violation of this chapter.

(h) *Building permits*. Final approval of the PUD does not constitute approval for the construction of individual buildings or structures in the development. Separate approval shall be required upon application for building permits.

(Code 2011, § 17.36)

Sec. 17.37. Cluster subdivisions.

(1) *Intent*. The intent of the cluster subdivision provisions is to promote imaginative, well-designed subdivisions which preserve open space, respect the physical qualities of the land, and reduce the cost of a subdivision.

(2) *Unified control*. All land included for development as a cluster subdivision shall meet the requirements of unified control for planned unit developments in subsection 17.36(4).

(3) *Permitted uses*. Single-family detached and two-family dwellings.

(4) *General requirements*. All permitted uses shall be subject to the accessory use and structure, sign, height, and parking requirements of the district in which it is located.

(5) *Area and density requirements*. A tract of land proposed for development as a cluster subdivision shall contain a minimum area of one acre and a maximum density of eight dwelling units per net acre.

(6) *Lot area requirements*. All single-family detached dwellings shall have a minimum lot area of 3,600 square feet, front yard of ten feet, rear yard of 20 feet, and side yards of five feet each. All two-family dwellings shall have a minimum lot area of 4,800 square feet (2,400 square feet per dwelling), front

yard of ten feet, rear yard of 20 feet, and side yards of six feet each. No principal residential structure shall be located closer than ten feet from any exterior boundary of the tract.

(7) *Common open space requirements*. There shall be a minimum open space requirement of 35 percent of the total net acreage of the tract. Common open space areas shall be subject to the conditions for such areas as specified in section 17.32(9).

(8) *Procedures for approving cluster subdivision developments*. Approval of a cluster subdivision is subject to the following conditions:

(a) *Preapplication conference*. Prior to initiating a request for a special exception, a preapplication conference with the city plan commission is required. The purpose of such preapplication conference shall be to assist in bringing the overall proposal as nearly as possible into conformity with these regulations applying generally to the property involved and to define specifically those variations from general regulations which appear justified in view of equivalent service of the public purposes of such regulations.

(b) *Concept plan*. A concept plan shall accompany the application meeting the requirements for a PUD in section 17.36(12).

(c) *City plan commission recommendation and city council approval*. After conferences with the applicant and a public hearing, the city plan commission, in accordance with section 17.47, may recommend to the city council to approve, disapprove, or approve subject to stated stipulations and conditions, a request for a special exception. In making its decision, the city plan commission shall find that plans, maps, and documents submitted by the applicant have met the requirements of these regulations. Council approval applies to the concept plan and request for a special exception only. Final council approval is necessary for the final plan according to subdivision procedures.

(d) *Binding nature of approval*. All terms, conditions, safeguards, and stipulations made at the time of approval of the cluster subdivision shall be binding upon the applicant or any successor in interest. Deviations from approved plans or failure to comply with any requirement, condition, or safeguard shall constitute a violation of these zoning regulations.

(e) *Preliminary and final plans*. Plans for development of land approved for a cluster subdivision shall be processed in accordance with standard subdivision review procedures established by the city. The same information and data shall be furnished at each stage of plan approval as is required for a standard subdivision development.

(Code 2011, § 17.37)

Sec. 17.38. Industrial development.

(1) *Intent*. It is the intent of this section to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control, and to ensure that the community is adequately protected from potential hazardous and nuisance like effects.

(2) *Standard of operation*.

(a) *Vibration*.

1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. The term "vibration perception threshold" means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

2. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the standard in subsection (2)(a)1 of this section.

(b) *External lighting*. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the industrial district boundaries.

(c) *Odor*. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor, as defined in Wis. Admin. Code § NR 154.18.

(d) *Particulate emissions*. No operation or activity shall emit any particulate matter into the ambient air which exceeds the limitations as established in Wis. Admin. Code § NR 154.11.

(e) *Visible emissions*. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Wis. Admin. Code § NR 154.11(6).

(f) *Hazardous pollutants*. No operation or activity shall emit any hazardous substances in such a quantity, concentration, or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Wis. Admin. Code § NR 154.19.

(3) *Administration*. Determinations necessary for the administration and enforcement of this section range from those which can be made by a reasonable person using normal senses and no mechanical equipment, to those requiring substantial technical competence and complex equipment. It is the intent of this chapter that the methods to be used in determining compliance shall be the responsibility of the building inspector subject to the following procedures:

(a) *Approval of building permits*. Prior to approving a zoning permit for any industrial use or change thereof, the building inspector shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy the air quality, noise, vibration, and exterior lighting standards of this section.

(b) *Violation of standards*. Whenever the building inspector has reason to believe the air quality, noise, vibration, and exterior lighting standards of this section have been violated, he shall give written notice by certified mail to the person responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within 30 days. Failure to reply or correct the alleged violation within 30 days may cause the city to take lawful action to cause correction as provided in this chapter or to refer the alleged violation to the state department of natural resources.

(Code 2011, § 17.38)

Sec. 17.39. Mobile home park.

(1) *Intent*. It is the intent of this section to provide limited opportunities for mobile home parks as a means of providing balance and variety to housing in the city.

(2) *Character of tract*. Each mobile home park tract shall be suitable for the development proposed recognizing and preserving to the maximum extent practicable outstanding natural features. Every mobile home park shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of stormwater or other waters. No mobile home park shall be located in any area that is situated so that drainage or contaminated liquids or solids can be deposited on its location.

(3) *Access*. Access shall be designed for safe and convenient movement of traffic into and out of the park. All vehicular traffic into and out of the park shall be through designated entrances and exits.

(4) *Streets*. All sites shall abut upon a street. For a two-way street, the width shall be at least 32 feet if parking is to be permitted on both sides of the street; 25 feet in width if parking is permitted on only one side; or 18 feet in width if parking on the street is prohibited. A one-way street shall be at least 14 feet in width and parking is prohibited unless the width is appropriately increased.

(5) *Sites*. Each site shall be clearly defined and delineated. The basic dwelling unit shall not occupy more than 25 percent of the site area and the basic dwelling unit and all accessory buildings shall not

occupy more than 35 percent of the site area. Each site shall contain a concrete slab not less than ten feet by 20 feet in dimension for a carport or patio. Such slab shall not be required until after the mobile home is in position.

(6) *Buffer area*. A buffer area, not less than 25 feet in width, may be required along public streets and mobile home park boundaries. Such buffer strip may be used for drainage structures and utility easements but shall not be used for any other purpose. All such buffer strips shall be planted in suitable ground cover material.

(7) *Recreation area*. Ten percent of the gross area of the park shall be developed for recreational purposes; provided, however, that the minimum recreation area shall be two acres. No mobile home site, required buffer strip, street right-of-way, storage area, or utility easement, or facility shall be computed as recreation area in meeting this requirement. Recreation areas and facilities shall be owned and operated by park management.

(8) *Off-street parking*. Two off-street parking spaces shall be provided for each site. One parking space for each 200 square feet of nonstorage floor space shall be provided for offices, recreation facilities, and the like.

(9) *Accessory uses and structures*.

(a) See section 17.16(3) of this chapter.

(b) Park recreation facilities, including room or center, courts for games, and the like.

(c) Park offices, maintenance, and laundry facilities.

(d) Enclosed storage structures and storage garage facilities, with use limited to park residents only.

(10) *Garbage and trash*. Each mobile home site shall be provided with at least one garbage container of not less than a 20-gallon capacity, so located as to be obstructed from view from the roads within and without the park. All such containers shall be leakproof, nonabsorbent and equipped with tightfitting covers.

(11) *Utilities*. Each mobile home site shall be connected to central water and sewer. No individual water supply or sewage disposal system shall be permitted in any mobile home park. Each site shall also be provided with electrical power and central gas, if used, and shall be serviced by individual meters.

(12) *Management*.

(a) *Maintenance by management*. The park management shall maintain an office in the park or in close proximity for immediate communication. It is the duty of the mobile home park owner or operator to:

1. Keep a register which is to be open at all reasonable times and upon reasonable notice to inspection by appropriate state and local officials, of all owners of mobile homes located in the park.

2. Maintain the park in a clean and orderly condition at all times.

3. Cooperate with local health officers in all cases of communicable diseases.

(b) *Maintenance by occupants*. All occupants shall maintain their site in a clean, orderly, and sanitary condition and abide by all regulations and park rules.

(13) *Park license*. No person shall establish, operate, or maintain a mobile home park within the city without first obtaining a license from the city council. Such license shall expire one year from the date of issuance, but may be renewed under the provisions of this chapter for additional periods of one year. The application for a license or renewal shall be made on forms furnished by the city clerk-treasurer and shall include the name and address of the owner of the mobile home park, if the park is owned by someone other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the park and make application shall be provided, and such legal description of the premises upon which the park is or will be located. The

application for a new mobile home park license shall be accompanied by ten copies of the park site plan and other information necessary to ensure compliance with these regulations.

(14) *License revocation and suspension*. The city council may revoke or suspend a license after a hearing is held in accordance with Wis. Stats. § 66.0435(2).

(15) *Inspection*. An annual sanitary survey (inspection) shall be conducted by the building inspector in accordance with Wis. Admin. Code ch. HSS 177(11).

(16) *Fees*. The application for each license shall be accompanied by a fee of $2.00 for each space in the existing or proposed park, but not less than $25.00 nor more than $100.00. The city shall collect a fee of $10.00 for each transfer of a license.

(Code 2011, § 17.39)

Sec. 17.40. Floodplain development.

(1) *Findings*. The uncontrolled use of the floodplain, rivers, or streams of the city adversely affects the public health, safety, convenience, and general welfare.

(2) *Intent*. The floodplain regulations are intended to provide a uniform basis for the preparation, implementation, and administration of sound floodplain regulations to:

(a) Protect life, health, and property.

(b) Minimize expenditures of public monies for costly flood control projects.

(c) Minimize rescue and relief efforts generally undertaken at the expense of the general public.

(d) Minimize business interruptions.

(e) Minimize damage to public facilities on the floodplain, such as water mains, sewer lines, streets, and bridges.

(f) Minimize the occurrence of future flood blight areas on floodplains.

(g) Discourage the victimization of unwary land and home buyers.

(3) *General standards applicable to all floodplain districts*.

(a) No development, except as provided in subsection (3)(b) of this section, shall be allowed in floodplain areas which will cause an obstruction to flow, will cause an increase equal to or greater than 0.01 foot in the height of the regional flood or will adversely affect existing drainage courses or facilities.

(b) Obstructions or increases equal to or greater than 0.01 foot may be permitted, but only if amendments are made to this chapter, the official floodplain zoning maps, including floodway lines, and water surface profiles in accordance with section 17.51, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than one foot for the affected hydraulic reach of the stream.

(c) The building inspector shall deny permits when it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

(4) *Special provisions for floodfringe areas*. No developments in floodfringe areas shall materially affect the storage capacity of floodplains, based upon an equal degree of hydrologic encroachment (volume of the storage area which is lost). For the purpose of this subsection, the term "materially" is defined as any surface profile of 0.1 feet. Such developments may be permitted only if amendments are made to this chapter pursuant to section 17.51; provided, further, that the total cumulative allowable increase in height of the regional flood for any given reach of a stream shall not exceed one foot.

(5) *Procedures for determining floodway and floodfringe areas in the general floodplain district*. When any developments are proposed within the general floodplain district, a determination shall be made

to establish the boundaries of the floodway and determine whether floodway or floodfringe uses apply and, where applicable, to determine the regional flood elevation. Upon receiving an application for development, the building inspector shall:

(a) Require the applicant to submit, at the time of application, two copies of an aerial photograph, or a plan which accurately locates the floodplain proposal with respect to the floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, 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 additional information as is deemed necessary by the department of natural resources for evaluation of the effects of the proposal upon flood flows and to determine the boundaries of the floodway and, where applicable, the regional flood elevation.

1. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development and high-water information.

2. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, size, location, and spatial arrangement of all proposed and existing structures on the site, location, and elevations of streets, water supply, 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 of materials, water supply, and sanitary facilities.

(c) Transmit one copy of the information described above to the department of natural resources along with a written request to have that agency provide technical assistance to establish floodway boundaries and, where applicable, provide regional flood elevation.

(6) *Floodproofing*. Floodproofing measures, such as the following, shall be designed to withstand the flood velocities, forces, and other factors associated with the regional flood to ensure protection to the flood protection elevation. No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the flood protection elevation for the particular area. All floodproofing shall provide anchorage to resist flotation and lateral movement. Other floodproofing measures may include:

(a) Installation of watertight doors, bulkheads, and shutters.

(b) Reinforcement of walls and floors to resist pressures.

(c) Use of paints, membranes, or mortars to reduce seepage of water through walls.

(d) The above floodproofing measures shall ensure that structural walls and floors are watertight to the flood protection elevation and completely dry during flooding without human intervention, pursuant to this subsection.

(7) *Compliance*. Compliance with the provisions of this section shall not be grounds for removal of lands from the floodplain district unless such lands are filled to a height of at least two feet above the elevation of the regional flood for the particular area and are contiguous to other lands lying outside the floodplain district, approval has been granted by the department of natural resources pursuant to section 17.47 and, where required, an official letter of map amendment has been issued by the Federal Insurance Administration.

(8) *Warning and disclaimer of liability*. The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain district boundaries or land uses permitted

within such district will always be totally free from flooding or flood damage, nor shall this chapter create liability on the part of, or a cause of action against, the city, or any officer or employee thereof, for any flood damage that may result from reliance on this chapter.

(Code 2011, § 17.40)

Secs. 17.41—17.44. Reserved.

ADMINISTRATION AND ENFORCEMENT

Sec. 17.45. Building permits.

Sec. 17.46. Building inspector.

Sec. 17.47. Special exceptions.

Sec. 17.48. Certificate of appropriateness.

Sec. 17.49. Reserved.

Sec. 17.50. Board of appeals.

Sec. 17.51. Amendments.

Secs. 17.52—17.54. Reserved.

Sec. 17.55. Remedies.

Sec. 17.56. Penalty.

Sec. 17.45. Building permits.

(1) *Applicability*. No structure, except signs exempt from the provisions of this chapter, and no building shall be erected, constructed, reconstructed, altered, moved, or enlarged until a building permit has been obtained from the building inspector.

(2) *Application for building permit*. Application for a building permit shall be made in writing upon a form furnished by the building inspector and shall include the following information:

(a) Name and address of the owner and the applicant.

(b) Legal description and statement as to the proposed use of the structure, building, or land.

(c) Site layout drawn to scale showing lot dimensions and the location and dimensions of all proposed buildings, open spaces, yards, parking, and loading areas.

(d) Methods to be used for screening, where applicable, design of parking areas and the number of spaces and the number, dimensions, location, and methods of illumination of signs.

(e) Other information, including existing buildings on the lot, current use of existing buildings or land, number of families or units the building is designed to accommodate, and such other matters as may be necessary to determine conformance with this chapter.

(f) For floodplains, the ordinary high watermark of any abutting or nearby watercourses, information concerning all private water supply systems and on-site sewage disposal systems, including the location and the ordinary high watermark of streams and lakes within 100 feet of a proposed sewage site, floodplain, and floodway limits on the property as determined from the official floodplain zoning map, the elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD) and data sufficient to determine the regional flood elevation and compliance with section 17.40(3).

(3) *Data requirements to analyze developments.*

(a) The applicants shall, at their expense, provide all survey 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. § 236.02(3), 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 extent of the development on the regional flood profile, velocity of flow, and floodplain storage capacity.

2. A map showing the location and details of vehicular access to lands outside the floodplain.

3. A surface drainage plan with adequate details showing how flood damage will be minimized.

(b) The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonably applied to the overall development costs, but shall not include land costs.

(c) The department will determine elevations and evaluate the proposal where the applicant is not required to provide computations as above and inadequate data exists. The city may transmit additional information, such as the data in section 17.40(4), where appropriate, to the department with the request for analysis.

(4) *Approval of permit*. If the building inspector determines that the proposed building or structure will comply with the provisions of this chapter and all applicable laws and orders of the state, he shall officially approve and sign one set of plans and return it to the owner, and shall issue a building permit which shall be kept on display at the site of the proposed building.

(5) *Other permits*. It is the responsibility of the applicant to secure any and all other necessary permits from all appropriate 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 1334.

(6) *Use as provided in application and plans*. Building permits issued on the basis of plans and applications approved by the building inspector authorizes only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, and construction at variance with those authorized shall be deemed a violation of this chapter.

(7) *Prior permits*. No building permit lawfully issued by the building inspector prior to the effective date of the ordinance from which this chapter is derived shall be invalidated by the adoption or amendment of this chapter. Such permit shall remain valid and subsisting subject only to its own terms.

(8) *Improper issuance*. A permit which was improperly issued or not issued in accordance with the standards and procedures as set forth in this chapter shall not create any right in such permit and the city shall be entitled to revoke such permit.

(9) *Certificate of occupancy*.

(a) Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection, alteration, repair, or moving of such buildings has been completed in conformity with the provisions of this chapter and in conformity with the statements on the application. A record of all certificates issued shall be kept in the city clerk-treasurer's office.

(b) No vacant land shall be occupied or used and no building erected or altered shall be occupied or used until a certificate of occupancy has been issued by the building inspector.

(c) A certificate of occupancy shall state that the building, or proposed use of a building or land, complies with all the building and health laws, ordinances, and the provisions of this chapter. A record of all certificates shall be kept on file in the city clerk-treasurer's office, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building

or land affected. No fee shall be charged for an original certificate applied in conjunction with the application for a building permit. For all other certificates or for copies of any original certificate, there shall be a charge of $1.00 each.

(d) No permit for excavation for any building shall be issued before application has been made of certificate of occupancy and compliance.

1. *For a building*. Certificate of occupancy for a new building, or the alteration of an existing building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building has been completed in conformity with the provisions of this chapter.

2. *For land*. Certificate of occupancy for the use of vacant land or the change in the use of land provided in this section shall be applied for before any such land shall be occupied by the proposed new use. Such certificate shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of this chapter.

3. *For nonconforming use*. Certificates of occupancy for nonconforming uses existing on October 22, 1985, shall be issued by the building inspector, and the certificate shall state that the use is a nonconforming use and does not conform with the provisions of this chapter. The building inspector shall notify all occupants of property being used as nonconforming uses, and such occupants shall, within 30 days after receipt of such notice, apply at the office of the building inspector for a certificate of occupancy.

4. *For floodplains*. No certificate shall be issued unless a professional engineer or registered surveyor certifies that the fill and lowest floor elevations and floodproofing, if necessary, comply with the standards of this chapter.

(10) *Sign permit regulations*.

(a) *Permit required*. Except as otherwise provided in this chapter, no person shall erect, construct, enlarge, or structurally modify any sign in the city or cause the same to be done without first obtaining a sign permit for such sign from the building inspector as required by this section. Permits shall not be required for a change of copy on any sign or for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure.

(b) *Permit fees*. Application for permit shall be filed with the building inspector, together with a permit fee for each sign. The fee for a permit, exclusive of any other required permit, shall be $10.00. Failure to apply for and obtain a required sign permit prior to the installation of a sign shall require the payment of a double permit fee.

(c) *Permit issuance and denial*. The building inspector shall issue a permit sticker for the erection, structural alteration, enlargement, or relocation of a sign within the city when the permit application is properly made, all appropriate fees have been paid and the sign complies with the appropriate ordinances of the city. When a permit is denied by the building inspector, he shall give a written notice to the applicant along with a brief written statement of the reasons for the denial.

(d) *Inspection upon completion*.

1. Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the building inspector upon completion of the work. The building inspector may require a final inspection, including an electrical inspection and inspection of footings on detached signs.

2. The building inspector may require in writing, upon issuance of a permit, that he be notified for inspection prior to the installation of certain signs.

(e) *Sign permit appeal*.

1. Appeal from denial of permit may be taken to the zoning board of appeals under section 17.50. The building inspector shall comply with and enforce the decision of the zoning board of appeals.

2. The failure of the building inspector to either formally grant or deny a sign permit within ten days of the date an application is filed shall be cause for appeal.

3. In cases of extraordinary hardship to an appellant, the board may grant a limited variance from this section.

(f) *Indemnification for sign installation and maintenance*. All persons engaged in the business of installing or maintaining signs which involve, in whole or in part, the erection, alteration, relocation, maintenance of a sign or other sign work in, over, or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way is used or encroached upon by the sign contractor shall agree to hold harmless and indemnify the city, its officers, agents, and employees from any and all claims resulting from the erection, alteration, relocation, maintenance of any sign, or any sign work insofar as this chapter has not specifically directed the placement of the sign.

(Code 2011, § 17.45)

Sec. 17.46. Building inspector.

The provisions of this chapter shall be administered and enforced by the building inspector. The building inspector shall:

(1) Examine all applications for building permits and approve such permits only where there is compliance with the provisions of this chapter. Site plans and special exceptions shall be referred to the plan commission. Permits for a variance shall be referred to the board of appeals for action thereon and shall issue only upon order of the board of appeals.

(2) Following refusal of a building permit, receive application for interpretation, appeals, and variances and refer such applications to the board of appeals.

(3) Conduct inspections to determine compliance or noncompliance with the provisions of this chapter and to issue certificates of occupancy.

(4) Issue stop, cease and desist orders, and orders requiring the correction of all conditions found to be in violation of the provisions of this chapter. Such written orders shall be served personally or by certified mail upon persons deemed by the building inspector to be in violation of the provisions of this chapter. No person shall violate any such order issued by the building inspector.

(5) With the approval of the city council, or when directed by them, institute in the name of the city any appropriate action or proceedings to prevent violation of this chapter.

(6) Revoke, by order, any building permit approved under a misstatement of fact or contrary to the law or provision of this chapter.

(7) Maintain maps of all special exceptions and maintain a file on each.

(8) Upon the request of the city council, mayor, plan commission, or board of appeals, present to such persons or bodies, facts, records, or reports which they may request to assist them in making decisions or assist them in any other way as requested.

(9) Maintain maps showing the current zoning classification of all lands in the city. The building inspector shall also provide the city clerk-treasurer with a current copy of the official zoning map for public inspection in the office of the city clerk-treasurer.

(10) Maintain maps of all nonconformities and maintain a file on each. The replacement value at the effective date of the ordinance from which this chapter is derived shall be recorded for each nonconforming use and structure, as required by section 17.11

(11) In floodplain districts, maintain a list of certified lowest floor and regional flood elevations for floodplain development and maintain records of water surface profiles, floodplain zoning maps

and ordinances, nonconforming uses and structures, including changes, appeals, variances, and amendments; and submit copies of the following items to the department district 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 analysis and any other information required by the department, including an annual summary of the number and types of floodplain zoning actions taken.

(Code 2011, § 17.46)

Sec. 17.47. Special exceptions.

(1) *General*. A special exception is a use or structure that may not be appropriate generally or without restriction throughout a district but which, if controlled as to number, area, location, or relation to neighborhood would promote the public health, safety, welfare, comfort, convenience, or the general welfare. Such uses or structures may be permissible in a zoning district as a special exception if specific provision for such special exception is made in the district. A special exception shall not be issued for any other use or structure.

(2) *Procedure*. All applications for a special exception shall be considered first by the city plan commission. The application should include material necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of these zoning regulations, will not be injurious to the neighborhood or adjacent properties, or otherwise detrimental to the public welfare. Such material may include, but is not limited to, information required for a building permit under this chapter, findings required under subsection (4) of this section, site plans and special studies.

(3) *Public hearing*. Upon the filing of an application for a special exception, the city plan commission shall notify the city council of such application and shall fix a reasonable time, not more than 60 days from the filing date, for a public hearing. A class 2 notice pursuant to Wis. Stats. ch. 985 shall be published in the official newspaper of the city specifying the date, time, and place of hearing and the matters to come before the city plan commission. Notice shall also be mailed to the parties of interest, as determined by the city plan commission.

(4) *Findings*. Before any special exception shall be recommended for approval, the city plan commission shall make findings that the granting of a special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the applicant. No special exception shall be recommended for approval unless the plan commission shall find:

(a) That the establishment, maintenance, or operation of the special exception use or structure will not be detrimental or injurious to the use and enjoyment of adjacent properties or properties in the immediate vicinity.

(b) That the special exception is compatible with the adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district.

(c) That adequate public facilities and services are available to the development.

(d) That adequate measures are taken to provide for drainage.

(e) That ingress and egress to the property is provided in such a manner as to minimize traffic hazards and congestion.

(f) That adequate parking and loading areas are provided.

(5) *Conditions and safeguards*. In addition to the conditions and requirements specified in this chapter, the plan commission may recommend appropriate additional conditions and safeguards as deemed necessary to ensure the proposed use or structure will secure the objectives of this chapter and

promote the public health, safety, comfort, convenience, and general welfare. Violation of such conditions and safeguards, when made part of the terms under which the special exception is granted, shall be deemed a violation of this chapter.

(6) *City plan commission recommendation*.

(a) The city plan commission may recommend to the city council to approve, disapprove, or approve, subject to stipulated conditions and safeguards, a request for a special exception. If the city plan commission shall recommend disapproval of a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in subsection (4) of this section, or such of them as may be applicable to the action of disapproval and the particular regulations relating to the special exception requested, if any. The report and recommendations of the city plan commission shall be advisory only and shall not be binding on the city council.

(b) The city council shall act on the city plan commission recommendation at its next regularly scheduled meeting that is not less than 15 days from the date of the recommendation is submitted to the city council. No public notice and hearing is required for the city council action on the recommendation and request but the matter shall be handled in a public session as part of a previously prepared agenda. All matters relating to city council consideration of a request for a special exception and city plan commission recommendation shall be a public record and require formal action of the city council.

(7) *Fees*. Any application for a special exception shall be accompanied by a fee of $25.00 to compensate the city for publication of notices and other expenses. No action shall be taken until such fee has been paid.

(Code 2011, § 17.47)

Sec. 17.48. Certificate of appropriateness.

(1) *Findings*. The city council hereby finds that an economically strong commercial core serving as the focus of commercial and cultural activity of the city will promote the general welfare; that to establish and maintain an economically strong commercial core it is necessary for physical development to be highly concentrated, coordinated, and aesthetically attractive and distinctive; and that dissimilar, uncoordinated, or otherwise inappropriate physical development will adversely affect the economy, have a detrimental effect on property values, discourage private investment, adversely affect public investments and cause the loss of distinctive and unique characteristics of the area.

(2) *Applicability*. No structure, except signs exempt from the provisions of this chapter, and no building shall be erected, constructed, reconstructed, moved, enlarged, or exterior architectural feature altered in the commercial core district until a certificate of appropriateness has been obtained from the redevelopment authority. A certificate of appropriateness shall be in addition to, not in lieu of, a building permit. A certificate of appropriateness shall not be required for interior alterations or design features not subject to any public view or ordinary repairs and maintenance to the exterior of any structure or building where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, its prior condition.

(3) *Application*. Application for a certificate of appropriateness shall be made in writing upon a form furnished by the building inspector. Applications shall include the following information: statement of ownership and control of the property affected; a statement describing in detail the character and extent of improvements contemplated; site layout drawn to scale showing the location orientation and dimensions of buildings and structures; front elevations and architectural definitions of buildings and structures by sketches, drawings, photographs, or other information showing the proposed exterior alterations, additions, changes, or new construction as reasonably required by the redevelopment authority to make a decision. The building inspector shall transmit the application for a certificate of appropriateness to the redevelopment authority for their determination.

(4) *Findings*. Before granting a certificate of appropriateness, the redevelopment authority shall find that to the maximum extent practicable:

(a) The historic or cultural significance of buildings or structures affected is maintained or enhanced.

(b) The architectural style, value and significance, and general design arrangement, texture, material, and color of the architectural features of buildings and structures are visually and functionally coordinated with other buildings and structures in the area.

(c) Principal entrances are visually and functionally related and coordinated with other buildings and pedestrian ways.

(d) Activity nodes, such as plazas and arcades, are created, retained, and coordinated.

(e) Building facades and other appurtenances, such as fences, walls, and landscaping, are coordinated to form cohesive walls of enclosure along streets or other public ways and, further, that no such fences or walls shall be permitted to contain any barbs or sharp points.

(f) The scale, orientation, and directional expression of buildings and structures are visually and functionally coordinated with other buildings and structures in the area.

(g) Views are protected, created, or enhanced.

(5) *Procedures*. After the building inspector transmits the application for a certificate of appropriateness, together with the supporting information and material, to the redevelopment authority, the redevelopment authority shall act upon the application within 30 days of the filing thereof. Failure of the redevelopment authority to act within 30 days shall be deemed to be approval of the application and a certificate of appropriateness shall be issued. Nothing in this section shall prohibit an extension of time where mutual agreement has been made and the redevelopment authority may advise the applicant and make recommendations in regard to the application. If the redevelopment authority approves the application, a certificate of appropriateness shall be issued. If the redevelopment authority disapproves the application, a certificate of appropriateness shall not be issued and the redevelopment authority shall give written notice of its findings.

(6) *Appeals of redevelopment authority decisions*. Any applicant or person aggrieved by a final decision of the redevelopment authority shall have the right to appeal and be heard before the city council, provided that a written appeal is filed with the city clerk-treasurer within 30 days of the redevelopment authority's decision. The city clerk-treasurer shall notify the mayor and schedule a public hearing before the city council not less than 30 days after the filing with the city clerk-treasurer. A class 2 notice, pursuant to Wis. Stats. ch. 985, shall be published in the official newspaper of the city specifying the date, time, and place of the hearing and the matters to come before the city council. A concurring vote of at least two-thirds of the city council present at the proceedings shall be necessary to reverse a final decision of the redevelopment authority.

(Code 2011, § 17.48)

Sec. 17.49. Reserved.

Sec. 17.50. Board of appeals.

(1) *Establishment of board*. In order that the objectives of this chapter may be more fully and equitably achieved, and a means for interpretation provided, there is established a board of appeals (hereinafter referred to as "the board") for the city. (See also section 1.38.)

(2) *Procedures, meetings, records, and decisions*.

(a) *Procedures*. The board shall be governed by the provisions of Wis. Stats. § 62.23(7), this chapter, and rules and procedures adopted by the board and approved by the city council. No

rule or procedure shall be changed without the affirmative vote of four members of the board and the concurrence of the city council.

(b) *Meetings*. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(c) *Records and decisions*. The board 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 filed immediately as public records. All actions or decisions shall be taken by resolution in which four members, present during the proceedings, shall concur. Each resolution or decision shall contain a statement of the grounds forming the basis of such resolution or decision. The chairperson shall notify the mayor, city council, and plan commission of all resolutions and decisions. The district office of the department shall be notified of all decisions affecting floodplains.

(3) *Powers and duties*.

(a) *Appeals*.

1. *Powers*. The board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the building inspector in the enforcement of this chapter. The board may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the building inspector and may issue or direct the issue of a permit.

2. *Procedures*. Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the building inspector without 30 days of the decision involved by filing with the building inspector and with the board of appeals a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board shall fix a reasonable time for a hearing on the appeal and give public notice thereof as well as due notice to parties in interest, and shall decide the same within a reasonable time. In floodplain districts, the board shall review all data constituting the basis for the appeal of permit denial. For appeals concerning increases in regional flood elevation, the board shall 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 any appropriate legal arrangements are made with all adversely affected property owners. The appeal shall be granted 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 that no other reason for denial exists.

3. *Preliminary review*. The secretary of the board shall, as promptly as possible, inform the board concerning the appeal, and the board may either discuss the matter with the applicant if the applicant desires or proceed directly to order public notice of a hearing. If the applicant elects to withdraw the appeal any time before final determination is made by the board, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the secretary for the files of the board, to the building inspector, and to the applicant. If the appeal is not withdrawn, the board may request the applicant to provide such additional information as may be needed to determine the case and shall instruct the secretary to proceed with public notice of a hearing on the case.

4. *Amendments*. Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the

amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the chairperson shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given and will state the reasons for the deferral.

(b) *Variances*.

1. *Power*. The board shall have the power to grant a variance by varying the strict application of any requirement of this chapter where the strict application of such requirements would result in practical difficulty and unnecessary hardship depriving the owner of reasonable use of land or buildings.

2. *Requirements for a variance*. In general, the power to authorize a variance from the requirements of this chapter shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this chapter. Variances shall only be granted when the board finds that:

a. The variance is not contrary to the public interest and that such a variance will be in general harmony with the purposes and intent of this chapter.

b. The variance will not permit the establishment of a use which is not permitted in the district.

c. The hardship is due to the adoption of the floodplain ordinance or special conditions and circumstances which are not applicable to other lands, structures, or buildings in the same district.

d. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district.

e. The hardship is not shared generally by other land or buildings in the area.

f. The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.

g. A variance shall not be granted solely on the basis of economic gain or loss.

h. In floodplain districts, the variance shall not permit a lower degree of flood protection in the floodplain than the flood protection elevation.

(c) *Interpretations*. The board shall have the power to hear and decide applications for interpretations of the zoning regulations and boundaries of the zoning districts after the plan commission has made a review and recommendation.

(4) *Procedures for floodplain boundary disputes*. The following procedure shall be used by the board of appeals in hearing disputes concerning the district boundaries shown on the official floodplain zoning map:

(a) Where a floodplain district boundary is established by approximate or detailed floodplain studies pursuant to section 17.07, the regional flood elevations shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.

(b) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the board of appeals. Where it is determined that the district boundary is incorrectly mapped, the board should either inform the plan commission to proceed to petition the city council or inform the person contesting the location of the boundary line to petition the city council for a map amendment pursuant to section 17.51

(5) *Public hearings*.

(a) *Time period*. Upon filing with the board an application for an appeal or variance, the board shall fix a reasonable time, not more than 60 days from the filing date, for a public hearing.

(b) *Notice of hearing*. A class 2 notice pursuant to Wis. Stats. ch. 985 shall be published in the official newspaper of the city specifying the date, time, and place of the hearing and matters to come before the board. Notices shall also be mailed to the parties at interest, as determined by the board.

(c) *Notification*. Within ten days of the filing date of an application, and prior to fixing a date for the public hearing, the secretary of the board shall transmit a copy of such application and all accompanying information to the city council.

(6) *Appeal of board decisions*. Any person, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the board of appeals, may appeal such decision to a court of record in accordance with Wis. Stats. § 62.23(7).

(7) *Fees*. New applications for an appeal or variance shall be accompanied by a fee of $100.00 to compensate the city for publication of notice and other expenses. No action shall be taken until such fee has been paid.

(Code 2011, § 17.50)

Sec. 17.51. Amendments.

(1) *Power of amendment*. The city council may from time to time, on its own motion or petition, amend, supplement, or change this chapter, including the official zoning map.

(2) *Procedures*. The city council shall refer every proposed amendment to the city plan commission for a report and recommendation. If the city council does not receive a report and recommendation from the city plan commission within 60 days of submitting the proposed amendment, the city council may proceed with the necessary hearing.

(3) *Public hearing and notice*. No amendment of this chapter shall become effective until a public hearing is held before the city council where parties in interest and citizens shall have the opportunity to be heard. A class 2 notice in accordance with Wis. Stats. ch. 985 shall be published in the official newspaper of the city once during each of the two weeks prior to such hearing. At least ten days before the public hearing, a written notice of such hearing shall also be given to the clerk of any city whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

(4) *Final approval*.

(a) An amendment shall become effective upon a majority vote of the members of the city council voting on the proposed change. However, in case of a protest against such amendment, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed amendment or by owners of 20 percent or more of the area immediately adjacent extending 100 feet therefrom, or by owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a favorable vote of three-fourths of the members of the city council voting on the proposal.

(b) No amendment concerning the floodway, flood fringe, or general floodplain districts, shall become effective until also being approved by the department of natural resources, the Federal Insurance Administration and, in the case of district boundary amendments, until an official letter of the boundary change has been issued by the Federal Insurance Administration.

(5) *Amendments to floodplain districts*.

(a) *Actions requiring amendment*. Actions which require amendment include, but are not limited to, the following:

1. Any change to the official floodplain zoning map, including the floodway lines or boundary of the floodplain area.
2. Correction of significant discrepancies between the water surface profiles and floodplain zoning maps.
3. 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.
4. Any fill or encroachment into the floodplain that will cause a change equal to or greater than 0.01 foot in the height of the regional flood.
5. Any upgrading of floodplain zoning ordinances required by Wis. Admin. Code § NR 116.05(4), or otherwise required by law.

(b) *Referral and approval*. Copies of the proposed amendment and notice of public hearing shall be submitted to the appropriate district office of the department. No amendment to the floodplain maps or text shall become effective until reviewed and approved by the department. When considering amendments to the official zoning map in areas where no water surface profile exists, the city shall consider data submitted by the department, on-site inspections, and other available information.

(c) *Flood easements*. All persons petitioning for a map amendment which involves an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easements or other appropriate legal arrangements from all affected local units of government and property owners before the city may approve such amendment.

(6) *Fees*. Any petition for an amendment shall be accompanied by a fee of $25.00 to compensate the city for publication of notices and other expenses. No action shall be taken until such fee has been paid.

(7) *Annexation to city*. All new territory annexed to the city shall automatically become residential single-family district until definite boundaries and regulations for such territory are recommended by the plan commission and adopted by the council.

(Code 2011, § 17.51)

Secs. 17.52—17.54. Reserved.

Sec. 17.55. Remedies.

If any building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of this chapter, the appropriate authorities of the city, or any adjacent or neighboring property owners who would be damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent, restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

(Code 2011, § 17.55)

Sec. 17.56. Penalty.

Any person who violates any provision of this chapter, or any order, rule, or regulation made under this chapter, shall be subject to a penalty as provided in section 25.04. In floodplain districts, violators shall be subject to penalties as provided in Wis. Stats. § 87.30. Whenever a person shall have been

notified in writing by the building inspector that he is in violation of the provisions of this chapter, such person shall commence correction of all violations within seven days after notice and shall correct all violations within 30 days after notice. If corrections are not commenced within seven days of written notice, each day that a violation continues shall be considered a separate offense.

(Code 2011, § 17.56)

Chapter 18 SUBDIVISION AND PLATTING [1]

FOOTNOTE(S):

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Editor's note— The subdivision and platting ordinance is on file and available for inspection in the office of the city clerk-treasurer and is adopted by reference as if fully set forth herein. (Back)

Chapter 19 HOUSING AND PROPERTY MAINTENANCE CODE

Sec. 19.01. Reserved.

Sec. 19.02. Purpose.

Sec. 19.03. Applicability.

Sec. 19.04. Definitions.

Secs. 19.05—19.09. Reserved.

Sec. 19.10. Enforcement authority.

Sec. 19.11. Inspection policy.

Secs. 19.12—19.14. Reserved.

Sec. 19.15. Space and occupancy requirements.

Sec. 19.16. Light and ventilation.

Sec. 19.17. Interior structure.

Sec. 19.18. Installation and maintenance.

Sec. 19.19. Exterior structure.

Sec. 19.20. Exterior property areas.

Sec. 19.21. Minimum requirements for fire safety.

Sec. 19.22. Roominghouses.

Sec. 19.23. Responsibilities of persons.

Sec. 19.24. Dangerous structures and condemnation procedures.

Sec. 19.25. Antidiscrimination housing ordinance.

Secs. 19.26—19.29. Reserved.

Sec. 19.30. Prosecutions.

Sec. 19.31. Penalties.

Sec. 19.01. Reserved.

Sec. 19.02. Purpose.

The purpose of this chapter shall be to preserve and protect the public interests of the city and the dignity of its citizens, regardless of race, color, age, or religious affiliations, by establishing and enforcing minimum housing and property standards in order to ensure the safety, health, and general welfare of everyone concerned.

(Code 2011, § 19.02)

Sec. 19.03. Applicability.

(1) *Matters covered*.

(a) *General*. Every portion of a building or premises used or intended to be used shall comply with the provisions of this chapter, irrespective of when such building shall have been constructed, altered, or repaired, except as provided herein. The provisions of this chapter shall apply to all structures and premises which are now or may become in the future substandard with respect to structure, premises, protection against fire hazard, equipment or maintenance, inadequate provisions for light and air, lack of proper heating, unsanitary conditions, overcrowding or conditions which may be deemed to constitute a menace to the safety, health, or welfare of their occupants. Except as provided in subsection (5) of this section, the existence of such conditions, factors, or characteristics adversely affects public safety, health, and welfare and leads to the continuation, extension, and aggravation of urban blight. Adequate protection of the public, therefore, requires the establishment and enforcement of these minimum standards.

(b) *Travel trailers and mobile homes*. All movable units used for human occupancy and the areas, grounds, or parcels on which they are located insofar as they are applicable and not in conflict shall comply with the requirements of this chapter.

(2) *Application of building code*. Any alterations to buildings or changes of use which may be caused, directly or indirectly, by the enforcement of this chapter shall be done in accordance with applicable sections of chapter 14 of this Code.

(3) *Application of zoning code*. Nothing in this chapter shall permit the establishment or conversion of a multifamily dwelling in any zone, except where permitted by chapter 17 of this Code, nor the continuation of such nonconforming use in any zone, except as provided herein.

(4) *Conflict with other ordinances*. Except as provided in subsection (5) of this section, in any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city existing on the effective date of the ordinance from which this chapter is derived, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

(5) *Existing buildings; occupancy*. This chapter establishes minimum requirements for the initial and continued occupancy of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration, or use of buildings, equipment, or facilities, except as provided in subsection (4) of this section.

(6) *Existing buildings; removal*. Nothing in this chapter shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

(Code 2011, § 19.03)

Sec. 19.04. Definitions.

(1) *Terms defined in building code*. Where terms are not defined in this section and are defined in chapter 14 of this Code, they shall have the same meanings ascribed to them as in chapter 14

(2) *Terms not defined*. Where terms are not defined under the provisions of this chapter or chapter 14 of this Code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

(3) *Terms defined*. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

Approved, as applied to a material, device, or method of construction, means approved by the building official under the provisions of this chapter or approved by other authority designated by law to give approval in the matter in question.

Basement means a portion of the building partly underground, but having less than two feet its clear height below the average grade of the adjoining ground. (See *Cellar*.)

Building code means the building code officially adopted by the city council or such other code as may be officially designated by the city council for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures.

Building inspector means the official designated by the city to enforce building, zoning and similar laws, and this chapter, or his authorized representative.

Cellar means the portion of the building partly underground, having less than two feet of its height below the average grade of the adjoining ground.

Dwelling means any building or structure, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Boardinghouse, lodging house, tourist house means a building arranged or used for the lodging, with or without meals, for compensation, for more than five and not more than 20 individuals.

Dormitory means a building arranged or used for lodging more than five and not more than 20 individuals and having common toilet and bathroom facilities.

Hotel, motel means a building containing five or more units wherein sleeping accommodations are offered for pay to transients. Roominghouses are not included with the intent of this definition.

Multifamily dwelling means a building containing three or more dwelling units or a structure containing one or more dwelling units in combination with a nonresidential use.

Roominghouse means any building or any part thereof containing rooming units in which space is let by the owner or operator and having common bathroom facilities.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Single-family dwelling means a building containing a single-family, or not more than five unrelated persons.

Two-family dwelling, duplex, means a building comprising two single-family dwellings.

Dwelling unit means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Enforcement officer means the official designated herein or otherwise charged with the responsibilities of administering this chapter, or his authorized representative.

Exterior property areas means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; removing or making inaccessible materials that may serve as their food; poison spraying, fumigating, trapping; or any other approved pest elimination methods.

Family means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Gross floor area means the total area of all habitable space in a building or structure.

Habitable room means a room or enclosed floor space arranged for living, eating, and sleeping purposes, not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways, and other accessory floor spaces.

Infestation means the presence within or contiguous to a structure or premises of insects, rodents, vermin, or other pests.

Occupant means any person over one year of age, including owner or operator, living and sleeping in a dwelling unit, or having actual possession of such dwelling or rooming unit.

Openable area means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator means any person who has charge, care, or control of a structure or premises which are let or offered for occupancy.

Owner means the owner of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building or premises, or their authorized agents.

Plumbing or *plumbing fixtures* means water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines or other similar equipment, catchbasins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

Premises means a lot, plot, or parcel of land, including the buildings or structures thereon.

Rubbish means combustible and noncombustible waste materials, except garbage, and the term "rubbish" shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, and other similar materials.

Structure means an assembly of materials forming a construction for occupancy or use, including, among other things, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences, and display signs.

Supplied means installed, furnished, or provided by the owner or operator.

Ventilation refers to the process of supplying and removing air by natural or mechanical means to or from any space.

1. *Mechanical*. Ventilation by power driven devices.
2. *Natural*. Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this chapter, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

Yard means an open unoccupied space on the same lot with a building extending along the entire length of a street or rear or interior lot line.

(Code 2011, § 19.04)

Secs. 19.05—19.09. Reserved.

Sec. 19.10. Enforcement authority.

(1) *Enforcement officer*. The city building inspector shall enforce the provisions of this chapter as herein provided.

(2) *Coordination of enforcement*. Inspection of premises and the issuing of orders in connection therewith, under the provisions of this chapter, shall be the exclusive responsibility of the city inspection department. Wherever, in the opinion of the building inspector, it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done in such a manner that the owners or occupants of the buildings shall not be subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this chapter shall be issued without the approval of the building inspector, and that official, before issuing any such order, shall determine that it has the concurrence of any other department or official of the government concerned with any matter involved in the case in question.

(3) *Administrative liability*. Except as may otherwise be provided by statute or local law or ordinance, no officer, agent, or employee of the city charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent, or employee of the city as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the city until the final determination of the proceedings.

(4) *Inspections*. The building inspector shall make or cause to be made inspections to determine the condition of all structures and premises in order to safeguard the safety, health, and welfare of the public under the provisions of this chapter. The building inspector is authorized to enter any structure or premises at any reasonable time for the purpose of performing his duties under this chapter. The owner, occupant, or operator of every structure or premises, or the person in charge shall give the building inspector free access to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspection, examination, and survey.

(5) *Refusal to permit inspections*. The provisions of this chapter shall not be construed to require any person to permit an inspection without consent. If any person refuses to permit inspection, then the enforcement official may apply for a warrant to inspect under the provisions of Wis. Stats. § 66.0119.

(6) *Access by owner or operator*. Every occupant of a structure or premises shall give the owner or operator, or his agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making the inspections, maintenance, repairs, or alterations as are necessary to comply with the provisions of this chapter.

(7) *Emergency discontinuance of service or utilities*. No owner, operator, or occupant shall cause any service, facility, equipment, or utility to be removed, shut off, or discontinued in any occupied dwelling unit let or occupied by him, except for such temporary interruption as necessary while actual repairs or alterations are in progress or during temporary emergencies when discontinuance of service is approved by the building inspector. Upon the discontinuance of gas or electric service for cause by a public utility company or upon discontinuance of any city or other service for cause, the building inspector shall be notified and shall take immediate steps to have the responsible person correct conditions leading to such discontinuance of services. This subsection shall not prevent the

discontinuance of any such service upon order of the building inspector or any other authorized official.

(Code 2011, § 19.10)

Sec. 19.11. Inspection policy.

(1) *Residential inspection policy*. For the purpose of developing and implementing a system for the inspection of residential dwelling units, all housing shall be divided into two categories:

(a) Single-family, owner-occupied dwellings.

(b) Buildings containing one or more rental units. Where there are two or more units in the building, one of which is occupied by the owner and the balance by tenants, the buildings shall be assigned to this category.

(2) *Inspection of single-family, owner-occupied buildings*. Buildings in this category shall be inspected only in the event of one or more of the following occurrences:

(a) Upon a complaint being filed by a resident of the city or by a state or local governmental agency.

(b) Where observation of the exterior conditions of a property indicate violations of this chapter, the building inspector shall inspect the interior or exterior of the property.

(3) *Inspection of buildings containing one or more rental units*. Buildings in this category shall be inspected according to the following schedule:

(a) Upon a complaint being filed by a resident of the city or by a state or local governmental agency.

(b) Where observation of the exterior conditions of a property indicate violations of this chapter, the building inspector shall inspect the interior or exterior of the property.

(4) *Identity of complainants*.

(a) Identities of complainants shall not be revealed, except by their consent or by order of a court of record.

(b) Anonymous complaints shall not cause the interior of a building to be inspected, unless there is reason to believe that there is immediate and grave danger to the occupants of the property or to the occupants of buildings on adjacent properties. The exterior of a building may be inspected upon receipt of an anonymous complaint.

(5) *Governmental agency complainants*. Identities of governmental agency complainants shall be divulged upon request of the owner or other interested party.

(6) *Inspection reports*. The inspection department shall provide the owner of the property or his agent or representative a report of the findings of the inspection.

(Code 2011, § 19.11)

Secs. 19.12—19.14. Reserved.

Sec. 19.15. Space and occupancy requirements.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living, sleeping, cooking, or eating which does not comply with the following requirements:

(1) *Sanitary facilities*. The following minimum sanitary facilities shall be supplied and maintained in a sanitary and safe working condition:

(a) *Water closet*. Every dwelling unit shall contain within its walls a room separate from the habitable rooms, which affords privacy and which is equipped with a water closet.

(b) *Lavatory*. Every dwelling unit shall contain a lavatory which, when a water closet is required, shall be in the same room with the water closet.

(c) *Bathtub* or *shower*. Every dwelling unit shall contain a room which affords privacy to a person in the room and which is equipped with a bathtub or shower.

(d) *Kitchen sink*. Every dwelling unit shall contain a kitchen sink apart from the lavatory required under subsection (1)(b) of this section.

(2) *Water and sewer system*. Every kitchen sink, lavatory basin, bathtub or shower, and water closet required under the provisions of subsection (1) of this section shall be properly connected to either a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs, and showers shall be supplied with hot and cold running water.

(3) *Water heating facilities*. Every dwelling unit shall be supplied with water heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained, and in good working condition and that they are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facility or other similar units at a temperature of not less than 120 degrees Fahrenheit at any time needed.

(4) *Heating facilities*. Every dwelling unit shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained, and in good working condition and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least an average of 68 degrees Fahrenheit with an outside temperature of ten degrees Fahrenheit. The temperatures shall exist at a level of three feet above the floor level and three feet or more from an exterior wall.

(5) *Operation of heating facilities and incinerators*. Every heating or water heating facility and incinerator shall be installed and shall operate in accordance with the requirements of chapter 14 of this Code or any other applicable city code.

(6) *Exit requirements*.

(a) Every dwelling unit and roominghouse shall have direct access to at least two accessible unobstructed means of egress leading to a safe and open public street, alley, or court connected to a street.

(b) The second exit from the second floor dwelling units and roominghouses may be a doorway to the outside of the building that terminates in a platform or stairway to grade. The platform shall be constructed of weather-resistant materials and shall not be less than four feet by six feet or located more than ten feet above the outside grade. All stairways and platforms shall be protected with handrails and guardrails as specified in Wis. Admin. Code § SPS 321.04(2). An egress window may be accepted as a second emergency exit, provided it is within step down distance outside the window to another roof or another attached building. The window shall be openable from the inside without the use of tools or the removal of a sash. If equipped with a storm or screen, it shall be openable from the inside. The nominal size of the new clear window openings shall be at least 20 inches in width by 24 inches in height.

(7) *Minimum ceiling heights*. Habitable rooms in existing buildings, except as provided in section 19.03(6), shall have clear ceiling height over the minimum area required by this chapter at not less than 71/3 feet, except that in attics or top half stories that ceiling height shall be not less than seven feet over nor less than one-third of the minimum area required by this chapter when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

(8) *Required space in dwelling units*. Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first occupant and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

(9) *Required space in sleeping rooms*. In every dwelling unit every room occupied for sleeping purposes by one occupant shall have a minimum gross floor area of at least 70 square feet. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant.

(10) *Access limitation of dwelling unit to commercial uses*. No habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

(11) *Location of bath and second sleeping room*. No residence building or dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall the room arrangement be such that access to a sleeping room can be had only by going through another sleeping room, bathroom, or water closet compartment.

(12) *Occupancy of dwelling units below grade*. No dwelling unit partially or wholly below grade shall be used for living or sleeping purposes, unless:

(a) Floors and walls are watertight.

(b) Total window area, total openable area, and ceiling height are in accordance with this chapter.

(c) Required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area.

(d) The floor level contains two exits in accordance with chapter 14 of this Code.

(Code 2011, § 19.15)

Sec. 19.16. Light and ventilation.

No person shall occupy as owner-occupant or let to another for occupancy any building or structure for the purpose of occupancy which does not comply with the following requirements:

(1) *Natural light in habitable rooms*. Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of chapter 14 of this Code. Whenever walls or other portions of a structure face a window of any room and the obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(2) *Adequate ventilation*. Every room shall have at least one window which can be easily opened. The total openable window area in every room shall be equal to at least 45 percent of the minimum window area size required.

(3) *Ventilation and light in bathroom and water closet*. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by subsections (1) and (2) of this section, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

(4) *Overcrowding of rooms*. If any room in a dwelling is overcrowded, the building inspector may order the number of persons sleeping or living in the room to be so reduced that there shall be not less than 400 cubic feet of air to each adult and 200 cubic feet of air to each child under 12 years of age occupying the room.

(Code 2011, § 19.16)

Sec. 19.17. Interior structure.

No person shall occupy as owner-occupant or let to another for occupancy any structure or portion thereof which does not comply with the following requirements:

(1) *Free from dampness*. In every building, cellars, basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure as required by chapter 14 of this Code.

(2) *Structural members*. The supporting structural members of every building shall be maintained structurally sound, showing no evidence of deterioration which would render them incapable of carrying the imposed loads in accordance with the provisions of chapter 14 of this Code. Evidence of deterioration affecting the structural integrity of the building shall be examined by a registered architect or structural engineer and such examination shall be submitted in report form to the building inspector. All required repair or replacement of structural members shall be taken care of immediately.

(3) *Interior stairs and railings*. All interior stairs of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped, or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of chapter 14 of this Code and in accordance with section 19.19(6).

(4) *Handrails*. Every stairwell and every flight of stairs which is more than three risers high shall have handrails or railings located in accordance with the provisions of chapter 14 of this Code. Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings capable of bearing normally imposed loads as required by chapter 14 of this Code shall be placed on the open portions of stairs, balconies, landings, and stairwells.

(5) *Bathroom and kitchen floors*. Every toilet, bathroom, and kitchen floor surface shall be constructed and maintained so as to be easily kept in a clean and sanitary condition.

(6) *Sanitation*. The interior of every dwelling and structure shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish and garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required under section 11.11

(7) *Insect and rodent harborage*. Buildings shall be kept free from insect and rodent infestation and, where insects or rodents are found, they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(a) *Extermination from buildings*. Every owner of a dwelling or multifamily dwelling shall be responsible for the extermination of insects, rodents, vermin, or other pests whenever infestation exists in two or more of the dwelling units or in the shared or public parts of the structure.

(b) *Extermination from single dwelling units*. The occupant of a dwelling unit in a dwelling or multifamily dwelling shall be responsible for such extermination within the unit occupied by him whenever his dwelling unit is the only unit in the building that is infested.

(8) *Responsibility of owner*. Notwithstanding the provisions of subsection (7) of this section, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multifamily dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

(9) *Interior walls, ceilings, and floors*. All interior walls, ceilings, and floors shall be structurally sound, in good repair, free from defects, clean, and painted.

(10) *Smoke detectors*.

(a) *All new and existing one- and two-family dwellings*. The owner of a dwelling shall install a functional smoke detector in the basement of the dwelling and on each floor level, except the attic or storage area of each dwelling unit. The occupant of such a dwelling unit shall maintain any smoke detector in that unit, except that if any occupant who is not the owner or a state, county, city, village, or town officer, agent, or employee charged under statute or city ordinance with powers or duties involving inspection of real or personal property gives written notice to the owner that the smoke detector is not functional, the owner shall provide, within five days after receipt of that notice, any maintenance necessary to make that smoke detector functional.

(b) *Dwellings of three or more units*. Dwellings of three or more dwelling units shall be provided smoke detectors in accordance with the requirements of Wis. Admin. Code §§ SPS 351.245 and 357.16.

(Code 2011, § 19.17)

Sec. 19.18. Installation and maintenance.

No person shall occupy as owner-occupant or let to another for occupancy any building or structure which does not comply with the following requirements:

(1) *Facilities and equipment*. All required equipment and all building space and parts in every building or structure shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of chapter 14 of this Code.

(2) *Maintained clean and sanitary*. All building facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(3) *Plumbing fixtures*. In buildings and structures, water lines, plumbing fixtures, vents, and drains shall be properly installed, connected, and maintained in working order and shall be kept free from obstructions, leaks and defects, and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of chapter 14 of this Code.

(4) *Plumbing systems*. In buildings and structures, every plumbing stack, waste, and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks, and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of chapter 14 of this Code.

(5) *Heating equipment*. Every space heating, cooking, and water heating device located in a building or structure shall be properly installed, connected, vented, maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of chapter 14 of this Code.

(6) *Electrical outlets and fixtures*. Every dwelling unit and all public and common areas in multiple dwellings shall be supplied with electrical service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to a source of electric power in a manner prescribed by the state electric code. The minimum capacity of such electrical service and the minimum number of outlets and fixtures shall be as

listed below. For the purposes of this subsection, the term "electrical service" shall mean the conductors and equipment for delivering electrical energy from the supply system to the wiring system of the premises or the unit served. The electrical service shall be of sufficient size to handle the load connected to it. When protected by fuses, the branch circuits shall be protected by s-type or equivalent safety type, tamperproof fuses, not to exceed the ampacity of the smallest wire size in the circuit.

(a) Every dwelling unit or room shall have electric service capable of providing at least three watts per square foot of total floor area (air conditioners, ranges, space heaters, and motor-driven equipment 1/8 hp or over excluded).

(b) Every lavatory, bathroom, kitchen or kitchenette, dining room, laundry room, and furnace room shall contain at least one approved ceiling or wall type electric light fixture equipped with sufficient lamps or tubes to provide no less than five footcandles at floor level at center of room. Where more than one fixture is used or required, they shall be equally spaced as far as practicable. A switched outlet may be substituted for a ceiling or wall fixture in the dining room.

(c) Convenience outlet receptacles shall be provided as follows. Measurements are at room perimeter and include doors and door alcoves. Fixed appliances exceeding 1/8 hp or 300 watts rating shall not be connected to general purpose branch circuits. Convenience outlets are to be located to prevent use of extension cords (NEC 400-8). All cords and temporary wiring not in compliance with NEC article 400-A and all exposed abandoned wiring shall be removed.

1. *Living room*. One per 75 square feet or major fraction (minimum of two).

2. *Dining room*. One per 75 square feet or major fraction (minimum of two).

3. *Kitchen*. One per eight feet or fraction of countertop and preparation area, measured at rear. Preparation area includes countertops, sinks, range tops, and all other similar areas at counter height. Island type work areas require one for each eight feet or less of length. Separate outlets shall be provided for refrigerators.

4. *Dining area in kitchen*. One per 75 square feet or major fraction.

5. *Bedroom*. One per 75 square feet or major fraction (minimum of two).

6. *Laundry*. One, when laundry equipment is present.

7. *Bathrooms and lavatories*. One (may be part of an approved, listed wall fixture if 72 inches or less from floor).

8. *Other habitable rooms.* Minimum of two.

(d) Switches or equivalent devices for turning on one light in each room or passageway shall be located so as to conveniently control the area to be lighted.

(e) Public halls and stairways in multiple-family dwellings shall be adequately lighted by natural or electric light at all times so as to provide in all parts thereof at least 22 footcandles of light at the tread or floor level. Halls and stairways in structures containing not more than three dwelling units may be supplied with conveniently located switches controlling the lighting system, which may be turned on when needed. Other occupancies require full time or automatic time switched lighting. When dwelling unit doors open to the outside, a minimum of 22 footcandles of illumination at the locks are required. Required parking areas for more than three cars shall be lighted to a minimum of one footcandle on all surfaces.

(f) When the service in an existing residential building is changed for any reason, the entire building electrical system shall be brought to the above minimum standards. The minimum replacement electrical service shall be 100 amp for the first two dwelling units in a building and 50 amp for each additional unit. Where electric heat and air conditioner over 20 amps are added or in place, additional capacity to cover this demand is required.

(7) *Correction of defective system*. Where it is found, in the opinion of the building inspector, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected immediately to eliminate the hazard. If the hazard is not corrected within the specified time, the building inspector shall order the electricity to be disconnected until the hazards are corrected.

(Code 2011, § 19.18)

Sec. 19.19. Exterior structure.

No person shall occupy as owner-occupant or let to another for occupancy any structure or portion thereof which does not comply with the following requirements:

(1) *Foundations, walls, and roof*. Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to prevent entrance by rodents and insects.

(2) *Foundation integrity*. The foundation elements shall adequately support the building at all points.

(3) *Exterior walls*. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior surface material shall be maintained in such condition as to be weatherproof and shall be properly surface coated when required to prevent deterioration.

(4) *Roofs*. The roof shall be structurally sound, tight, and have no defects which might admit rain and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(5) *Roof drainage*. Wall water shall be conveyed from the roof so as to prevent dampness in the walls, floors, and ceilings of all stories, including attics and basements. Water shall not be allowed to fall or flow upon any public sidewalk or be directed as to cause ponding on abutting properties. Where such a condition already exists, provision shall be made to carry the water under the sidewalk to the gutter or to the storm sewer.

(6) *Stairs, porches, and railings*. Every outside stair, every porch, deck, platform, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by chapter 14 of this Code and shall be kept in sound condition and good repair.

(a) *Handrails*. Where the building inspector deems it necessary for safety, every flight of stairs, which is more than three risers high, shall have handrails which shall be located as required by chapter 14 of this Code and every porch which is more than three risers high shall have handrails so located and of such design as required by chapter 14 of this Code. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

(b) *Guardrails*. All openings between floors, open sides of landings, platforms, balconies, or porches which are more than 18 inches above grade or floor shall be protected with guardrails in accordance with chapter 14 of this Code.

(c) *Risers and treads*. All risers and treads shall be of uniform height and width. There shall be no variation in uniformity exceeding 3/16 of an inch in the width of a tread or in height or a riser.

(7) *Windows, doors, and hatchways*. Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

(a) *Windows to be glazed*. Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

(b) *Windows to be tight*. Every window sash shall be in good condition and fit reasonably tight within its frame.

(c) *Windows to be openable*. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware. All ground floor windows shall have locking devices.

(d) *Storm windows and storm doors*. Storm windows and storm doors shall be required in all wall openings in rental units where the tenant is responsible for payment of fuel costs.

(8) *Door hardware*. Every exterior door, door hinge, and door latch shall be maintained in good condition. Door locks on all doors entering dwelling units shall be in good repair and capable of tightly securing the door.

(9) *Doors to fit in frame*. Every exterior door when closed shall fit reasonably well within its frame.

(10) *Windows and door frames to fit in wall*. Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling or structure.

(11) *Basement hatchways*. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or structure.

(12) *Exit doors*. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key.

(13) *Insect screens*. From June 1 to October 15 of each year, every door opening directly from any dwelling or multifamily dwelling to the outdoors and every window or other outside opening used for ventilation purposes shall be supplied with approved screening and every swinging screen door shall have a self-closing device in good working condition, except that no such screen shall be required for a dwelling unit on a floor above the fifth floor. Dwelling buildings containing central heating furnaces and air conditioning equipment for mechanically ventilating the building yearround are not required to have screens on door or window openings. Window type air conditioning units are not included in the exception.

(14) *Street numbers*. Every structure to which a street number has been assigned shall have the number displayed in a conspicuous and easily observed location which is readable from the public right-of-way. All numbers shall be at least three inches in height and two inches in width and shall be contrasting in color to the main structure.

(15) *Chimney and towers*. All chimneys, towers, smoke stacks, antennas, and similar appurtenances shall be maintained structurally safe and in such condition as not to pose a hazard to health and safety. All exposed metal or wood surfaces shall be surface coated to prevent rust or deterioration.

(Code 2011, § 19.19)

Sec. 19.20. Exterior property areas.

The city building inspector shall cause periodic inspections to be made of all premises to secure compliance with these requirements. No person shall occupy as owner-occupant or let to another for occupancy any structure or portion thereof or maintain any vacant structure or premises which does not comply with the following requirements:

(1) *Sanitation*. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Storage of debris, junk, or construction materials, which are not associated with a permitted or approved use or permitted construction at the site, shall be prohibited. The accumulation or storage of junk, wood, brick, cement block, or other

unsightly debris, old automobiles or parts thereof, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, such as may tend to depreciate property values in the area or create a nuisance or hazard, shall not be allowed on any lot or parcel of land within the corporate limits of the city, except as may be allowed by this chapter or except when such materials are properly housed and out of public view.

(2) *Grading and drainage*. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water or within any building or structure located thereon.

(3) *Vegetation*. All exterior property areas shall be kept free from weeds, plant growth, or rank vegetation which is noxious or detrimental to the public health or which causes damage to structures.

(4) *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 the 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 exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

(5) *Accessory structures*. All accessory structures, including detached garages and fences, shall be maintained structurally sound and in good repair.

(6) *Driveways and sidewalks*. All sidewalks, steps, driveways, and parking spaces shall be maintained in good repair and in such condition as not to pose a hazard to public health and safety.

(7) *Overhanging trees and shrubs*. Trees, shrubs, and vegetation which overhang or obstruct walkways shall be trimmed or removed to prevent hazardous conditions by the property owner.

(8) *Exhaust vents*. Pipes, ducts, conductors, fans and blowers discharging gas, steam vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes shall be constructed and located so as not to discharge directly upon abutting or adjacent public or private property.

(Code 2011, § 19.20)

Sec. 19.21. Minimum requirements for fire safety.

No person shall occupy as owner-occupant or shall let to another for occupancy any structure which does not comply with the applicable provisions of the fire prevention sections of chapter 14 of this Code and the following additional requirements for safety from fire:

(1) *Storage of flammable liquids prohibited*. No dwelling, multifamily dwelling, dwelling unit, or rooming unit shall be located within a building containing any establishment handling, dispensing, or storing flammable liquids with a flash point of 110 degrees Fahrenheit or lower.

(2) *Cooking and heating equipment*. All cooking and heating equipment, components and accessories in every heating, cooking, and water heating device shall be maintained free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the provisions of chapter 14 of this Code or other laws or ordinances of the city applicable thereto. Portable cooking equipment employing flame is prohibited.

(3) *Cooking facilities*. Cooking facilities shall not be permitted in any sleeping room in any dwelling or dwelling unit.

(Code 2011, § 19.21)

Sec. 19.22. Roominghouses.

Every person who operates a roominghouse or who occupies or lets to another for occupancy any rooming unit in any roominghouse shall comply with the provisions of every section of this chapter, except as provided below:

(1) *Licensing and inspections*. No person shall operate a roominghouse unless such owner holds a valid roominghouse license issued by the city clerk-treasurer's office in the name of the operator and for the specific dwelling units. The city clerk-treasurer shall issue the roominghouse license only upon receipt of the required fee and a statement of compliance with the applicable provisions of this chapter from the building inspector. Such license shall be displayed in a conspicuous place within the roominghouse at all times. A roominghouse license shall not be transferable.

(a) *Fee*. A roominghouse license fee shall be $25.00 annually.

(b) *Expiration*. Every roominghouse license shall expire one year after its date of issuance, unless sooner suspended or revoked as herein provided.

(c) *Violations*. Whenever, upon inspection of any roominghouse, the building inspector finds that conditions or practices exist which are in violation of this chapter, the building inspector shall give written notice to the owner/operator of the roominghouse that, unless such conditions or practices are corrected within a reasonable period, the owner/operator's roominghouse license will be suspended. Upon receipt of a notice of suspension, the owner/operator shall immediately cease operation of the roominghouse and no person shall occupy for sleeping or living purposes any room therein.

(d) *Appeal of suspension*. Any person whose license to operate a roominghouse has been suspended, or who has received notice from the building inspector that his license is to be suspended unless existing conditions or practices are corrected, may request and shall be granted a hearing on the matter under the procedure provided in chapter 24 of this Code. If a petition for such hearing is not filed in the city clerk-treasurer's office within ten days following the date of license suspension, such license shall be automatically revoked.

(2) *Bathroom facilities*. At least one water closet, lavatory basin, and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each eight persons residing within a roominghouse, including members of the operator's family wherever they share the use of such facilities. All such facilities shall be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall have hot and cold water at all times. Such required facilities shall not be located in a basement.

(3) *Minimum floor area*. Every room occupied for sleeping purposes by one person shall contain at least 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 for each occupant.

(4) *Window coverings*. Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or material which, when properly used, will afford privacy to the occupant of the rooming unit.

(5) *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 the roominghouse and shall be responsible for the sanitary maintenance of the entire premises where the entire building is leased or occupied by the operator.

(6) *Exits*. Every rooming unit shall have immediate access to two or more approved means of egress, appropriately marked, leading to safe and open space at ground level.

(Code 2011, § 19.22)

Sec. 19.23. Responsibilities of persons.

(1) *Cleanliness and disposal of garbage*. Every occupant of a building or part thereof shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities or, if such facilities are not available, by removing all nonburnable matter and placing it in approved garbage storage containers as required by section 11.11 or by such other disposal method as may be required by applicable laws or ordinances of the city.

(2) *Disposal of rubbish*. Every occupant of a building or part thereof shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 11.11

(3) *Use and operation of supplied plumbing fixtures*. Every occupant of a building or part thereof shall keep the supplied plumbing fixtures clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

(4) *Installation and care of plumbing fixtures furnished by occupant*. Every plumbing fixture furnished by the occupant of a building or structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary and free of defects, leaks, or obstructions.

(Code 2011, § 19.23)

Sec. 19.24. Dangerous structures and condemnation procedures.

(1) *Structures requiring razing and removal*. The building inspector may order the owner of premises upon which is located any building or part thereof within the city, which, in his judgment, is so old and dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, occupancy, or use, and so that it would be unreasonable to repair the same, to raze or remove such building pursuant to the provisions of this subsection and Wis. Stats. § 66.0413.

(a) Where the cost of repairs would exceed 50 percent of the assessed value of such building divided by the ratio of the assessed value to the recommended value as last published by the department of revenue for the city, such repairs shall be presumed unreasonable.

(b) All orders pursuant to the provisions of this subsection (1) shall be served as provided in Wis. Stats. § 66.0413. Such orders shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason why it is being issued.
4. State the time within which the building must be razed and removed and the time within which any occupants must vacate the structure.
5. Include a copy of the appeal procedure.

(2) *Structures required to be vacated*. The building inspector may order the owner or occupant of the premises upon which is located any building or part thereof within the city, which, in his judgment, is so old, dilapidated, or has become so out of repair as to be dangerous, unfit, unsanitary, or otherwise unfit for human habitation, occupancy, and so that it would be reasonable to repair the same, to make such repairs, or to vacate the premises pursuant to the provisions of this subsection and Wis. Stats. § 66.0413.

(a) All dwellings which have any of the following defects shall be deemed to be unfit for human habitation:

1. Those whose interior or exterior bearing walls or other vertical structural members lean or buckle to such an extent as to weaken the structural support they provide.

2. Those which, excluding the foundation, show 33 percent or more of damage or deterioration of the supporting members or 50 percent or more of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

3. Those which have improperly distributed loads or overloads upon the floors or roofs or which have insufficient strength to be reasonably safe for the purpose used.

4. Those which have been damaged by fire, wind, or other causes and no longer provide shelter from the elements and which have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the general public.

5. Those which are so dilapidated, decayed, unsafe, unsanitary, vermin infested, or obsolete that they may cause sickness, disease, or injury to the health, morals, safety, or general welfare of persons living therein.

6. Those which lack light, air, and sanitation facilities to protect the health, morals, safety, or general welfare of persons living therein.

7. Those which lack the facilities for egress in case of fire or panic or those with insufficient stairways, elevators, fire escapes, or other means of ingress and egress required herein.

8. Those which have parts so attached that they may fall and injure occupants or the public or other property.

9. Those which are occupied by more occupants than permitted under this chapter or were erected, altered or occupied contrary to law.

(b) All orders pursuant to the provisions of this subsection (2) shall be served as provided in Wis. Stats. § 66.0413. Such orders shall:

1. Be in writing.

2. Include a description of the real estate sufficient for identification.

3. Include a statement of the reason why it is being issued.

4. State the time to correct the conditions.

5. State the time occupants must vacate the structure.

(c) Whenever the building inspector determines that a building is unfit for human habitation, he shall post a placard containing these words, "this building cannot be used for human habitation, occupancy, or use." In addition, the placard shall also contain the following:

1. Name of the city.

2. Name of the authorized department having jurisdiction.

3. The chapter and section of the Code under which it is issued.

4. A statement that the structure, when vacated, must remain vacated until the provisions of the order are complied with and the order to vacate is withdrawn.

5. The date the placard is posted.

6. A statement of the penalty for defacing or removing the placard.

(3) *Unlawful to remove placard*. No person shall deface or remove the placard from any structure which has been determined to be unfit for human habitation, except by authority of the building inspector.

(4) *Vacating building unfit for human occupancy*. Any structure which has been declared and placarded as unfit for human occupancy by the building inspector shall be vacated within the time required by the building inspector; no owner or operator shall let to any person for human occupancy the structure; and no person shall occupy any structure which has been declared or placarded by the building inspector as unfit for human occupancy after the date set forth in the placard.

(5) *Occupancy of building*. No structure which has been declared or placarded as unfit for human occupancy shall again be used for human occupancy until written approval is secured from the building inspector. The building inspector shall remove such placard whenever the defects upon which the declaration and placarding action were based have been corrected.

(6) *Report of notice to vacate*. The building inspector shall furnish a copy of each notice to vacate a building to the health officer, fire chief, and any other official of the city directly concerned therewith.

(7) *Unrepaired structures to be razed*. Any structure that has been ordered by the building inspector to be repaired or vacated per section 19.24(2) shall be made habitable within 180 days of the date of the order or be razed.

(Code 2011, § 19.24)

Sec. 19.25. Antidiscrimination housing ordinance.

(1) The common council of the city hereby adopts Wis. Stats. § 106.50, and all subsequent amendments thereto.

(2) The officials and employees of the city shall assist in the orderly prevention and removal of all discrimination in housing within the city by implementing the authority and enforcement procedures set forth in Wis. Stats. § 106.50.

(3) The city clerk-treasurer shall maintain forms for complaints to be filed under Wis. Stats. § 106.50, and shall assist any person alleging a violation thereof in the city to file a complaint thereunder with the state department of work force development, equal rights division, for enforcement of Wis. Stats. § 106.50.

(Code 2011, § 19.25)

Secs. 19.26—19.29. Reserved.

Sec. 19.30. Prosecutions.

The building inspector shall take the necessary action to see to it that violations of this chapter are prosecuted in the municipal court. However, nothing in this chapter shall preclude the building inspector from commencing actions directly under Wis. Stats. § 66.0413 under local ordinances relating to the abatement of nuisances or under Wis. Stats. § 823.02 or 823.33. In any court action or legal proceeding, any error, oversight, or declaration of duty on the part of the building inspector shall not constitute a defense.

(1) *Notice of violation and order*. As a complete alternative to the direct commencement of a court action, the building inspector may serve a notice of violation and order on the owner or any person responsible for the use or occupancy of a building or structure in violation of the provisions of this chapter. If a notice of violation and order is not complied with promptly, the building inspector shall see to the enforcement under this subsection. Where circumstances warrant, the building inspector may grant reasonable extensions of time for the completion of any remedial action required.

(a) The notice and order provided for herein shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Specify the violations which exist and the remedial action required.
4. Allow a reasonable time for the performance of any act it requires.
5. Include a copy of the appeal procedure.

(b) Notice of violation shall be served upon the owner of record or other responsible person by certified mail or by direct delivery. Where the owner of record cannot be found, notice of violation shall be deemed to have been delivered by leaving a copy of the notice of violation at the individual's usual place of abode with a person of suitable age and discretion, who shall be informed of the contents, by posting a copy of the notice of violation in a conspicuous place in or about the structure affected by the notice or by causing such notice to be published in a newspaper of general circulation in the area as a Class 2 notice.

(2) *Appeals*. Any person aggrieved by an order entered by the building inspector under subsection (1) of this section shall have the right to appeal the order under the provisions of subsection 14.23(4).

(3) *Assistance from other officials*. The building inspector in the performance of his duties shall receive the assistance of the chiefs of the police and fire departments and of all other appropriate city officials, including the city attorney, in prosecuting violations of this chapter.

(Code 2011, § 19.30)

Sec. 19.31. Penalties.

Any person who violates any provision of this chapter, upon conviction thereof, shall forfeit not less than $50.00 for the first offense, not less than $100.00 for the second offense, and for any subsequent offense not less than $200.00, each forfeiture not to exceed $300.00, together with the cost of prosecution or, in default of payment thereof, by imprisonment in the county jail for a period not to exceed 30 days. Each and every day during which such violation occurs shall be deemed a separate offense.

(Code 2011, § 19.31)

Chapter 20 FLOODPLAIN ZONING

(RESERVED)

Chapter 21 FIRE PREVENTION

Sec. 21.01. Fire prevention code.

Sec. 21.02. Fire limits.

Sec. 21.03. Burning restricted.

Sec. 21.04. Deposit of flammable materials.

Sec. 21.05. Smoke detectors.

Sec. 21.06. Outdoor storage.

Sec. 21.07. Prohibited discharges.

Secs. 21.08, 21.09. Reserved.

Sec. 21.10. Penalty.

Sec. 21.01. Fire prevention code.

It is the intent of this chapter to prescribe regulations consistent with recognized standard practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

(1) *Adoption of codes*.

(a) The following state statutory provisions and provisions of the state administrative code and the standards and codes of the National Fire Protection Association (NFPA) are hereby adopted by reference and incorporated into this chapter as if fully set forth herein:

1. *Statutes*.

a. Wis. Stats. § 101.14: Fire Inspections, Prevention, Detection and Suppression.

b. Wis. Stats. § 101.141: Record Keeping of Fires.

c. Wis. Stats. § 101.142: Inventory of Petroleum Products Storage Tanks.

d. Wis. Stats. § 101.145: Smoke Detectors.

2. *State administrative code*.

a. Wis. Admin. Code ch. SPS 314: General Hazard on Fire Prevention.

b. Wis. Admin. Code ch. SPS 375-379: General Orders on Existing Buildings.

c. Wis. Admin. Code ch. SPS 316: State Electrical Code.

d. Wis. Admin. Code ch. SPS 361-365: State Commercial Building Code.

e. Wis. Admin. Code ch. SPS 318: Elevator Code.

f. Wis. Admin. Code ch. SPS 37: Historic Building Code.

g. Wis. Admin. Code ch. SPS 31: Flammable and Combustible Liquids Code.

3. *International Fire Code (2009)*. The National Fire Protection Association (NFPA) incorporated standards and codes published in the International Fire Code, 2009 (IFC), except for chapters 1 and 34; however, including section 105.6.14 of chapter 1, requiring a permit for activities involving explosives.

(b) Any future amendments, revisions, or modifications of the statutes, codes, and standards incorporated herein are intended to be made part of this chapter.

(c) Any fire prevention problem not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association standards.

(2) *Fire prevention bureau*.

(a) *Establishment*. This chapter shall be enforced by the fire prevention bureau which shall be operated under supervision of the fire chief.

(b) *Appointment of chief*. The fire chief shall appoint the chief of the bureau on the basis of examination to determine his qualifications. His appointment shall continue during good behavior and satisfactory service.

(c) *Appointment of inspectors*. The fire chief may appoint such members of the fire department as inspectors as necessary. The fire chief shall recommend to the police and fire commission the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department.

(d) *Annual report*. An annual report of the bureau shall be transmitted to the city council. The annual report shall contain all proceedings under this chapter, with statistics which the

director of public safety wishes to include and recommendations for amendments to the chapter which he believes are desirable.

(3) *Establishment of limits of districts*. The limits referred to in section 12.5b, 16.22a, 16.51, and 21.6a of the fire prevention code, in which storage of explosives and blasting agents, flammable liquids, bulk plants, and liquefied petroleum gas is restricted, are established as follows: all zoning districts within the city, except the heavy industrial district, and only in the heavy industrial district with the approval of the board of appeals after a public hearing.

(4) *Modifications*. The bureau chief may modify any of the provisions of the chapter upon written application by the owner or lessee, or his duly authorized agent, when there are practical difficulties in carrying out the chapter's provisions, provided the chapter's spirit is observed, public safety secured, and substantial justice done. The modification, when granted or allowed, and the bureau chief's decision shall be entered upon the department records and a signed copy furnished to the applicant.

(5) *Appeals*. When the fire chief disapproves an application or refuses to grant a permit, or when it is claimed that the chapter's provisions do not apply or that the true intent and meaning of the chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the board of zoning appeals within 30 days from the date of the decision appealed.

(6) *New materials, processes, or occupancies requiring permits*. The building inspector, the fire chief, and the bureau chief acting as a committee shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which require permits, in addition to those in the chapter. The bureau chief shall post this list in a conspicuous place in his office and distribute copies to interested persons.

(Code 2011, § 21.01)

Sec. 21.02. Fire limits.

(1) *Fire zone.* The following are the fire limits:

(a) *First ward*. Block 23, Lawe, Meade and Black's Plat, from Lawe Street to the westerly line of lot F, and lot 18 of block 12 of Lawe, Meade and Black's Plat.

(b) *Second ward*. Lot 1, block 1; block 7; lots 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of block 5; lots 1, 2, 16, 17, and 18 of block 8; lots 1, 2, 17, and 18 of block 9; lots 1, 2, 17, and 18 of block 21; lot 1 of block 21; lot 1 of block 22; all in Lawe, Meade, and Black's Plat; lots 1 and 2 of block 1 in Central Addition; and lots a, b, and c of block 46 in the south half of Private Claim 35.

(c) *Third ward*. Blocks 1, 7, and 8 and the north half of block 10, in Ledyard Plat.

(d) *Fourth ward*. Blocks 2, 3, 4, 5, and 6 and the north half of blocks 11, 12, and 15 in Ledyard Plat.

(2) *Classification*. Every building erected, altered, remodeled, or enlarged, when work involves the exterior enclosing walls, is equal to class numbers 1, 2, 3, 4, and 5 types of construction described in Wis. Admin. Code §§ SPS 351.02 and 351.03 and tables Wis. Admin. Code ch. SPS 351.03a and b.

(3) *Exceptions*. No frame building or structure shall be built within the fire limits, or within the fire limits established, unless all roofs placed upon these buildings or structures have a fire retardant covering. Exceptions to this provision include:

(a) Temporary one-story frame buildings for builder's use.

(b) Wooden fences not over ten feet high.

(c) Piazzas or balconies not exceeding ten feet in width, nor extending more than three feet above the second story floor beams. No such structure shall extend beyond the lot line or be joined to any similar structure of another building.

(d) Bay windows when covered with noncombustible material.

(e) Grain elevators, coal pockets, or ice houses, not more than 40 feet high nor more than 6,000 square feet in ground area.

(f) One- and two-family frame dwellings not exceeding two stories in height.

(g) Private garages for not more than two noncommercial automobiles, if not over 15 feet high and not more than 500 square feet in area, and located on the same lot with a dwelling and not nearer than five feet to the side and rear lot lines and 60 feet from the front lot line.

(4) *Fire damaged buildings*. Any building within the fire limits not built in conformity to the provisions of this Code which may be damaged by fire or otherwise to the extent of 50 percent of its fair market value shall not be repaired or rebuilt unless when repaired or rebuilt it complies with such provisions.

(5) *Arbitration*. In case of a disagreement between the city and the owner of any building within fire limits which may be damaged, a board of arbitration shall be appointed to assess the amount of damages as follows: one member designated by the mayor and one member by the owner of the damaged building, which two members shall designate the third member of the board. The board of arbitration shall file a report of its examination and assessment of damages in the city clerk-treasurer's office within three days after appointment. The city shall bear the board's expense.

(6) *Repair limitations*. Within the fire limits, no building not built according to the provisions of this Code shall be rebuilt, repaired, or enlarged to the extent of 50 percent or more of its cubical contents, unless the construction of the entire building conforms with the requirements of this Code for new construction. No such building shall be rebuilt, repaired, or enlarged to the extent of less than 50 percent of its cubical contents, unless this construction complies with the provisions of this Code for new construction. No building or part of building within the fire limits shall be removed to any other place in the fire limits, unless the building complies with the provisions of this Code, nor shall any building be moved into such fire limits unless such building complies with such provisions.

(7) *Roof repairs*.

(a) *Renewal and repair*. No roofing shall be renewed or repaired to a greater extent than one-tenth of the roof surface, except roofing conforming with this section's requirements.

(b) *New roofing*. New roofing conforming to this section placed over existing combustible roofing is not prohibited, provided the roofing is removed for a distance of four inches along all edges of the roof and replaced by strips of weatherproof material over which the new roofing extends.

(c) *Combustible roofing*. All wooden shingles and other combustible roofing on buildings or structures within the fire limits are prohibited. All roofing shall conform to the requirements of this section.

(Code 2011, § 21.02)

Sec. 21.03. Burning restricted.

This section prohibits or strictly controls the burning of materials in the city to prevent the air and water pollution which results from burning and to protect the public safety. By completely prohibiting the outside burning of rubbish, leaves, and other combustibles, unnecessary pollution can be abated and the public safety and welfare protected.

(1) *Burning of wood, grass, trash, etc*. No person shall burn any bonfire or burn any wood, grass, trash, rubbish, or other material or permit the same to be done within the city, except upon issuance of a time specific permit by the fire department. This does not apply to wood burning in interior fireplaces nor to the burning of charcoal or similar substances outdoors for noncommercial cooking when such burning is done without danger of spread of fire.

(2) *Incinerators, drums, barrels, fireplaces, etc*. The use of outdoor portable incinerators, drums, barrels, or other containers or outdoor or indoor fireplaces for the burning of leaves, trash, garbage, or refuse is prohibited.

(3) *Permitted burning*. Any burning permitted under subsections (1) and (2) of this section shall be done in a safe and nuisance-free manner in accordance with fire department rules, regulations, and guidelines at locations and in the manner specified by the fire department.

(4) *Review of burning permits*. Copies of all burning permits issued shall be forwarded to the chief of police, who, with the fire chief, will semi-annually examine all permits issued during the previous period and establish future permit issuing policies.

(5) *Cancellation of burning permits*. Burning permits may be canceled by the fire department by written notice to the permit holder of the reasons for the cancellation.

(Code 2011, § 21.03)

Sec. 21.04. Deposit of flammable materials.

(1) *Regulated*. Ashes, smoldering coals or embers, greasy or oily substances, and other matter liable to spontaneous ignition shall not be deposited or allowed to remain within ten feet of any combustible materials or construction made up of combustible materials, except in metal or other noncombustible receptacles. Receptacles shall be placed on noncombustible stands unless resting on a noncombustible floor or on the ground outside the building and shall be kept at least two feet away from any combustible wall or partition.

(2) *Accumulations*. No accumulation of combustible or inflammable waste or rubbish shall be permitted on any roof or in any court, yard, vacant lot, or open space.

(3) *Removal*. Every person possessing combustible trash shall remove from the premises or store in suitable vaults or metal lines and covered receptacles or bins any such material which is not compactly baled and orderly stacked. Presses shall be installed and used in stores, apartment buildings, factories, and similar places where accumulation of paper and waste materials are not removed at least every second day.

(4) *Flammable decorations*.

(a) *Shop windows and stores*. Highly flammable materials shall not be used for decorative purposes in show windows or in stores without a permit from the fire chief.

(b) *Decorative purposes*. Paper or other readily flammable materials shall be used for decorative purposes in any public place, unless treated to make them flameproof to the satisfaction of the fire chief.

(Code 2011, § 21.04)

Sec. 21.05. Smoke detectors.

(1) All single-family and two-family rental housing units shall be equipped with smoke detectors as provided herein.

(a) Single-story one-family dwellings used as rental units require smoke detectors to be installed in the stairwell leading from the basement and near every sleeping area.

(b) Duplexes used as rental units shall require smoke detectors to be installed in the stairwell leading from the basement and near every sleeping area.

(c) Two-story one- and two-family dwellings used as rental units require smoke detectors to be installed in the stairwell leading from the basement, at the highest point of the stairwell leading to the second story and near every sleeping area.

(2) Any other buildings which consist of three or more dwelling units having sleeping areas, such as apartments, roominghouses, hotels, and motels, must comply with Wis. Admin. Code ch. SPS 357.

(3) The owner of the premises shall have sole responsibility for the initial installation of the smoke detectors. The owner shall also be responsible for repair and replacement upon receipt of notice of defect from the tenant. After receiving such notice, the owner shall have five days to affect the necessary repair or replacement.

(4) All existing single-family and two-family rental housing units shall be brought into compliance with the requirements of this section within six months from the effective date hereof.

(5) All smoke detectors required under this section shall be approved by underwriters' laboratories, factory mutual, or any other comparable testing firm.

(Code 2011, § 21.05)

Sec. 21.06. Outdoor storage.

Within the fire limits, as defined by section 21.01, every public building and place of employment, including connecting yards, courts, passages, sidewalks, public rights-of-way, areas, and alleys, shall be kept clean and orderly and shall be kept free from any accumulation of dirt, filth, rubbish, or garbage. General outdoor storage of materials, stock, or merchandise accessory to the allowed use must be confined within a fenced area.

(Code 2011, § 21.06)

Sec. 21.07. Prohibited discharges.

No person shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public, or private property; onto the ground, surface waters, subsurface waters, or aquifers; or within the city, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible, solid, liquid, or gas; any radioactive material at or above nuclear regulatory restriction levels; etiologic agents; or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.

(1) *Containment, cleanup, and restoration*. Any person in violation of this section shall, upon direction of any fire department officer, begin immediate actions to contain, cleanup, and remove to an approved repository the offending materials and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary men and equipment to comply or to complete the requirements of this subsection, the office of the fire chief may order the required actions to be taken by public or private sources and allow the recovery of any and all costs incurred by the city as required by subsection (2) of this section.

(2) *Emergency services response*. Emergency services response includes, but is not limited to, fire service, emergency medical service, and law enforcement. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this section. Actual and necessary expenses may include, but not be limited to, replacement of equipment damaged by the hazardous material, cleaning, decontamination, and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup, and medical surveillance and incurred costs in future medical surveillance of response personnel as required by the responding agencies' medical advisor.

(3) *Site access*. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to fire department officers and staff and to police department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup, and restoration activities.

(4) *Public protection*. Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the fire chief, his assistant, or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the city council can take appropriate action.

(5) *Enforcement*. The fire chief, as well as the city police officers, shall have authority to issue citations or complaints under this section.

(6) *Civil liability*. Any person in violation of this section shall be liable to the city for any expenses incurred by the city or loss or damage sustained by the city by reason of such violation.

(Code 2011, § 21.07)

Secs. 21.08, 21.09. Reserved.

Sec. 21.10. Penalty.

Except as otherwise provided, any person who shall fail to comply with or who violates any of the rules, regulations, or provisions of this chapter shall be subject to a penalty as provided in section 25.04.

(Code 2011, § 21.10)

Chapter 22 STORMWATER MANAGEMENT

Sec. 22.01. Construction site erosion.

Sec. 22.02. Post-construction stormwater management.

Sec. 22.03. Illicit discharge and connection ordinance.

Sec. 22.04. Stormwater utility.

Sec. 22.01. Construction site erosion.

(1) *Authority*.

(a) This section is adopted under the authority granted by Wis. Stats. § 62.234 for cities. This section supersedes all provisions of an ordinance previously enacted under Wis. Stats. § 62.23 that relate to construction site erosion control. Except as otherwise specified in Wis. Stats. § 62.234, Wis. Stats. § 62.23 applies to this section and to any amendments to this section.

(b) The provisions of this section are deemed not to limit any other lawful regulatory powers of the same city council.

(c) The common council hereby designates the director of public works or designee to administer and enforce the provisions of this section.

(d) The requirements of this section do not pre-empt more stringent erosion and sediment control 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 non-agricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004.

(2) *Findings of fact*. The common council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in the city.

(3) *Purpose*. It is the purpose of this section to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; 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, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the city.

(4) *Applicability and jurisdiction*.

(a) *Applicability*.

1. This section applies to the following land disturbing construction activities except as provided under subsection (4)(a)2 of this section:

a. A construction site which has 4,000 square feet or greater of land disturbing construction activity.

b. A construction site which has 100 cubic yards or greater of excavation volume, filling volume, or some combination of excavation and filling volume.

c. A construction site which has 100 linear feet or greater of land disturbance to a highway, street, driveway, swale, ditch, waters of the state, wetland, protective area, or other non-agricultural drainage facility which conveys concentrated flow. Wetlands shall be delineated in accordance with Wis. Admin. Code ch. § NR 103.08(1m).

2. This section does not apply to the following:

a. Land disturbing construction activity that includes the construction of one- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance. These construction sites are regulated by the state department of commerce under Wis. Admin. Code ch. SPS 321.125.

b. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under 40 CFR part 122, for land disturbing construction activity.

c. Nonpoint discharges from agricultural activity areas.

d. Nonpoint discharges from silviculture activities.

e. Mill and crush operations.

3. Notwithstanding the applicability requirements in subsection (4)(a)1 of this section, this section applies to construction sites of any size that, in the opinion of the director of public works or designee, 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.

(b) *Jurisdiction*. This section applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the city.

(c) *Exclusions*. This section 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).

(5) *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:

Administering authority means the director of public works or designee that is designated by the common council to administer this section.

Agricultural activity area means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural production area means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical. For purposes of this chapter, the term "average annual rainfall" means measured precipitation in Green Bay, Wisconsin, between March 29 and November 25, 1969.

Best management practice (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.

Business day means a day the office of the director of public works 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.

Common plan of development or sale means a 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 common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

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.

Development means residential, commercial, industrial, institutional, or other land uses and associated roads.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five-year period.

Erosion means the process by which the land's surface is worn away by the action of wind, water, ice, or gravity.

Erosion and sediment control plan means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Extraterritorial means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

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 distribution construction activity (disturbance) 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, and soil stockpiling.

Maximum extent practicable (MEP) means a level of implementing best management practices in order to achieve a performance standard specified in this section 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.

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 director of public works or his designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

Pollutant has the meaning given in Wis. Stats. § 283.01(13).

Pollution has the meaning given in Wis. Stats. § 281.01(10).

Protective area has the meaning given in section 22.02(7)(c)4 of the city post construction stormwater management ordinance.

Responsible party means any entity holding fee title to the property or performing services to meet the performance standards of this section through a contract or other agreement.

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.

Sediment means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

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 meets 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 is proposed in the permit application.

Stop work order means an order issued by the director of public works or his designee which requires that all construction activity on the site be stopped.

Technical standard means a document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

(6) *Technical standards*.

(a) *Design criteria, standards, and specifications*. All BMPs required to comply with this section shall meet the design criteria, standards and specifications based on any of the following:

1. Design guidance and technical standards identified or developed by the state department of natural resources under Wis. Stats. §§ 151.30, 151.31 and 151.32.

2. Technical standards and other guidance identified within the city stormwater reference guide.

3. For this section, the average annual basis is calculated using the appropriate average annual rainfall or runoff factor, also referred to as the "r factor," or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.

(b) *Other standards*. Other technical standards not identified or developed in subsection (a) of this section may be used provided that the methods have been approved by the director of public works or his designee.

(7) *Performance standards*.

(a) *Responsible party.* The responsible party shall implement an erosion and sediment control plan, developed in accordance with subsection 22.01(9), that incorporates the requirements of this section.

(b) *Plan*. A written erosion and sediment control plan shall be developed in accordance with section 22.01(9) and implemented for each construction site.

(c) *Requirements*. The erosion and sediment control plan shall meet the following minimum requirements to the maximum extent practicable:

1. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the construction site as follows:

a. For construction sites with one acre or greater of land disturbing construction activity, reduce the total suspended solids load by 80 percent, 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. For construction sites with less than one acre of land disturbing construction activity, reduce the total suspended solids load using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.

2. Notwithstanding subsection (7)(c)1 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.

3. Where appropriate, the plan shall include sediment controls to do all of the following to the maximum extent practicable:

a. Prevent tracking of sediment from the construction site onto roads and other paved surfaces.

b. Prevent the discharge of sediment as part of site de-watering.

c. Protect the separate storm drain inlet structure from receiving sediment.

4. The use, storage and disposal of building materials, chemicals, cement, concrete truck washout, litter, sanitary waste, and other compounds and materials used on the construction site shall be managed during the construction period to prevent their entrance into storm sewers and waters of the state. The depositing of soils by tracking or any other means onto a public right-of-way is prohibited. 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 subsection.

(d) *Location*. The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(e) *Alternate requirements*. The director of public works or designee may establish requirements more stringent than those set forth in this section if the director of public works or designee determines that an added level of protection is needed for sensitive resources.

(8) *Permitting requirements, procedures, and fees*.

(a) *Permit required*. No responsible party may commence a land disturbing construction activity subject to this section without receiving prior approval of an erosion and sediment control plan for the site and a permit from the director of public works or designee.

(b) *Permit application and fees*. At least one responsible party desiring to undertake a land disturbing construction activity subject to this section shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of section 22.01(9) and shall pay an application fee to the director of public works or designee. By submitting an application, the applicant is authorizing the director of public works or designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

(c) *Review and approval of permit application*. The director of public works or designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

1. Within 20 business days of the receipt of a complete permit application, as required by subsection (8)(b) of this section, the director of public works or designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this section.

2. If the permit application and plan are approved, the director of public works or designee shall issue the permit.

3. If the permit application or plan is disapproved, the director of public works or designee shall state in writing the reasons for disapproval.

4. The director of public works or designee may request additional information from the applicant. If additional information is submitted, the director of public works or designee shall have 20 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

5. Failure by the director of public works or his designee to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(d) *Surety bond*. As a condition of approval and issuance of the permit, the director of public works or designee may require the applicant to deposit a surety bond, cash escrow, or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

(e) *Permit requirements*. All permits shall require the responsible party to:

1. Notify the director of public works or designee within 48 hours of commencing any land disturbing construction activity.

2. Notify the director of public works or designee of completion of any BMPs within ten business days after their installation.

3. Obtain permission in writing from the director of public works or designee prior to any modification pursuant to subsection (9)(c) of the section.

4. Install all BMPs as identified in the approved erosion and sediment control plan.

5. Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

6. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land disturbing construction activities and document repairs in weekly inspection reports.

7. Conduct construction site inspections at least once per week and within 24 hours after a precipitation event of 0.5 inches or greater; repair or replace erosion and sediment control BMPs as necessary within 24 hours of an inspection or notification that repair or replacement is needed; maintain, at the construction site, weekly written reports of all inspections. Weekly inspection reports shall include all of the following: date, time and location of the construction site inspection; the name of the individual who performed the inspection; an assessment of the condition of erosion and sediment controls; a description of any erosion and sediment control BMP implementation and maintenance performed; and a description of the present phase of land disturbing construction activity at the construction site.

8. Allow the director of public works or designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan; keep a copy of the erosion and sediment control plan, stormwater management plan, amendments, weekly inspection reports, and permit at the construction site until permit coverage is terminated.

9. The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.

(f) *Permit conditions*. Permits issued under this section may include conditions established by the director of public works or his designee in addition to the requirements set forth in subsection (e) of this section, where needed to ensure compliance with the performance standards in section 22.01(7).

(g) *Permit duration*. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The director of public works or designee may extend the period one or more times for up to a maximum total additional 180 days beyond the original 180-day period. The director of public works or designee may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this section.

(h) *Maintenance*. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this section until the site has undergone final stabilization.

(i) *Alternate requirements*. The director of public works or designee may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one acre of disturbance.

(9) *Erosion and sediment control plan, statement, and amendments*.

(a) *Plan requirements*. The erosion and sediment control plan required under subsection (7)(b) of this section shall comply with the city stormwater reference guide and contain, at a minimum, the following information:

1. Name, address, and telephone number of the landowner and responsible parties.

2. A legal description of the property proposed to be developed.

3. A site map with property lines, disturbed limits, and drainage patterns.

4. Total area of the site and total area of the construction site that is expected to be disturbed by construction activities.

5. Performance standards applicable to site.

6. Proposed best management practices.

(b) *Erosion and sediment control plan statement*. For each construction site identified under subsection (4)(a)3 of this section, an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the director of public works or designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the section, including the site development schedule.

(c) *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 director of public works or designee notifies the applicant of changes needed in the plan.

(d) *Alternate requirements*. The director of public works or designee may prescribe requirements less stringent for applicants seeking a permit for a construction site with less than one acre of disturbance.

(10) *Fee schedule*. The fees referred to in other subsections of this section shall be established by the common council and may from time to time be modified by resolution. A schedule of the fees established by the common council shall be available for review in the engineering department at the municipal services building.

(11) *Inspection*. If land disturbing construction activities are being carried out without a permit required by this section, the director of public works or designee may enter the land pursuant to the provisions of Wis. Stats. § 66.0119(1), (2), and (3).

(12) *Enforcement*.

(a) The director of public works or designee may issue a stop work order if any of the following occurs:

1. Any land disturbing construction activity regulated under this section is being undertaken without a permit.

2. The erosion and sediment control plan is not being implemented in a good faith manner.

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 erosion and sediment control plan or permit conditions, the director of public works or designee may revoke the permit.

(c) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the director of public works or his designee, or if a responsible party violates a stop work order posted under subsection (12)(a) of this section, the director of public works or designee may request the city attorney to obtain a cease and desist order in any court with jurisdiction.

(d) The administering authority, or the board of appeals may retract the stop work order issued under subsection (12)(a) of this section or the permit revocation under subsection (12)(b) of this section.

(e) After posting a stop work order under subsection (12)(a) of this section, the director of public works or designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this section. The director of public works or designee may go on the land and commence the work after issuing the notice of intent. The costs of the work

performed under this subsection by the director of public works or his designee, plus interest at the rate authorized by common council, shall be billed to the responsible party or recovered from the surety bond, cash escrow, or irrevocable letter of credit. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subchapter VII of Wis. Stats. ch. 66 (Wis. Stats. § 66.0801 et seq.).

(f) Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than $25.00 nor more than $500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(g) Compliance with the provisions of this section 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.

(13) *Appeals*.

(a) *Board of appeals*. The board of appeals created pursuant to Wis. Stats. § 62.23(7)(e):

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the director of public works or his designee in administering this section except for cease and desist orders obtained under subsection (12)(c) of this section;

2. Upon appeal, may authorize variances from the provisions of this section which are not contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of the section 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 appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the city affected by any decision of the director of public works or designee.

(Code 2011, § 22.01)

Sec. 22.02. Post-construction stormwater management.

(1) *Authority*.

(a) This section is adopted by the common council under the authority granted by Wis. Stats. § 62.234. This section supersedes all provisions of an ordinance previously enacted under Wis. Stats. § 62.23 that relate to stormwater management regulations. Except as otherwise specified in Wis. Stats. § 62.234, Wis. Stats. § 62.23 applies to this section and to any amendments to this section.

(b) The provisions of this section are deemed not to limit any other lawful regulatory powers of the same city council.

(c) The common council hereby designates the director of public works or designee to administer and enforce the provisions of this section.

(d) The requirements of this section do not pre-empt 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 non-agricultural performance standards promulgated in rules by the state department of natural resources under Wis. Admin. Code § NR 151.004.

(2) *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.

(3) *Purpose and intent*.

(a) *Purpose*. The general purpose of this section 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*. It is the intent of the common council that this section regulates post-construction stormwater discharges to waters of the state. This section 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 section is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a city and regional scale. 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 section that the approved plan be used to identify post-construction management measures acceptable for the community.

(4) *Applicability and jurisdiction*.

(a) *Applicability*.

1. Where not otherwise limited by law, this section applies to all post-construction sites, unless the site is otherwise exempt under subsection (4)(a)2 of this section

2. A post-construction site that meets any of the criteria in this subsection is exempt from the requirements of this section. Such sites include:

   a. One- and two-family residential dwellings that are not part of a larger common plan of development or sale and that result in less than one acre of disturbance.

   b. Nonpoint discharges from agricultural activity areas.

   c. Nonpoint discharges from silviculture activities.

   d. Mill and crush operations.

3. Notwithstanding the applicability requirements in subsection (4)(a)1 of this section, this section applies to post-construction sites of any size that, in the opinion of the director of public works or designee, 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 section applies to post construction sites within the boundaries and jurisdiction of the city.

(c) *Exclusions*. This section 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).

(5) *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:

Administering authority means a governmental employee or a regional planning commission empowered under Wis. Stats. § 62.234 that is designated by the common council to administer this section.

Agricultural activity area means the part of the farm where there is planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or outside yarding of livestock, including sod farms and silviculture. Practices in this area may include waterways, drainage ditches, diversions, terraces, farm lanes, excavation, filling and similar practices. The agricultural activity area does not include the agricultural production area.

Agricultural production area means the part of the farm where there is concentrated production activity or impervious surfaces. Agricultural production areas include buildings, driveways, parking areas, feed storage structures, manure storage structures, and other impervious surfaces. The agricultural production area does not include the agricultural activity area.

Average annual rainfall means a calendar year of precipitation, excluding snow, which is considered typical. For purposes of this section, the term "average annual rainfall" means measured precipitation in Green Bay, Wisconsin, between March 29 and November 25, 1969.

Best management practice (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 director of public works or designee 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.

Common plan of development or sale means a 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 common plan of development or sale includes, but is not limited to, subdivision plats, certified survey maps, and other developments.

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.

Design storm means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The TR-55, type II, 24-hour design storms for city are: one-year, 2.2 inches; two-year, 2.5 inches; five-year, 3.3 inches; ten-year, 3.8 inches; 25-year, 4.4 inches; 50-year, 4.9 inches; and 100-year, 5.3 inches.

Development means residential, commercial, industrial, institutional, or other land uses and associated roads.

Division of land means the creation from one or more parcels or building sites of additional parcels or building sites where such creation occurs at one time or through the successive partition within a five-year period.

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 § 102.11.

Extraterritorial means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

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 director of public works or designee by the responsible party to ensure that requirements of this section are carried out in compliance with the stormwater management plan.

Highway has the meaning given in Wis. Stats. § 340.01(22).

Highway reconditioning has the meaning given in Wis. Stats. § 84.013(1)(b).

Highway reconstruction has the meaning given in Wis. Stats. § 84.013(1)(c).

Highway resurfacing has the meaning given in Wis. Stats. § 84.013(1)(d).

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. Gravel surfaces are considered impervious, unless specifically designed to encourage infiltration.

In-fill area means a new development area less than five acres in size that is located within existing urban sewer service areas, surrounded by already existing development or existing development and natural or manmade features where development cannot occur.

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 road side channels designed 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 (disturbance) 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, and soil stockpiling.

Maintenance agreement means a legal document that provides for long-term maintenance of stormwater management and best management practices.

Maximum extent practicable (MEP) means a level of implementing best management practices in order to achieve a performance standard specified in this section 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.

Minor reconstruction of a highway means reconstruction of a highway that is limited to 1.5 miles in continuous or aggregate total length of realignment and that does not exceed 100 feet in width of roadbed widening.

New development means that portion of a post-construction site where impervious surfaces are being created or expanded. Any disturbance where the amount of impervious area for the post-development condition is greater than the pre-development condition is classified as new development. For purposes of this section, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

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 refers to 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 director of public works or his designee 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 director of public works or designee 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 typically are 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.

Post-development means the extent and distribution of land cover types present after the completion of land disturbing construction activity and final site stabilization.

Pre-development 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 that portion of a post-construction site where impervious surfaces are being reconstructed, replaced, or reconfigured. Any disturbance where the amount of impervious area for the post-development condition is equal to or less than the pre-development condition is classified as redevelopment. For purposes of this section, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

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.

Routine maintenance means that portion of a post-construction site where pre-development impervious surfaces are being maintained to preserve the original line and grade, hydraulic capacity, drainage pattern, configuration, or purpose of the facility. Remodeling of buildings and resurfacing of parking lots, streets, driveways, and sidewalks are examples of routine maintenance, provided the lower half of the impervious surface's granular base is not disturbed. The disturbance shall be classified as redevelopment if the lower half of the granular base associated with the pre-development impervious surface is disturbed or if the soil located beneath the impervious surface is exposed. For purposes of this section, a post-construction site is classified as new development, redevelopment, routine maintenance, or some combination of these three classifications as appropriate.

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 meets 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 director of public works or his designee 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 means a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or city 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, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

Transportation facility means a public street, a public road, a public highway, a public mass transit facility, a public-use airport, a public trail, or any other public work for transportation purposes such as harbor improvements under Wis. Stats. § 85.095(1)(b).

Type II distribution means a rainfall type curve as established in the federal department of agriculture, soil conservation service, Technical Paper 149, published 1973. The type II curve is applicable to all of state and represents the most intense storm pattern.

Waters of the state has the meaning given in Wis. Stats. § 281.01(18).

(6) *Technical standards*. The following methods shall be used in designing and maintaining the water quality, peak discharge, infiltration, protective area, and fueling/vehicle maintenance components of stormwater practices needed to meet the water quality standards of this section:

(a) Technical standards identified, developed, or disseminated by the state department of natural resources under Wis. Stats. 151.30, 151.31 and 151.32.

(b) Technical standards and guidance identified within the city stormwater reference guide.

(c) 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 director of public works or his designee.

(d) In this section, the following year and location has been selected as average annual rainfall: Green Bay, Wisconsin, 1969 (March 29 - November 25).

(7) *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 subsection (9) of this section shall be developed and implemented for each post-construction site.

(c) *Requirements*. The stormwater management plan shall meet the following minimum requirements to the maximum extent practicable:

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. The total suspended solids reduction shall be based on the average annual rainfall, as compared to no runoff management controls.

a. For post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance, the following is required:

i. Reduce the total suspended solids load by 80 percent for new development.

ii. Reduce the total suspended solids load by 40 percent for redevelopment.

iii. No total suspended solids load reduction is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed water quality BMP.

b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce the total suspended solids load using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.

c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date of the ordinance from which this section is derived

are required to satisfy the performance standards within subsection (7)(c)1.a.i through iii of this section.

d. The amount of total suspended solids control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

e. Notwithstanding subsections (7)(c)1.a through 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*. BMPs shall be designed, installed, and maintained to control peak discharges from the post-construction site as follows:

a. For post-construction sites with 20,000 square feet or more of impervious surface disturbance and post-construction sites with one acre or more of land disturbance, the following is required:

i. The peak post-development discharge rate shall not exceed the peak pre-development discharge rate for the two-year, ten-year, and 100-year, 24-hour design storms. These peak discharge requirements apply to new development and redevelopment areas. No peak discharge control is required for routine maintenance areas, unless runoff from the routine maintenance area discharges into a proposed peak flow control facility.

ii. TR-55 methodology shall be used for peak discharge calculations, unless the administering authority approves an equivalent methodology. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. Peak pre-development discharge rates shall be determined using the following "meadow" runoff curve numbers:

Maximum Pre-Development Runoff Curve Numbers—Meadow

Hydrologic soil group	A	B	C	D
Runoff curve number	30	58	71	78

b. For post-construction sites with less than 20,000 square feet of impervious surface disturbance, reduce peak post-development discharge rates using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.

c. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date of the ordinance from which this section is derived are required to satisfy the performance standards within subsection (7)(c)2.a.i and ii of this section.

d. The amount of peak discharge control previously required for the site shall not be reduced as a result of the proposed development or disturbance.

e. An adequate outfall shall be provided for each point of concentrated discharge from the post-construction site. An adequate outfall consists of non-erosive discharge velocities and reasonable downstream conveyance.

f. Exemptions. The following transportation facilities are not required to meet the peak discharge requirements of this subsection (7)(c)2 of this section, provided the transportation facility is not part of a larger common plan of development or sale:

i. A transportation facility where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving surface water by more than 0.01 of a foot for the two-year, 24-hour storm event.

ii. A highway reconstruction site.

iii. A transportation facility that is part of a redevelopment project.

3. *Infiltration*. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following, except as provided in subsection (7)(c)3.h through k of this section.

a. For residential developments with 20,000 square feet or more of impervious surface disturbance and residential developments with one acre or more of land disturbance, one of the following shall be met:

i. 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.

ii. 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 developments with 20,000 square feet or more of impervious surface disturbance and nonresidential developments with one acre or more of land disturbance, including commercial, industrial and institutional development, one of the following shall be met:

i. 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.

ii. 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.

c. Predevelopment condition shall assume good hydrologic conditions for appropriate land covers as identified in TR-55 or an equivalent methodology approved by the administering authority. The meaning of "hydrologic soil group" and "runoff curve number" are as determined in TR-55. However, when pre-development land cover is cropland, rather than using TR-55 values for cropland, the following runoff curve numbers shall be used:

Maximum Pre-Development Runoff Curve Numbers—Cropland

Hydrologic soil group	A	B	C	D
Runoff curve number	56	70	79	83

d. For residential and nonresidential developments with less than 20,000 square feet of new impervious surfaces, infiltrate runoff volume using BMPs from the city stormwater reference guide. These sites are not required to satisfy a numeric performance standard.

e. Sites with a cumulative addition of 20,000 square feet or greater of impervious surfaces after the adoption date of the ordinance from which this section is derived are required to satisfy the performance standards within subsection (7)(c)3.a, b, and c of this section.

f. The amount of infiltration previously required for the site shall not be reduced as a result of the proposed development or disturbance.

g. 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 (7)(c)3.k of this section. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales, or filter strips.

h. Exclusions. Infiltration of runoff from the following areas are prohibited from meeting the infiltration requirements of this subsection (7)(c)3:

   i. Areas associated with Tier 1 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(a), including storage, loading, rooftop, and parking.

   ii. Storage and loading areas of Tier 2 industrial facilities identified in Wis. Admin. Code § NR 216.21(2)(b).

   iii. Fueling and vehicle maintenance areas.

   iv. Areas within 1,000 feet upgradient or within 100 feet downgradient of Karst features.

   v. 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 (7)(c)3.h.v does not prohibit infiltration of roof runoff.

   vi. 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.

   vii. 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.

viii. 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.

ix. 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 (7)(c)3.h.ix does not prohibit infiltration of roof runoff.

i. Exemptions. Infiltration of runoff from the following areas are not required to meet the infiltration requirements of this subsection (7)(c)3:

i. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.

ii. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.

iii. Redevelopment and routine maintenance areas.

iv. In-fill areas less than five acres.

v. Infiltration areas during periods when the soil on the site is frozen.

vi. Roads in commercial, industrial and institutional land uses, and arterial residential roads.

vii. Highways provided the transportation facility is not part of a larger common plan of development or sale.

j. 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.

k. i. Infiltration systems designed in accordance with this subsection 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. 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.

ii. Notwithstanding subsection (7)(c)3.k.i 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.

i. 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.

ii. 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.

iii. For lakes, 50 feet.

iv. 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.

v. 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.

vi. In subsection (7)(c)4.a.i, iv and v 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.

vii. For concentrated flow channels with drainage areas greater than 130 acres, ten feet.

b. Wetlands shall be delineated. Wetland boundary delineations shall be made in accordance with Wis. Admin. Code § NR 103.08 (1m). This subsection (7)(c)4 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.

c. This subsection (7)(c)4 applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (7)(c)4.f of this section.

d. The following requirements shall be met:

i. 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.

ii. 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.

iii. Best management practices such as filter strips, swales, or wet detention basins that are designed to control pollutants from nonpoint sources may be located in the protective area.

e. A protective area established or created after the adoption date of the ordinance from which this section is derived shall not be eliminated or reduced, except as allowed in subsection (7)(c)4.f.ii, iii, or iv of this section.

f. Exemptions. The following areas are not required to meet the protective area requirements of this subsection (7)(c)4:

i. Redevelopment and routine maintenance areas, provided the minimum requirements within subsection (7)(c)4.e of this section are satisfied.

ii. Structures that cross or access surface waters such as boat landings, bridges and culverts.

iii. Structures constructed in accordance with Wis. Stats. § 59.692(1v).

iv. 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*. This subsection is not applicable to transportation facilities that are part of a larger common plan of development or sale.

a. *Applicability*. Except as provided in subsection (7)(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:

i. Are vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

ii. 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 director of public works or designee 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:

i. An outstanding resource water.

ii. An exceptional resource water.

iii. 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.

iv. Waters where targeted performance standards are developed under Wis. Admin. Code ch. 151.004 to meet water quality standards.

7. *Exemptions*. The following areas are not required to meet the performance standards within subsection (7)(c) of this section:

a. Agricultural production areas with less than 100,000 square feet of impervious surface disturbance.

b. Underground utility construction such as water, sewer, gas, electric, telephone, cable television, and fiber optic lines. This exemption does not apply to the construction of any aboveground structures associated with utility construction.

c. The following transportation facilities are exempt, provided the transportation facility is not part of a larger common plan of development or sale.

i. Reconditioning or resurfacing of a highway.

ii. Minor reconstruction of a highway. Notwithstanding this exemption, the protective area requirements within Wis. Admin. Code § NR 151.24(6) apply to minor reconstruction of a highway.

iii. A redevelopment transportation facility with no increase in exposed parking lots or roads.

iv. A transportation facility with less than ten percent connected imperviousness based on complete development of the transportation facility, provided the cumulative area of all parking lots and rooftops is less than one acre.

v. Routine maintenance for transportation facilities if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(d) *General considerations for on-site and off-site stormwater management measures*. The following considerations shall be observed in managing runoff:

1. 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.

2. 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.

(e) *Location and regional treatment option*.

1. The BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system.

2. 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 performance standards of this section. Post-construction BMPs may be located in non-navigable surface waters.

3. Except as allowed under subsection (7)(e)4 of this section, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

4. 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 section if:

a. The BMP was constructed prior to the effective date of the ordinance from which this section 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

b. The BMP is designed to provide runoff treatment from future upland development.

5. Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this subsection.

a. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

b. 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

6. The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs, is subject to this section.

7. The director of public works or designee may approve off-site management measures provided that all of the following conditions are met:

a. The director of public works or designee 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 section.

b. 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 section.

iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

8. Where a regional treatment option exists such that the director of public works or designee 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 director of public works or designee. In determining the fee for post-construction runoff, the director of public works or designee shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(f) *Alternate requirements*. The director of public works or designee may establish stormwater management requirements more stringent than those set forth in this section if the director of public works or designee determines that an added level of protection is needed to protect sensitive resources. Also, the director of public works or designee may establish stormwater management requirements less stringent than those set forth in this section if the director of public works or designee determines that less protection is needed to protect sensitive resources and provide reasonable flood protection. However, the alternative requirements shall not be less stringent than those requirements promulgated in rules by state department of natural resources under Wis. Admin. Code NR 151.

(8) *Permitting requirements, procedures, and fees.*

(a) *Permit required*. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the director of public works or designee prior to commencing the proposed activity.

(b) *Permit application and fees*. Unless specifically excluded by this section, any responsible party desiring a permit shall submit to the director of public works or designee a permit application made on a form provided by the director of public works or his designee for that purpose.

1. Unless otherwise exempted by 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 subsections (7) and (9) of this section, the maintenance agreement shall be prepared to meet the requirements of subsection (10) of this section, the financial guarantee shall meet the requirements of subsection (11) of this section, and fees shall be those established by the common council as set forth in subsection (12) of this section.

(c) *Review and approval of permit application*. The director of public works or designee 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 20 business days of the receipt of a complete permit application, including all items as required by subsection (8)(b) of this section, the director of public works or designee shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this section.

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 director of public works or designee shall issue the permit.

3. If the stormwater permit application, plan or maintenance agreement is disapproved, the director of public works or designee shall detail in writing the reasons for disapproval.

4. The director of public works or designee may request additional information from the applicant. If additional information is submitted, the director of public works or designee shall have 20 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.

5. Failure by the director of public works or his designee to inform the permit applicant of a decision within 20 business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(d) *Permit requirements*. All permits issued under this section shall be subject to the following conditions, and holders of permits issued under this section shall be deemed to have accepted these conditions. The director of public works or designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the director of public works or his designee to suspend or revoke this permit may be appealed in accordance with subsection (14) of this section.

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 director of public works or designee at least ten business days before commencing any work in conjunction with the stormwater management plan, and within ten 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 director of public works or his designee so that practice installations can be inspected during construction.

4. Practice installations required as part of this section shall be certified "as built" by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the director of public works or his designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The director of public works or 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 director of public works or designee of any significant modifications it intends to make to an approved stormwater management plan. The director of public works or designee 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 common council or are transferred to subsequent private owners as specified in the approved maintenance agreement.

7. The responsible party authorizes the director of public works or designee 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 subchapter VII of Wis.

Stats. ch. 66 (Wis. Stats. § 66.0801 et seq.) or to charging such costs against the financial guarantee posted under subsection (11) of this section.

8. If so directed by the director of public works or his designee, the responsible party shall repair, at the responsible party's own expense all damage to adjoining city 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 director of public works or 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 director of public works or designee 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 subsection (13) of this section, if the responsible party fails to comply with the terms of this permit.

12. The permit applicant shall post the certificate of permit coverage in a conspicuous location at the construction site.

(e) *Permit conditions*. Permits issued under this subsection may include conditions established by the director of public works or his designee in addition to the requirements needed to meet the performance standards in subsection (7) of this section or a financial guarantee as provided for in subsection (11) of this section.

(f) *Permit duration*. Permits issued under this section shall be valid from the date of issuance through the date the director of public works or designee notifies the responsible party that all stormwater management practices have passed the final inspection required under subsection (8)(d)4 of this section.

(g) *Alternate requirements*. The director of public works or designee may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection (7)(5) of this section or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(9) *Stormwater management plan*.

(a) *Plan requirements*. The stormwater management plan required under subsection (8)(b) of this section shall comply with the city stormwater reference guide and contain at a minimum the following information:

1. Name, address, and telephone number of the landowner and responsible parties.

2. A legal description of the property proposed to be developed.

3. Pre-development site map with property lines, disturbed limits, and drainage patterns.

4. Post-development site map with property lines, disturbed limits, and drainage patterns.

a. Total area of disturbed impervious surfaces within the site.

b. Total area of new impervious surfaces within the site.

c. Performance standards applicable to site.

d. Proposed best management practices.

e. Groundwater, bedrock, and soil limitations.

f. Separation distances. Stormwater management practices shall be adequately separated from wells to prevent contamination of drinking water.

(b) *Alternate requirements*. The director of public works or designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection (7)(e) of this section or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(10) *Maintenance agreement*.

(a) *Maintenance agreement required*. The maintenance agreement required under subsection (8)(b) of this section for stormwater management practices shall be an agreement between the director of public works or designee 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 subsection (9)(a)6 of this section:

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 subsection (8)(b) of this section.

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 subsection (8)(b) of this section.

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 (10)(b)2 of this section.

5. Authorization for the director of public works or designee 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 director of public works or designee 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 (10)(b)3 of this section, as responsible for long-term maintenance of the stormwater management practices, shall be notified by the director of public works or his designee of maintenance problems which require correction. The specified corrective actions is undertaken within a reasonable time frame as set by the director of public works or his designee.

8. Authorization of the director of public works or designee to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (10)(b)3 of this section does not make the required corrections in the specified time period. The director of public works or designee shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subchapter VII of Wis. Stats. ch. 66 (Wis. Stats. § 66.0801 et seq.).

(c) *Alternate requirements*. The director of public works or designee may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection (7)(e) of this section or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(11) *Financial guarantee*.

(a) *Establishment of the guarantee*. The director of public works or designee may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the director of public works or designee. The financial guarantee shall be in an amount determined by the director of public works or his designee to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the director of public works or designee 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 director of public works or his designee that the requirements of this ordinance have not been met.

(b) *Conditions for release*. Conditions for the release of the financial guarantee are as follows:

1. The director of public works or designee shall release the portion of the financial guarantee established under this section, less any costs incurred by the director of public works or his designee to complete installation of practices, upon submission of as-built plans by a licensed professional engineer. The director of public works or designee may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

2. The director of public works or designee shall release the portion of the financial guarantee established under this section to ensure maintenance of stormwater practices, less any costs incurred by the director of public works or his designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(c) *Alternate requirements*. The director of public works or designee may prescribe alternative requirements for applicants seeking an exemption to on-site stormwater management performance standards under subsection (7)(e) of this section or for applicants seeking a permit for a post-construction site with less than 20,000 square feet of impervious surface disturbance.

(12) *Fee schedule*. The fees referred to in other subsections of this section shall be established by the common council and may from time to time be modified by resolution. A schedule of the fees established by the common council shall be available for review in city hall.

(13) *Enforcement*.

(a) Any land disturbing construction activity or post-construction runoff initiated after the effective date of the ordinance from which this section is derived by any person, firm, association, or corporation subject to the section provisions shall be deemed a violation unless conducted in accordance with the requirements of this section.

(b) The director of public works or designee 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 director of public works or designee 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 director of public works or his designee in the notice.

(d) If the violations to a permit issued pursuant to this section are likely to result in damage to properties, public facilities, or waters of the state, the director of public works or designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the director of public works or his designee, plus interest and legal costs, shall be billed to the responsible party.

(e) The director of public works or designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this section, or to request the city attorney to obtain a cease and desist order in any court with jurisdiction.

(f) The director of public works or designee may revoke a permit issued under this section for noncompliance with section provisions.

(g) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the director of public works or his designee or by a court with jurisdiction.

(h) The director of public works or designee is authorized to refer any violation of this section, or of a stop work order or cease and desist order issued pursuant to this section, 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 section shall be subject to a forfeiture of not less than $25.00 or more than $500.00 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 section 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 director of public works or designee determines that the holder of a permit issued pursuant to this section 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 director of public works or designee or a party designated by the director of public works or his designee 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 director of public works or designee 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 subsection (11) of this section.

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.

(14) *Appeals*.

(a) *Board of appeals*. The board of appeals, created 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 director of public works or his designee in administering this section. 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 section that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the section will result in unnecessary hardship.

(b) *Who may appeal*. Appeals to the 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 director of public works or designee.

(Code 2011, § 22.02)

Sec. 22.03. Illicit discharge and connection ordinance.

(1) *Purpose and intent*. The purpose of this section is to provide for the health, safety, environment, and general welfare of the citizens of the city through the regulation of nonstormwater discharges into waters of the state or the city separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction

of pollutants into waters of the state or the MS4 in order to comply with requirements of the state pollutant discharge elimination system (WPDES) permit process. The objectives of this section are:

(a) To regulate the contribution of pollutants into waters of the state or the MS4 by stormwater discharges by any user.

(b) To prohibit illicit connections and discharges into waters of the state or the MS4.

(c) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this section.

(2) *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:

Authorized enforcement agency means employees or designees of the director of public works are designated to administer and enforce this section.

Best management practices (BMPs) 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.

City means any city, town, village, county, county utility district, town sanitary district, town utility district, school district, or metropolitan sewage district, or any other public entity created pursuant to law and having authority to collect, treat or dispose of sewage, industrial wastes, stormwater or other wastes.

Construction activity means activities subject to construction permits per the city's construction site erosion control ordinance and post-construction stormwater management ordinance or WPDES construction permits per Wis. Admin. Code ch. NR 216 and Wis. Stats. ch. 283.

Contaminated stormwater means stormwater that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery in the source areas listed in Wis. Admin. Code ch. NR 216.

Department (DNR) means the state department of natural resources.

Discharge, as defined in Wis. Stats. ch. 283, when used without qualification, includes a discharge of any pollutant.

Discharge of pollutant or *discharge of pollutants*, as defined in Wis. Stats. ch. 283, means any addition of any pollutant to the waters of this state from any point source.

Hazardous materials means any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit discharge means any discharge into waters of the state or a city separate storm sewer system that is not composed entirely of stormwater. Nonstormwater discharges that are not considered illicit discharges include 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 car washing, flows from riparian habitats and wetlands, firefighting, and discharges authorized under a WPDES permit, unless identified by the public works department as a significant source of pollutants to waters of the state.

Illicit connections means either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter waters of the state or the MS4, including, but not limited to, any conveyances that allow any nonstormwater discharge, including sewage, process wastewater, and wash water to enter waters of the state or the MS4 and any connections to waters of the state or the MS4 from

indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(b) Any drain or conveyance connected from a commercial or industrial land use to waters of the state or the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to WPDES industrial permits per Wis. Admin. Code ch. NR 216 and Wis. Stats. ch. 283.

Maximum extent practicable (MEP) means a level of implementing management practices in order to achieve a performance standard or other goal 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.

Municipal separate storm sewer system (MS4), as defined in Wis. Admin. Code ch. NR 216, means a conveyance or system of conveyances, including roads with drainage systems, city streets, catchbasins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:

(a) Owned or operated by a city.

(b) Designed or used for collecting or conveying stormwater.

(c) Is not a combined sewer conveying both sanitary and stormwater.

(d) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

Nonstormwater discharge means any discharge to the MS4 that is not composed entirely of stormwater.

Owner means any person holding fee title, an easement or other interest in property.

Outfall means the point at which stormwater is discharged to waters of the state or to a storm sewer.

Person means an individual, owner, operator, corporation, partnership, association, city, interstate agency, state agency or federal agency.

Pollutant, as defined in Wis. Stats. ch. 283, means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, city and agricultural waste discharged into water.

Pollution, as defined in Wis. Stats. ch. 283, means any manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of water.

Pollution prevention means taking measures to eliminate or reduce pollution.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Stormwater means runoff from precipitation, including rain, snow, ice melt or similar water, that moves on the land surface via sheet or channelized flow.

Stormwater management plan/stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to waters of the state or the MS4 to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse means a natural or artificial channel through which water flows. These channels include all blue and dashed blue lines on the USGS quadrangle maps, all channels shown on the soils maps in

the NRCS soils book for the county, all channels identified on the site, and new channels that are created as part of a development. The term "watercourse" includes waters of the state as herein defined.

Waters of the state, as defined in Wis. Stats. Ch. 283, means those portions of Lake Michigan and Lake Superior within the boundaries of state, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

Wisconsin pollutant discharge elimination system (WPDES) stormwater discharge permit means a state pollutant discharge elimination system permit issued pursuant to state law.

(3) *Applicability*. This section shall apply to all water and discharges entering waters of the state or the MS4 generated on any lands unless explicitly exempted by the public works department.

(4) *Responsibility for administration*. The public works department shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the public works department may be delegated in writing by the public works director to persons or entities acting in the beneficial interest of or in the employ of the authorized enforcement agency.

(5) *Compatibility with other regulations*. This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(6) *Ultimate responsibility*. The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(7) *Discharge prohibitions*.

(a) *Prohibition of illicit discharges*. No person shall throw, dump, spill, drain, or otherwise discharge, cause, or allow others under its control to throw, dump, spill, drain, or otherwise discharge into waters of the state or the MS4 any pollutants or waters containing any pollutants, other than stormwater.

(b) *Allowed discharges*. Allowed discharges into the water of the state or the MS4 include:

1. 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 car washing, flows from riparian habitats and wetlands, and discharges authorized under a WPDES permit unless identified by the public works department as a significant source of pollutants to waters of the state.

2. Discharges or flow from firefighting, and other discharges specified in writing by the public works department as being necessary to protect public health and safety.

3. Discharges associated with dye testing, however this activity requires a verbal notification to the public works department and the department of natural resources a minimum of one business day prior to the time of the test.

4. Any nonstormwater discharges permitted under a construction activity permit, industrial activity permit, or WPDES permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the public works department prior to allowing discharges to waters of the state or the MS4.

(c) *Prohibition of illicit connections.*

1. The construction, use, maintenance or continued existence of illicit connections to waters of the state or the MS4 is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this section if the person connects a line conveying sewage to waters of the state or the MS4, or allows such a connection to continue.

4. Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the public works department.

5. Any drain or conveyance that has not been documented in plans, maps, or equivalent, and which may be connected to waters of the state or the MS4, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the public works department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the public works department.

(8) *Watercourse protection*. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of soil erosion, trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(9) *Compliance monitoring*.

(a) *Right of entry; inspecting and sampling*. The public works department shall be permitted to enter and inspect properties and facilities subject to regulation under this section as often as may be necessary to determine compliance with this section.

1. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the public works department.

2. Facility owners and operators shall allow the public works department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records.

3. The public works department shall have the right to set up on any property or facility such devices as are necessary in the opinion of the public works department to conduct monitoring or sampling of the facility's stormwater discharge.

4. The public works department has the right to require the owner or operator to install monitoring equipment as necessary, and make the monitoring data available to the public works department. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected or sampled shall be promptly removed by the owner or operator at the written or oral request of the public works department and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

6. Unreasonable delays in allowing the public works department access to a facility is a violation of this section. A person who is the operator of a facility commits an offense if the

person denies the public works department reasonable access to the facility for the purpose of conducting any activity authorized or required by this section.

(b) *Special inspection warrant*. If the public works department has been refused access to any part of the premises from which stormwater is discharged, and the public works department is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the public works department may seek issuance of a special inspection warrant per Wis. Stats. § 66.0119.

(10) *Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.* The owner or operator of any activity, operation, or facility which may cause or contribute to pollution contamination of stormwater shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into waters of the state or the MS4 through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to waters of the state or the MS4. Compliance with all terms and conditions of a valid permit authorizing the discharge of stormwater associated with industrial activity or construction activity, to the maximum extent practicable, shall be deemed compliance with the provisions of this section.

(11) *Notification of spills*. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, or waters of the state, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release, so as to minimize the impacts of the discharge. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services, and shall also notify the public works department. In the event of a release of nonhazardous materials, the person shall notify the public works department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the public works department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years. Failure to provide notification of a release as provided above is a violation of this section.

(12) *Violations, enforcement, and penalties*.

(a) *Violations*. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. Any person who has violated or continues to violate the provisions of this section may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the public works department is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The public works department is authorized to seek costs of the abatement as outlined in subsection (15) of this section.

(b) *Warning notice*. When the public works department finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, the public works department may serve upon that person a verbal or written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in the subsection shall limit the authority of the public works department to take

action, including emergency action or any other enforcement action, without first issuing a warning notice.

(c) *Notice of violation*. Whenever the public works department finds that a person has violated a prohibition or failed to meet a requirement of this section, the public works department may order compliance by written notice of violation to the responsible person.

1. The notice of violation shall contain:

   a. The name and address of the alleged violator;

   b. The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;

   c. A statement specifying the nature of the violation;

   d. A description of the remedial measures necessary to restore compliance with this section and a time schedule for the completion of such remedial action;

   e. A statement of the penalty that shall or may be assessed against the person to whom the notice of violation is directed;

   f. A statement that the determination of violation may be appealed to the public works department by filing a written notice of appeal within three business days of service of notice of violation; and

   g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, representatives of the public works department may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this section. The public works department may go on the land and commence the work after issuing the notice of intent. The public works department is authorized to seek costs of the abatement as outlined in subsection (15) of this section.

2. Such notice may require, without limitation:

   a. The performance of monitoring, analyses, and reporting;

   b. The elimination of illicit connections or discharges;

   c. That violating discharges, practices, or operations shall cease and desist;

   d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

   e. Payment of a fine to cover administrative and remediation costs; and

   f. The implementation of BMPs.

(d) *Suspension of MS4 access*.

1. Emergency cease and desist orders.

   a. When the public works department finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violations have caused or contributed to an actual or threatened discharge to the MS4 or waters of the state which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the public works department may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

      i. Immediately comply with all section requirements; and

ii. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations or terminating the discharge.

b. Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the public works department may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the state, or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other city utility services. The public works department may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the public works department that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this section.

c. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the public works department within 30 days of receipt of the prerequisite for taking any other action against the violator.

2. *Suspension due to illicit discharges in emergency situations*. The public works department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the public works department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

3. *Suspension due to the detection of illicit discharge*. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The public works department will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the public works department.

(e) *Prosecution and penalties*. Any person violating any provision of this section shall be subject to a forfeiture of not less than $25.00 nor more than $500.00 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense. Compliance with the provisions of this section 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 injunction proceedings.

(13) *Appeals*.

(a) *Board of appeals*. The board of appeals created pursuant to the city ordinances and pursuant to Wis. Stats. § 62.23(7)(e):

1. Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the public works department in administering this section except for cease and desist orders obtained under subsection (12)(d)1 of this section.

2. Upon appeal, may authorize variances from the provisions of this section which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

3. Shall use 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 appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the city affected by any decision of the public works department.

(14) *Enforcement measures after appeal*. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, the appropriate authority upheld the decision of the public works department, then representatives of the public works department may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this section. The public works department may go on the land and commence the work after issuing the notice of intent. The public works department is authorized to seek costs of abatement as outlined in subsection (15) of this section. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(15) *Cost of abatement of the violation*. The cost of the work performed by the public works department pursuant to this section, plus interest at the rate authorized by the public works department shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subchapter VII of Wis. Stats. ch. 66 (Wis. Stats. § 66.0801 et seq.).

(16) *Violations deemed a public nuisance*. Any condition in violation of any of the provisions of this section and declared and deemed a nuisance may be summarily abated or restored at the violator's expense.

(17) *Remedies not exclusive*. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the public works department to seek cumulative remedies. The public works department may recover all attorney's fees, court costs, and other expenses associated with enforcement of this section, including sampling and monitoring expenses.

(Code 2011, § 22.03)

Sec. 22.04. Stormwater utility.

(1) *Establishment*. The city finds that the management of stormwater and other surface water discharge within and beyond the Fox River, Apple Creek, Garners Creek, Konkapot Creek, and Plum Creek (the "city's waterways") is a matter that affects the health, safety, and welfare of the city, its citizens and businesses, and others in the surrounding area. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the city and the heart of the Valley Metropolitan Sewerage District by, among other things, increasing the likelihood of infiltration and inflow in the sanitary sewer. In addition, surface water runoff may create erosion of lands, threaten businesses and residences with water damage, and create sedimentation and other environmental damage in the city's waterways. Those elements of the system that provide for the collection of and dispose of stormwater and regulation of groundwater are of benefit and provide services to all properties within the city, including property not presently served by the storm elements of the system. The cost of operating and maintaining the city stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom. There is hereby established a city stormwater utility. The operation of the stormwater utility is under the supervision of the common council. The director of public works shall be in charge of the stormwater utility.

(2) *Authority*. The city, through the stormwater utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such real estate and facilities as are deemed by the city to be proper and reasonably necessary for a system of stormwater and surface water management. These facilities may include, without limitation by enumeration, surface and underground drainage facilities, sewers, water courses, retaining walls and ponds, detention basins, and such other facilities as will support a stormwater management system.

(3) *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. Terms not specifically defined in this subsection shall have the meaning defined in Wis. Admin. Code ch. NR 216.002.

Director means the director of public works, or his designee.

Developed property means the real property that has been altered from its natural state by the addition of any improvements that may include a building, structure, impervious surface, change in grade or landscaping.

Equivalent runoff unit (ERU) means the statistical average horizontal impervious area of single-family homes within the city on the date of adoption of the ordinance from which this section is derived. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

Duplex unit means any residential space identified for habitation by members of the same household attached to only one other residential space or as classified by the city building and zoning codes.

Dwelling unit means any residential space identified for habitation by members of the same household or as classified by the city building and zoning codes. A dwelling unit includes, but is not limited to, single-family homes, manufactured homes, duplexes, multifamily apartments, residential condominiums and townhouse living units.

Impervious area or impervious surface means areas that have been paved, covered or compacted to inhibit the natural infiltration of water into the soil or cause water to run off the area in greater quantities or at an increased rate of flow from the present under natural conditions as undeveloped property. Such areas may include, but are not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, athletic courts and compacted surfaces. Excluded from this definition are undisturbed land, lawn and fields.

Nonresidential property means any developed lot or parcel not exclusively residential as defined herein, but not limited to, transient rentals, such as hotels and motels, mobile home parks, commercial, industrial, institutional, governmental properties and parking lots.

Residential property means any lot or parcel developed exclusively for residential purposes, including, but not limited to, single-family homes, manufactured homes, duplexes, multifamily apartments, residential condominiums and townhouse living units.

Runoff means the surface water, including rain and snow melt, which is inhibited by impervious surfaces from naturally infiltrating into soil.

Stormwater facilities means all constructed facilities or natural features used for collecting, storing and conducting stormwater to, through and from drainage areas to the point of final outlet. Stormwater facilities collectively constitute a stormwater system.

Undeveloped property means that which has not been altered from its natural state by the addition of any improvements, such as a building, structure, impervious surface, change of grade or landscaping. For new construction, a property shall be considered developed pursuant to this section at the time of water meter installation or upon review of the actual impervious area by January 1.

(4) *Rate charges*.

(a) By this section, the common council is authorizing charges on properties within the city for services and facilities provided by the stormwater utility. The actual charges to be imposed, the establishment of formulas for calculations of the charges, the establishment of specific customer classifications, and any future changes in those rates, formulas, rate charges and customer classifications, may be made by resolution. All rates established pursuant to this section will be fair and reasonable in accordance with the decision and judgment of the common council. The current rates will be on file with the city clerk-treasurer.

(b) Rate charges shall be used to finance the costs of the stormwater utility. These rate charges may include:

1. *Base charge (BC).* The base charge may be imposed on all property in the city. The base charge will be designed to reflect the fact that all properties benefit from the stormwater management activities of the city and that all property contributes in some way to the stormwater discharge that must be managed by the city. The BC will be designed to collect the administrative costs of the storm sewer utility and the portion of the capital costs not covered by special assessment.

2. *Equivalent runoff unit charge (ERU).* This charge shall be imposed on all property that has any developed impervious area. The ERU will be designed on the basis of a typical residential unit of property. Other units of property will be charged multiples of the ERU, based upon the impervious area contributing to surface water runoff.

3. *Special charge (SC).* This charge may be imposed on property that is in an area specially benefited by a particular stormwater management facility. The SC will be developed to reflect the benefits/services in a particular area that may not be appropriate to spread to property throughout the city. The SC will be calculated on an ERU basis.

   a. The common council may make such other adjustments or customer classifications as will be likely to provide reasonable and fair distribution of the costs of the stormwater utility. In so doing, the council may provide credits against certain portions of the charges set forth above for facilities installed and maintained by the property owner for the purpose of lessening the stormwater flow or pollutant load from that given property.

   b. The city's finance department is hereby appointed as the collection agency for the city stormwater utility. Bills shall be prepared by the city or its agent. The city shall allocate the actual cost of billing and collecting as a charge upon the stormwater utility.

   c. The bills for stormwater utility charges shall be provided to the designated water utility bill recipient, but this notification shall not relieve the owner of the property from liability for rental property in the event payment is not made as required in this article. The owner of any property served which is occupied by tenants shall have the right to examine collection records of the city for the purpose of determining whether such rates and charges have been paid for by such tenants, provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.

   d. Stormwater utility charges shall be paid monthly. If stormwater utility charges remain unpaid after a period of 20 days from the date of utility bill, such bill shall become a delinquent special charge and shall become a lien as provided in Wis. Stats. §§ 66.0809 and 66.0821. The charges shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return, and sale of property for delinquent real estate taxes shall apply to such special charges. Unpaid charges shall be assessed the same as the water utility bills.

   e. All delinquent charges shall be subject to a ten percent penalty in addition to all other charges and prior penalties or interest when the delinquent charge is extended upon the tax roll.

(5) *Customer classification*.

(a) For purposes of imposing the stormwater charges, all lots and parcels within the city are classified into the following five customer classes:

1. Residential, single-family.

2. Residential, duplex.

3. Residential, multifamily and condominium.

4. Nonresidential.

5. Undeveloped.

(b) The director of public works shall prepare a list of lots and parcels within the city, and assign a classification to each lot or parcel.

(c) The average square footage of impervious area of the ERU is established to be equivalent to 2,944 square feet.

(d) The charges imposed for single-family residential properties shall be the rate for one ERU.

(e) The charges imposed for duplex residential properties shall be the rate for six-tenths of one ERU per each individual dwelling unit existing on the property (ERU rate multiplied by the number of dwelling units).

(f) The charges imposed for multifamily apartment, condominium, and townhouse residential properties shall be the same as nonresidential properties.

(g) The charges imposed for nonresidential properties shall be the rate for one ERU, multiplied by the numerical factor obtained by dividing the total impervious area of a nonresidential property by the square footage of one ERU. The numerical factor shall be rounded down to the nearest one-tenth, i.e., ERU rate multiplied by impervious area (square feet) divided by 2,944 square feet

(h) No ERU charge is imposed for undeveloped properties.

(i) The director of public works shall be responsible for determining the impervious area, based upon the best available information, including, but not limited to, data supplied by the building inspector, aerial photography, the property owner, tenant or developer. The director of public works may require additional information, as necessary, to make the determination. The impervious area calculation shall be updated no less than annually by the director of public works on any additions to the impervious area. Upon the property owner's written notification and request, the director of public works shall review impervious area for possible reductions.

(j) The minimum charges for any developed property shall be equal to the rate for one ERU.

(6) *New construction*. The owner shall also be liable for stormwater charges, under this section, for the improvement from the date of water meter installation or upon determination of the actual impervious area.

(7) *Method of appeal*.

(a) The amount of stormwater utility charge may be appealed, as follows:

1. A written appeal shall be filed with the director of public works prior to the utility charge due date; or

2. Within 30 days of payment, a written challenge to the stormwater charge must be filed with the director of public works on behalf of the customer, specifying all bases for the challenge and the amount of the stormwater charge the customer asserts is appropriate. Failure to file a challenge within 90 days of payment waives all right to later challenge the charge.

(b) A property owner not satisfied with the director of public work's decision may appeal to the board of public works for their review and action.

(c) Following review by the board of public works, the common council will determine whether the amount of stormwater charge is fair and reasonable, or whether a refund or adjustment is due the customer. The common council may act with or without a hearing, and will inform the customer in writing of its decision.

(d) If the common council determines that a refund is due the customer, the refund will be applied as a credit on the customer's next stormwater billing, if the refund will not exceed the customer's next stormwater billing, or will be refunded at the discretion of the finance director without interest.

(8) *Special assessment authority*. In addition to any other method for collection of the charges established pursuant to this section 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 billing 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 October of any unpaid charges to the stormwater utility, which charges, if not paid by November 15, may be placed on the tax roll under Wis. Stats. § 66.0627.

(9) *Budget excess revenues*. The stormwater utility finances shall be accounted for in a separate stormwater utility fund by the city. The utility shall prepare an annual budget, which is to include all operation and maintenance costs, administrative costs, depreciation 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 common council. Any excess of revenues over expenditures in a year will be retained by the stormwater utility fund for subsequent years' needs.

(Code 2011, § 22.04)

Chapter 23 RESERVED

Chapter 24 ADMINISTRATIVE REVIEW PROCEDURE

Sec. 24.01. Review of administrative determinations.

Sec. 24.02. Determinations reviewable.

Sec. 24.03. Determinations not subject to review.

Sec. 24.04. Municipal authority defined.

Sec. 24.05. Persons aggrieved.

Sec. 24.06. Reducing determination to writing.

Sec. 24.07. Request for review of determination.

Sec. 24.08. Review of determination.

Sec. 24.09. Administrative appeal.

Sec. 24.10. Hearing on administrative appeal.

Sec. 24.11. Final determination.

Sec. 24.12. Judicial review.

Sec. 24.13. Legislative review.

Sec. 24.01. Review of administrative determinations.

Any person aggrieved by an administrative determination of the council, or a board, commission, committee, agency, officer, or employee of the city, or agent acting on its behalf, may have such determination reviewed as provided in this chapter. The remedies under this chapter shall not be exclusive, but an election to proceed hereunder shall be an election of remedies.

(Code 2011, § 24.01)

Sec. 24.02. Determinations reviewable.

The following determinations are reviewable under this chapter:

(1) The grant or denial, in whole or in part, after application of an initial permit, license, right, privilege, or authority, except a fermented malt beverage or intoxicating liquor license.

(2) The suspension, revocation, or nonrenewal of an existing permit, license, right, privilege, or authority, except as provided in section 24.03(4).

(3) The denial of a grant of money or other thing of value under a statute or ordinance prescribing conditions of eligibility for such grant.

(4) The imposition of a penalty or sanction upon any person, except a city employee or officer, other than by a court.

(5) The suspension or removal of a city officer or employee, except as provided in section 24.03(2) and (7).

(Code 2011, § 24.02)

Sec. 24.03. Determinations not subject to review.

The following determinations are not reviewable under this chapter:

(1) A legislative enactment, which is an ordinance, resolution, or adopted motion of the council.

(2) Any action subject to administrative or judicial review procedures under state statutes or other provisions of this Code.

(3) The denial of a tort or contract claim for money required to be filed with the city under Wis. Stats. § 62.25.

(4) The grant, denial, suspension, or revocation of a fermented malt beverage license or intoxicating liquor license under Wis. Stats. ch. 125.

(5) Judgments and orders of a court.

(6) Determinations made during city labor negotiations.

(7) Determinations subject to grievance, arbitration, or other procedures provided in collective bargaining agreements.

(Code 2011, § 24.03)

Sec. 24.04. Municipal authority defined.

The term "municipal authority" includes the common council, commission, committee, agency, officer, employee, or agent of the city making a determination under section 24.01, and every person, committee, or agency of the city to make an independent review under section 24.08(2).

(Code 2011, § 24.04)

Sec. 24.05. Persons aggrieved.

A person aggrieved includes any individual, partnership, corporation, association, public or private organization, officer, department, board, commission, or agency of the city whose rights, duties, or privileges are adversely affected by a determination of a city authority. No department, board, commission, agency, officer, or employee of the city who is aggrieved may initiate review under this chapter of a determination of any other department, board, commission, agency, officer, or employee of the city, but may respond or intervene in a review proceeding under this chapter initiated by another.

(Code 2011, § 24.05)

Sec. 24.06. Reducing determination to writing.

If a determination subject to this chapter is made orally or, if in writing, does not state the reasons therefor, the city authority making such determination shall, upon written request of any person aggrieved by such determination made within ten days of notice of such determination, reduce the determination and the reasons therefor to writing and mail or deliver such determination and reasons to the person making the request. The determination shall be dated, and shall advise such person of his right to have such determination reviewed, that such review may be obtained within 30 days, and the office or person to whom a request for review shall be addressed.

(Code 2011, § 24.06)

Sec. 24.07. Request for review of determination.

Any person aggrieved may have a written or oral determination reviewed by written request mailed or delivered to the city authority which made such determination within 30 days of notice to such person of such determination. The request for review shall state the grounds upon which the person aggrieved contends that the determination should be modified or reversed. A request for review shall be made to the officer, employee, agent, agency, committee, board, commission, or body who made the determination, but failure to make such request to the proper party shall not preclude the person aggrieved from review unless such failure has caused prejudice to the city authority.

(Code 2011, § 24.07)

Sec. 24.08. Review of determination.

(1) *Initial determination*. If a request for review is made under section 24.07, the determination to be reviewed shall be termed an initial determination.

(2) *Who shall make review*. A review under this section may be made by the officer, employee, agent, agency, committee, board, commission, or body who made the initial determination. However, an independent review of such determination by another person, committee, or agency of the city, appointed by the mayor, without confirmation, shall be provided if practicable.

(3) *When to make review*. The city authority shall review the initial determination within 15 days of receipt of a request for review. The time for review may be extended by agreement with the person aggrieved.

(4) *Right to present evidence and argument*. The person aggrieved may file with his request for review or within the time agreed with the city authority written evidence and argument in support of his position with respect to the initial determination.

(5) *Decision on review*. The city authority may affirm, reverse, or modify the initial determination and shall mail or deliver to the person aggrieved a copy of the city authority's decision on review, which shall state the reasons for such decision. The decision shall advise the person aggrieved of his right to appeal the decision, that appeal may be taken within 30 days, and the office or person with whom notice of appeal shall be filed.

(Code 2011, § 24.08)

Sec. 24.09. Administrative appeal.

(1) *From initial determination or decision on review*.

(a) If the person aggrieved had a hearing substantially in compliance with section 24.10 when the initial determination was made, he may elect to follow section 24.06 through section 24.08, but is not entitled to a further hearing under section 24.10 unless granted by the city authority. He may, however, seek judicial review under section 24.12

(b) If the person aggrieved did not have a hearing substantially in compliance with section 24.10 when the initial determination was made, he shall follow section 24.06 through section 24.08 and may appeal under this section from the decision made under section 24.08

(2) *Time within which appeal may be taken under this section*. Appeal from a decision on review under section 24.08 may be taken within 30 days of notice of such decision.

(3) *How appeal may be taken*. An appeal under this section may be taken by filing with or mailing to the office or person designated in the city authority's decision on review written notice of appeal.

(Code 2011, § 24.09)

Sec. 24.10. Hearing on administrative appeal.

(1) *Time of hearing*. The city shall provide the appellant a hearing on an appeal under section 24.09 within 15 days of receipt of the notice of appeal and shall serve the appellant with notice of such hearing by mail or personal service at least ten days before such hearing. The office or person with whom a notice of appeal is filed shall immediately notify the city attorney, who shall forthwith advise the mayor of such appeal.

(2) *Conduct of hearing*. At the hearing, the appellant and the city authority may be represented by counsel and may present evidence and call and examine witnesses and cross examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The mayor shall appoint, without confirmation, an impartial decision maker, who may be an officer, committee, board, or commission of the city or the common council who did not participate in making or reviewing the initial determination, who shall make the decision on administrative appeal. The decision maker may issue subpoenas. The hearing may, however, be conducted by an impartial person, committee, board, or commission designated by the mayor to conduct the hearing and report to the decision maker.

(3) *Record of hearing*. The person conducting the hearing or a person employed for that purpose shall take notes of the testimony and shall mark and preserve all exhibits. The person conducting the hearing may, and upon request of the appellant shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the city.

(4) *Hearing on initial determination*. Where substantial existing rights are affected by an initial determination, the city authority making such determination shall, when practicable, give any person directly affected an opportunity to be heard in accordance with this section before making such determination.

(Code 2011, § 24.10)

Sec. 24.11. Final determination.

(1) Within 20 days of completion of the hearing conducted under section 24.10 and the filing of briefs, if any, the decision maker shall mail or deliver to the appellant its written determination stating the reasons therefor. Such determination shall be a final determination.

(2) A determination following a hearing substantially meeting the requirements of section 24.10 or a decision on review under section 24.08 following such hearing shall be a final determination, judicial review of which may be obtained under section 24.12

(Code 2011, § 24.11)

Sec. 24.12. Judicial review.

(1) Any party to a proceeding resulting in a final determination may seek review thereof by writ of certiorari within 30 days of receipt of the final determination.

(2) The record of the proceedings shall be transcribed at the expense of the person seeking review. A transcript shall be supplied to anyone requesting the same at his expense. If the person seeking review establishes impecuniousness to the satisfaction of the reviewing court, the court may order the proceedings transcribed at the expense of the city and the person seeking review shall be furnished a free copy of the transcript. By stipulation, the court may order a synopsis of the proceedings in lieu of a transcript. The court may otherwise limit the requirement for a transcript.

(Code 2011, § 24.12)

Sec. 24.13. Legislative review.

(1) Seeking review pursuant to this chapter does not preclude a person aggrieved from seeking relief from the common council or any of its boards, commissions, committees, or agencies which may have jurisdiction.

(2) If, in the course of legislative review under this section, a determination is modified, such modification and any evidence adduced before the common council, board, commission, committee, or agency shall be made part of the record on review under section 24.12

(3) The common council, board, commission, committee, or agency conducting a legislative review under this section need not conduct the type of hearing required under section 24.10

(Code 2011, § 24.13)

Chapter 25 CONSTRUCTION AND EFFECT OF ORDINANCES

Sec. 25.01. Rules of construction.

Sec. 25.02. Conflict and separability.

Sec. 25.03. City clerk-treasurer to file documents incorporated by reference.

Sec. 25.04. Penalty provisions.

Sec. 25.05. Repeal of general ordinances.

Sec. 25.06. Effect of repeals.

Sec. 25.07. Title; effective date; citation.

Sec. 25.08. Keeping Code current; reviser's amendments.

Sec. 25.01. Rules of construction.

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the chapter:

(1) *State statutes*. All references to Wis. Stats. refer to the Wisconsin State Statutes, as amended.

(2) *Gender, singular, and plural*. Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing, provided these rules of construction shall not be applied to any

provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

(3) *Person*. The term "person" extends and applies to natural persons, firms, corporations, associations, partnerships, or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.

(4) *Acts of agents*. When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(5) *City.* The term "city" means the City of Kaukauna, Wisconsin.

(6) *County.* The term "county" means the County of Outagamie, Wisconsin.

(7) *State.* The term "state" means the State of Wisconsin.

(Code 2011, § 25.01)

Sec. 25.02. Conflict and separability.

(1) *Conflict of provisions*. If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.

(2) *Separability of Code provisions*. If any section, subsection, sentence, clause, or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase, or portion thereof. The council hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.

(Code 2011, § 25.02)

Sec. 25.03. City clerk-treasurer to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation, or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the city clerk-treasurer shall file, deposit, and keep in his office a copy of the code, standard, rule, regulation, or other written or printed matter, as adopted. Materials so filed, deposited, and kept shall be public records open for examination with proper care by any person during the city clerk-treasurer's office hours, subject to such orders or regulations which the city clerk-treasurer may prescribe for their preservation.

(Code 2011, § 25.03)

Sec. 25.04. Penalty provisions.

(1) *General penalty*. Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows: (For a first offense, any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than $5.00 nor more than $300.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, and shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.

(2) *Continued violations*. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(3) *Execution against defendant's property*. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the city, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(Code 2011, § 25.041)

Sec. 25.05. Repeal of general ordinances.

All ordinances heretofore adopted by the city council are hereby repealed, except all ordinances or parts of ordinances relating to the following subjects and not conflicting with any of the provisions of this Code:

(1) The issuance of corporate bonds and notes of the city of whatever name or description.

(2) The establishment of grades, curblines, and widths of sidewalks in the public streets and alleys.

(3) The fixing of salaries of public officials and employees.

(4) Rights, licenses, or franchises or the creation of any contract with the city.

(5) The lighting of streets and alleys.

(6) The annexation of territory to the city.

(7) The naming and changing of names of streets, alleys, public grounds, and parks.

(8) The letting of contracts without bids.

(9) The establishment of aldermanic districts, aldermanic district boundaries, and election precincts.

(10) Tax and special assessment levies.

(11) Release of persons, firms, or corporations from liability.

(12) Construction of any public works.

(13) Water, sewer, and electric rates, rules and regulations, and sewer and water main construction.

(14) Budget ordinances, resolutions, and actions.

(Code 2011, § 25.05)

Sec. 25.06. Effect of repeals.

The repeal or amendment of any section or provision of this Code or of any other ordinances or resolutions of the council shall not:

(1) By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.

(2) Affect any vested right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the city.

(3) Affect any offense committed or penalty or forfeiture incurred previous to the time when any ordinance shall be repealed or amended, except when any forfeiture or penalty shall have been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.

(4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance listed herein shall be repealed or amended, but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinances,

and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed, except all such proceedings had after the time this Code shall take effect, shall be conducted according to the provisions of this Code.

(Code 2011, § 25.06)

Sec. 25.07. Title; effective date; citation.

These ordinances shall be known as the "Municipal Code of the City of Kaukauna, Wisconsin" and shall take effect from and after passage and publication as provided in Wis. Stats. § 66.0103. All references thereto shall be cited by section number (example: section 13.06).

(Code 2011, § 25.07)

Sec. 25.08. Keeping Code current; reviser's amendments.

As each ordinance or resolution affecting this Code becomes effective, the city clerk-treasurer shall forward such ordinance or resolution to the reviser, who shall incorporate same into the municipal code. The reviser shall make no substantive changes to such ordinances and resolutions but may renumber, rearrange, and edit them without first submitting them to the city council; and such rearranging, renumbering, and editing shall not affect the validity of such ordinances and resolutions or the provisions of this Code affected thereby.

(Code 2011, § 25.08)

CODE COMPARATIVE TABLE 2011 CODE

This table gives the location within this Code of those sections of the 2011 Code, as updated through December 20, 2011, included herein. Sections of the 2011 Code, as updated, not listed have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted after December 20, 2011, see the table immediately following this table.

2011 Code Section	Section this Code
1.01	1.01
1.02	1.02
1.03	1.03
1.04	1.04
1.05	1.05
1.06	1.06
1.07	1.07

1.08	1.08
1.09	1.09
1.11	1.11
1.12	1.12
1.14	1.14
1.15	1.15
1.16	1.16
1.20	1.20
1.22	1.22
1.23	1.23
1.24	1.24
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1.27	1.27
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1.32	1.32
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1.34	1.34
1.36	1.36
1.37	1.37

1.38	1.38
1.39	1.39
1.42	1.42
1.43	1.43
1.46	1.46
1.51	1.51
1.55	1.55
1.56	1.56
1.57	1.57
1.60	1.60
1.61	1.61
1.62	1.62
1.63	1.63
1.64	1.64
1.65	1.65
1.66	1.66
2.01	2.01
2.02	2.02
2.03	2.03
2.04	2.04

2.05	2.05
2.06	2.06
2.07	2.07
2.08	2.08
2.09	2.09
2.10	2.10
2.11	2.11
2.12	2.12
2.13	2.13
2.14	2.14
2.15	2.15
2.16	2.16
2.17	2.17
2.18	2.18
2.19	2.19
2.20	2.20
2.21	2.21
2.22	2.22
3.01	3.01
3.02	3.02

3.03	3.03
3.04	3.04
3.05	3.05
3.06	3.06
3.07	3.07
3.08	3.08
3.09	3.09
3.10	3.10
3.11	3.11
3.12	3.12
3.13	3.13
3.14	3.14
3.15	3.15
4.01	4.01
4.02	4.02
4.03	4.03
4.04	4.04
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4.12	4.12

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4.17	4.17
4.18	4.18
4.19	4.19
6.01	6.01
6.02	6.02
6.03	6.03
7.01	7.01
7.02	7.02
7.03	7.03
7.04	7.04
7.045	7.045
7.05	7.05
7.06	7.06
7.07	7.07
7.08	7.08
7.09	7.09
7.10	7.10

7.11	7.11
7.12	7.12
7.125	7.125
7.13	7.13
7.14	7.14
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7.16	7.16
7.19	7.19
7.20	7.20
8.01	8.01
8.02	8.02
8.03	8.03
8.04	8.04
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8.14	8.14
8.15	8.15
8.20	8.20
9.02	9.02
9.03	9.03
9.04	9.04
9.05	9.05
9.06	9.06
9.07	9.07
9.08	9.08
9.09	9.09
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9.11	9.11
9.12	9.12
9.13	9.13
9.134.71—9.961.576	9.01
9.14	9.14
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9.16	9.16
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9.40	9.40
10.01	10.01
10.02	10.02

10.03	10.03
10.04	10.04
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10.07	10.07
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11.04	11.04
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12.04	12.04
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12.14	12.14
12.20	12.20
13.01	13.01
13.02	13.02
13.03	13.03
13.04	13.04
13.05	13.05
13.06	13.06
13.065	13.065
13.066	13.066
13.07	13.07
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14.01	14.01
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14.41	14.41
15.01	15.01
15.02	15.02
15.03	15.03
15.04	15.04
15.05	15.05
15.06	15.06
15.07	15.07
15.08	15.08
16.01	16.01
16.02	16.02
16.03	16.03
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17.01	17.01
17.02	17.02
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17.51	17.51
17.55	17.55
17.56	17.56
19.02	19.02
19.03	19.03
19.04	19.04
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19.25	19.25
19.30	19.30
19.31	19.31
21.01	21.01
21.02	21.02
21.03	21.03
21.04	21.04
21.05	21.05
21.06	21.06
21.07	21.07
21.10	21.10
22.01	22.01
22.02	22.02
22.03	22.03
22.04	22.04
24.01	24.01
24.02	24.02
24.03	24.03

24.04	24.04
24.05	24.05
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24.07	24.07
24.08	24.08
24.09	24.09
24.10	24.10
24.11	24.11
24.12	24.12
24.13	24.13
25.01	25.01
25.02	25.02
25.03	25.03
25.041	25.04
25.05	25.05
25.06	25.06
25.07	25.07
25.08	25.08

CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of ordinances included herein. Ordinances not listed have been omitted as repealed, superseded or not of a general and permanent nature.

Title of Legistlation	Date	Section	Section this Code
Ord. No. 1675	2-7-2012		9.02
Ord. No. 1676	2-22-2012		7.12
Ord. No. 1677	3-20-2012		17.03
			17.25
			17.26
Ord. No. 1678	6-6-2012		7.12
Ord. No. 1680	10-16-2012		13.05
Ord. No. 1681	10-16-2012		12.10
Ord. No. 1684	12-4-2012		9.01
			9.33
Ord. No. 1685	4-3-2013		1.43
Ord. No. 1686	5-7-2013		7.12
Ord. No. 1690	10-1-2013		7.12
Ord. No. 1691	10-15-2013		7.02
Ord. No. 1692	10-15-2013		7.12
Ord. No. 1697	1-7-2014		7.12
Ord. No. 1699	9-2-2014		12.01

			12.02
			12.03
Ord. No. 1702	12-16-2014		1.08
Ord. No. 1703	12-16-2014		1.08
Ord. No. 1704	12-16-2014		1.08
Ord. No. 1705	12-16-2014		13.05