Date: Tuesday, August 16, 2016
Time: 7:30 PM
Place: Westside Fire Station

Committee meetings will begin at 6:50 pm before this full Council meeting. City Council members frequently attend the committee meetings to gather information. A majority of the Council members may be present at these committee meetings.

CITY OF MONROE
COMMON COUNCIL
AGENDA

A. CALL TO ORDER & ROLL CALL

B. CORRECTION OF MINUTES

C. PRESENTATION OF PETITIONS AND COMMUNICATIONS

D. BUSINESS BY MAYOR

Updates regarding Mayor's activities

1. HONOR FORMER CITY ATTORNEY EWALD FOR HIS RETIREMENT AND SERVICE TO THE CITY

Individual Requesting Item	City Clerk/DOGG
Expected Length of Discussion	10 min.

2. DISCUSSION AND POSSIBLE ACTION REGARDING CREATION OF BUDGET OVERSIGHT COMMITTEE

Individual Requesting Item	Mayor Armstrong
Expected Length of Discussion	15 min.

E. APPEARANCES BY THE PUBLIC

F. CONSENT AGENDA (ROLL CALL VOTE)

* RESOLUTION GRANTING MISCELLANEOUS LICENSES
* APPROVE CLAIMS AS PRESENTED ON CLAIMS LIST

G. COMMENTS/QUESTIONS ON TREASURER'S REPORT (2ND REGULAR MEETING OF EACH MONTH)

H. JUDICIARY AND ORDINANCE REVIEW COMMITTEE (ARMSTRONG)

1. ORDINANCE REPEALING AND RECREATING CHAPTER 4 OF TITLE 3 OF THE MONROE CITY CODE: ALCOHOL BEVERAGES

(Hold Public Hearing) (Roll Call Vote)

Individual Requesting Item Committee	Judiciary & Ordinance Review
Expected Length of Discussion	5 min.

Documents:

D130b Restated Alcohol Beverages Chapter 3-4 - 2016-07-13 [with provisional licenses].pdf

2. ORDINANCE ENACTING A NEW CODE OF ORDINANCES FOR THE CITY OF MONROE, WISCONSIN AND PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN

   (Hold Public Hearing) (Roll Call Vote)

Individual Requesting Item Committee	Judiciary & Ordinance Review
Expected Length of Discussion	5 min.

Documents:

MONROE CITY CODE - ALL TITLES CODIFIED 2016-07-28.pdf
D13 Codification Ordinance 2016-07-27.pdf

3. ORDINANCE REPEALING AND RECREATING SECTIONS 9-2-17 AND 9-2-18 OF THE MONROE CITY CODE: ANIMAL POSSESSION EXCEPTION

   (Set Public Hearing Date for Sept. 6, 2016)

Individual Requesting Item Committee	Judiciary & Ordinance Review
Expected Length of Discussion	5 min.

4. ORDINANCES TO ELECT ALDERPERSONS AT LARGE OR ADDITIONAL ALDERPERSONS AT LARGE

   Discuss and possibly set public hearing date of 09/06/2016 for one of the following ordinances

   **CHARTER ORDINANCE REPEALING SECTION 1-5-1 AND CREATING SECTIONS 1-5-1(A), (B), (C) AND (D) OF THE MONROE CITY CODE: ADDITIONAL ALDERPERSONS ELECTED AT LARGE

   OR

   **CHARTER ORDINANCE REPEALING SECTION 1-5-1 AND CREATING SECTIONS 1-5-1(A), (B), (C) AND (D) OF THE MONROE CITY CODE: ALDERPERSONS ELECTED AT LARGE

Individual Requesting Item	City Clerk/DOGG
Expected Length of Discussion	10 min.

Documents:

D133 Sections 1-5-1 Charter Ordinance for Alderpersons at Large 2016-08-....pdf
D132 Sections 1-5-1 Charter Ordinance for Additional Alderpersons at Lar....pdf

I. PLAN COMMISSION (KOCH)

1. CONSIDERATION OF DOG PARK TO BE LOCATED IN NORTH INDUSTRIAL PARK AND POSSIBLY APPROVE CONCEPT AND LOCATION AND AUTHORIZE CITY STAFF TO PROCEED WITH NECESSARY ORDINANCE CHANGES AND DRAFTING OF AN OFFICIAL RESOLUTION

   (Roll Call Vote)

The location and concept have previously been approved by the Plan Commission and the Board of Parks & Recreation Commissioners.

Individual Requesting Item	Board of Parks & Recreation Commissioners/Plan Commission
Expected Length of Discussion	15 minutes

J. FINANCE AND TAXATION COMMITTEE (STANGEL)

1. RESOLUTION APPROVING CITY-WIDE FEE SCHEDULE

Individual Requesting Item	Finance & Taxation Committee
Expected Length of Discussion	5 min.

K. PUBLIC SAFETY COMMITTEE (BEER)

1. RESOLUTION APPROVING SPECIAL EVENTS

Individual Requesting Item	Public Safety Committee
Expected Length of Discussion	5 MIN.

2. RESOLUTION APPROVING INSTALLATION OF HANDICAPPED PARKING STALL ON NORTHWEST CORNER OF 11TH STREET AT 14TH AVENUE

Individual Requesting Item	Public Safety Committee
Expected Length of Discussion	5 min.

L. LICENSE COMMITTEE (THOMAN)

1. RESOLUTION GRANTING AMENDMENT TO LICENSED PREMISES FOR SINNERS LLC TO EXPAND OUTDOOR BEER GARDEN

Individual Requesting Item	License Committee
Expected Length of Discussion	5 min.

2. RESOLUTION GRANTING TEMPORARY CLASS "B" FERMENTED MALT BEVERAGE LICENSE TO GREEN COUNTY AG SOCIETY FOR AN OUTDOOR BEER GARDEN IN CONJUNCTION WITH TRACTOR PULL

Individual Requesting Item	License Committee
Expected Length of Discussion	5 min.

3. RESOLUTION APPROVING AMENDMENT TO LICENSED PREMISES FOR "CLASS B" LIQUOR AND FERMENTED MALT BEVERAGE LICENSE ISSUED TO TURNER HALL OF MONROE, INC TO ADDITIONAL OUTDOOR BEER GARDEN SPACE FOR CHEESE DAYS

Individual Requesting Item	License Committee
Expected Length of Discussion	5 min.

M. BOARD OF PUBLIC WORKS (KOCH)

1. RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR CITY HALL FRONT ENTRANCE PROJECT

Individual Requesting Item	City Administrator
Expected Length of Discussion	15 minutes

N. COUNCIL AS A WHOLE (STANGEL)

1. DISCUSSION ON CITY'S POTENTIAL ACQUISITION OF 98.48 ACRES OF LAND OWNED BY DOLAN FAMILY IN THE TOWN OF MONROE FOR FUTURE RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT, INCLUDING POSSIBLE ANNEXATION, TIF DISTRICT CREATION AND FINANCING OPTIONS

Individual Requesting Item	Martin Shanks
Expected Length of Discussion	10 min.

2. BUSINESS: CLOSED

Under Wis. Stats. 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Attendance is limited to the governing body, necessary staff and other officers such as Clerk and Attorney and other persons whose presence is necessary for the business at hand.

a. HEAR AND DISCUSS STAFF AND REAL ESTATE BROKER'S RECOMMENDATIONS REGARDING NEGOTIATION STRATEGIES RELATED TO FINANCIAL TERMS FOR THE CITY'S ACQUISITION OF 98.48 ACRES OF LAND OWNED BY DOLAN FAMILY IN THE TOWN OF MONROE FOR FUTURE RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT

Individual Requesting Item	Martin Shanks
Expected Length of Discussion	20 MIN.

b. MOTION TO RECONVENE IN OPEN SESSION

Individual Requesting Item	City Clerk/DOGG
Expected Length of Discussion	2 MIN

3. FURTHER DISCUSSION AND POSSIBLY ACT ON AUTHORIZATION TO ENTER INTO OFFER TO PURCHASE FOR 98.48 ACRES OF LAND OWNED BY DOLAN FAMILY IN THE TOWN OF MONROE FOR FUTURE RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT

Individual Requesting Item	Martin Shanks
Expected Length of Discussion	5 MIN.

O. BUSINESS PRESENTED BY ALDERPERSONS

May make brief informative statements or bring up items to be discussed at a future meeting

P. BUSINESS PRESENTED BY DEPARTMENT HEADS

May make brief informative statements or bring up items to be discussed at a future meeting

Q. BUSINESS PRESENTED BY THE PRESS

R. ADJOURNMENT

This Council may take any action it considers appropriate related to any item on this agenda.

Requests from persons with disabilities who need assistance to participate in this meeting, including need for an interpreter, materials in alternate formats, or other accommodations, should be made to the Office of the City Clerk at (608) 329-2564 with as much advance notice as possible so that proper arrangements can be made.

Public Hearing Date: _____/_____/_____

ORDINANCE REPEALING AND RECREATING CHAPTER 4 OF TITLE 3 OF THE MONROE CITY CODE: ALCOHOL BEVERAGES

THE COMMON COUNCIL of the City of Monroe do ordain as follows:

SECTION 1: Chapter 4 of Title 3 of the Monroe City Code is hereby repealed and recreated to read as follows:

CHAPTER 4
ALCOHOL BEVERAGES

3-4-1: WISCONSIN STATUTES ADOPTED: The provisions of chapter 125 of the Wisconsin Statutes, existing as of the adoption of this chapter and as amended or renumbered from time to time, are hereby adopted by reference, as if fully set forth herein. References to a specific section of the Wisconsin Statutes, wherever used in this chapter, shall mean the Wisconsin Statutes of 2013-2014.

3-4-2: DEFINITIONS: When used in this chapter the following terms shall have the following meaning:

ALCOHOL BEVERAGES LICENSE:	means an authorization to sell alcohol beverages issued by the City under this chapter or chapter 125 of the Wisconsin Statutes.
LICENSED PREMISES:	means the area described in an alcohol beverages license or permit.
MONROE ALCOHOL BEVERAGES LICENSE APPLICATION SUPPLEMENT:	means a form, approved by the License Committee, containing questions to be answered by the person who submits an application for an alcohol beverages license.
NUDE EXHIBITIONISM:	means a live act, demonstration, dance or exhibition, or any combination thereof, that: 1. Shows a person's genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or 2. Shows any portion of the female breast below a point immediately above the top of the areola; or 3. Shows the covered male genitals in a discernibly turgid state.

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3-4-3: GENERAL LICENSING REQUIREMENTS:

(A) **Unpaid Claims, Assessments or Forfeitures.** No alcohol beverages license or renewal thereof shall be granted to any person who is delinquent in the payment of any tax, assessment, or other claim owed to the City, or delinquent in the payment of any forfeiture resulting from a violation of any ordinance of the City.

(B) **Licensed Premises Closed Due to Damage.** Where any licensed premises has been partially or totally destroyed by wind, storm, fire, or any act of God, a reasonable length of time may be granted by the Common Council for the alcohol beverages license holder to restore the licensed premises. The decision of the Common Council as to what constitutes a reasonable time, or any extensions thereof, shall be final. If the licensed premises are not restored, the Common Council may revoke the alcohol beverages license, as provided in the Wisconsin Statutes.

(C) **Posting of Alcohol Beverages License**. It shall be unlawful for any person to post an alcohol beverages license issued under this chapter, or permit the alcohol beverages license to be posted, upon a premises other than a licensed premises. It shall also be unlawful to deface or destroy an alcohol beverages license, or to remove an alcohol beverages license without the consent of the person holding the alcohol beverages license, except in the exercise of lawful authority.

(D) **Disorderly Conduct.** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(E) **Dancing.** No dancing shall be permitted in any licensed premises, and no entertainment other than music shall be permitted on a licensed premises unless an appropriate permit has first been obtained.

(F) **Limitation on Number of Alcohol Beverages Licenses**:

1. **"Class A" Intoxicating Liquor Licenses**. The total number of "Class A" intoxicating liquor licenses issued in the City shall not exceed 24.

2. **Class "A" Fermented Malt Beverages Licenses**. The total number of Class "A" fermented malt beverages licenses issued in the City shall not exceed 24.

3. **"Class B" Intoxicating Liquor Licenses**. The combined total number of "Class B" intoxicating liquor licenses and reserve "Class B" intoxicating liquor licenses issued in the City shall not exceed 25.

4. **Class "B" Fermented Malt Beverages Licenses**. The total number of Class "B" fermented malt beverages licenses issued in the City shall not exceed 37.

5. **"Class C" Wine Licenses**. The total number of "Class C" wine licenses issued in the City shall not exceed 12.

(G) **Limitation on Number of Licensed Premises**:

1. The combined total number of licensed premises issued a "Class A" intoxicating liquor license or a Class "A" fermented malt beverages license, or both, shall not exceed 24.

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2. The total number of licensed premises issued a "Class B" intoxicating liquor license, including any reserve "Class B" intoxicating liquor license, shall not exceed 25.

3. The combined total number of licensed premises issued a Class "B" fermented malt beverages license or a "Class C" wine license, or both, shall not exceed 12.

(H) **Alcohol beverages License Holders to be Open for Business**:

1. **Continuity of Business**. No holder of an alcohol beverages license shall be closed for business for more than 120 consecutive days in any license year or for more than 120 consecutive days spanning two consecutive license years.

2. **Minimum Operation.** The holder of an alcohol beverages license shall serve alcohol beverages pursuant to such alcohol beverages license not less than 25 percent of the days in any license year, or partial year if the alcohol beverages license has been issued for a period less than a full year. For the purpose of this subparagraph, the license year or partial license year shall be equal to the total number of days in the license year or partial year, less 120 days, but not less than zero days.

3. **Initial Use of Alcohol Beverages License.** A person to whom an alcohol beverages license has been granted, who had not been issued the same kind of alcohol beverages license in the preceding license year, may elect to defer issuance of such alcohol beverages license for a period not exceeding 6 months following the granting of such alcohol beverages license.

4. **Non-Renewal, Suspension or Revocation.** A violation of this subsection shall be prima facie grounds for non-renewal, suspension or revocation of the applicable alcohol beverages license.

5. **Variance**. If any one or more of the following conditions exist, the Common Council may grant a variance from the requirements of this subsection:

a. Substantial damage or destruction of the licensed premises by fire, wind or other calamity.

b. Death of the alcohol beverages licensee or a principal officer of the alcohol beverages licensee.

c. Physical or mental disability of the alcohol beverages licensee or a principal officer of the alcohol beverages licensee such that the alcohol beverages licensee or such principal officer is unable to carry on the business of the alcohol beverages licensee.

d. Substantial remodeling or rebuilding of the licensed premises in such a manner as to make it impossible to serve the public.

e. A unique circumstance, not shared by other holders of the same kind of alcohol beverages license, where in the judgment of the Common Council the grant of a variance from the requirements of this subsection advances a significant public interest.

(I) **Provisional Licenses**. The City Clerk shall have the authority to issue provisional alcohol beverage licenses or provisional operator's licenses. Provisional licenses shall expire 60 days after its date of issuance, or when a regular license is issued, whichever is sooner. No provisional license may be

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renewed. The City Clerk may revoke any provisional license if it is discovered that the applicant made a false statement on the application. No provisional license may be issued if any of the following are determined:

1. Provisional licenses shall not be issued to any person who, in the 12 months prior to such application, has been previously denied or had a previous license revoked or suspended by any municipality.

2. Provisional licenses shall not be issued when in the determination of the City Clerk, upon recommendation of the Police Chief, that the applicant has been charged with or convicted of any felony, misdemeanor or other offense of which substantially relate to the circumstances of the licensed activity.

(J) **Provisional Alcohol Beverage Licenses**: The City Clerk shall have the authority to issue provisional alcohol beverage licenses to persons who have applied for a "Class A", Class "A", "Class B", Class "B", or "Class C" license as follows:

1. The City Clerk may not issue a provisional alcohol beverage license if there are no remaining licenses available for the type of license applied for.

2. The City Clerk determines that the applicant qualifies for the type of license applied for and the applicant makes payment of both the fee for the provisional license and the cost of publication for the type of license applied for.

3. Only one provisional license may be issued to an applicant per year for each type of alcohol beverage license.

(K) **Provisional Operator's Licenses**: The City Clerk shall have the authority to issue provisional operator's licenses as follows:

1. A provisional operator's license may be issued only to a person who has applied for a regular operator's license.

2. A provisional operator's license may not be issued to any person unless within 2 years of the date of application for the provisional license that person has completed the Alcohol Awareness Training Program or has held an operator's license valid in Wisconsin.

3-4-4: INTOXICATING LIQUORS: Persons holding a "Class B" intoxicating liquor license may:

(A) Sell intoxicating liquor by the glass for consumption on the licensed premises, and in the original package or container, in multiples not to exceed 4 liters at any one time, to be consumed off the licensed premises where sold.

(B) Sell wine for consumption off the licensed premises in the original container or otherwise in any quantity.

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3-4-5: SIDEWALK CAFÉS: No alcohol beverages licensee may operate under said license in a sidewalk café unless the licensed premises includes the area designated for operation of such sidewalk café and the alcohol beverages licensee also holds a permit authorizing the operation of the sidewalk café at all times during which alcohol beverages are served.

(A) **Definition**. When used in this chapter, sidewalk café has the meaning set forth in section 3-9-2 of this title.

(B) **Application**. A request for expansion of the licensed premises to include a sidewalk café shall be made in writing to the City Clerk.

(C) **Requirements**. Sidewalk cafés are authorized to serve alcohol beverages under this section only as follows:

1. The service and consumption of alcohol beverages in the sidewalk café shall be limited to the hours of operation authorized for the sidewalk café. All alcohol beverages shall be cleared from tables during all times when the sidewalk café is not permitted to operate.

2. Alcohol beverages shall only be served to patrons of the establishment to which the sidewalk café permit has been issued who are seated at a table in the sidewalk café by a server working under the direction and supervision of the management of such establishment and only at times when food service is also available from such establishment. No person may consume alcohol beverages in a sidewalk café unless such person is seated at a table in the sidewalk café.

3. There shall be no carry-in of alcohol beverages by the patron to the sidewalk café. Patrons of the sidewalk café shall remain seated at the table within the sidewalk café when consuming alcohol beverages.

4. The alcohol beverages licensee shall be in compliance with all city and state laws, rules, and regulations relating to alcohol beverages.

5. A valid sidewalk café permit issued under chapter 9 of this title has been issued and remains in effect for the sidewalk café.

6. The alcohol beverages licensee shall be in compliance with such additional requirements as the Common Council may establish.

(D) **Responsibility of Alcohol Beverages Licensee**. The alcohol beverages licensee shall take reasonable steps to ensure that alcohol beverages are consumed only by patrons of the licensed premises who are of legal drinking age, and not by passersby or persons who are not of age or who are obviously intoxicated. Reasonable steps may include, but not be limited to, the use of portable barriers or fences, supervision of the outside area by security and staff personnel, or electronic surveillance monitors. Failure to take such reasonable steps in the sidewalk café is grounds for removal of the sidewalk café from the description of the licensed premises or revocation or suspension of the alcohol beverages license for the licensed premises.

(E) **Responsibility of Patrons**. No person shall leave the area delineated as a sidewalk café with an open alcohol beverage.

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3-4-6: NUDE EXHIBITIONISM.

(A) **Findings**. The Common Council finds that bars and taverns featuring non-obscene nude exhibitionism have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life in such communities; for these reasons such secondary effects are hereby found to be detrimental to the public health, safety and general welfare of citizens of the communities where such activities are allowed to occur in bars and taverns, including the following detrimental effects:

1. The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses.

2. The potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist.

3. Health risks associated with the spread of sexually transmitted diseases.

4. The potential for infiltration by organized crime for the purpose of unlawful conduct.

(B) **Purpose**. The Common Council recognizes that the United States Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and is therefore entitled to some limited protection under the First Amendment, and the Common Council further recognizes that freedom of speech is among our most precious and highly protected rights. The purpose of this section is to protect the health, safety and general welfare of the citizens of the City by prohibiting nude exhibitionism in licensed premises, and thereby minimizing the risk of adverse secondary effects of non-obscene nude exhibitionism encountered in other communities.

(C) **Nude Exhibitionism Prohibited.** It is unlawful for any person to perform or engage in nude exhibitionism on a licensed premises, or outside a licensed premises at a location in close proximity and plain view of a licensed premises. It is unlawful for a person holding an alcohol beverages license, or for the manager or agent for such person, to permit any person, employee, entertainer or patron to perform or engage in nude exhibitionism on the licensed premises, or outside the licensed premises at a location in close proximity and plain view of the licensed premises.

(D) **Exceptions**. The provisions of this section do not apply to licensed premises that are theaters, performing arts centers, civic centers, and dinner theaters, where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and where the predominant business or attraction is not the offering of nude exhibitionism and where the establishment to which the licensed premises is associated is not distinguished by an emphasis on, or the advertising or promotion of, persons engaging in nude exhibitionism.

3-4-7: GENERAL PROVISIONS:

(A) **Monroe Alcohol Beverages License Application Supplement**. The applicant for an alcohol beverages license under this chapter, other than an applicant submitting a renewal alcohol beverages license application, shall in addition to the forms otherwise required to be submitted, complete and submit with the application for such alcohol beverages license the Monroe alcohol beverages license

application supplement. The Monroe alcohol beverages license application supplement shall be available from the City Clerk.

(B) **Right to Hearing on Nonrenewal**. Any person who is denied the issuance of a renewal alcohol beverages license shall be notified of the right to request a hearing before the Common Council, at which the person may show cause, if there be any, why the issuance of the alcohol beverages license should not be denied. There shall be no right to a hearing before the Common Council for any person who is denied the initial issuance of an alcohol beverages license under this chapter or chapter 125 of the Wisconsin Statutes.

3-4-8: LICENSE FEES:

(A) **Fees Set by Resolution**. Except as expressly set forth in this section, all alcohol beverages license fees and operator's license fees shall be an amount established from time to time by resolution of the Common Council.

(B) **Partial Year**. The fee for an alcohol beverages license issued for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(C) **Reserve "Class B" Intoxicating Liquor License Fee.** A fee of $10,000.00 shall be paid for the initial issuance of any license designated a reserve "Class B" intoxicating liquor license, which fee shall be in addition to the fee otherwise payable for a "Class B" intoxicating liquor license.

3-4-9: PENALTY:

(A) In this section, "juvenile" shall have the meaning set forth in section 938.02(10m) of the Wisconsin Statutes.

(B) Any person, other than a juvenile, who violates a provision of this chapter, including those adopted by reference, except the provisions of sections 125.07 and 125.09 of the Wisconsin Statutes, shall be guilty of a class 3 forfeiture. Each day that a violation occurs or continues shall constitute a separate offense. A violation of any provision of this chapter shall be sufficient grounds to revoke, suspend or refuse to renew an alcohol beverages license issued to the person who owned or controlled the licensed premises at the time of such violation. In addition, any alcohol beverages license issued to any person under this chapter may be revoked by the court upon conviction.

(C) Any juvenile who violates a provision of this chapter shall be punished in accordance with section 938.344 of the Wisconsin Statutes, including community service work under any available court-approved community service program.

(D) Any person, other than a juvenile, who violates a provision of section 125.07 of the Wisconsin Statutes, which is adopted by reference as a part of this chapter, shall be punished in accordance with the penalties imposed by section 125.07 of the Wisconsin Statutes. In addition to or in lieu of the penalties provided in section 125.07 of the Wisconsin Statutes, any person, other than a juvenile, who violates a provision of section 125.07 of the Wisconsin Statutes may be sentenced to perform community service work under any available court-approved community service program.

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(E) Any person who violates a provision of section 125.09 of the Wisconsin Statutes, which is adopted by reference as part of this chapter, shall be punished in accordance with the penalties imposed by section 125.09 of the Wisconsin Statutes.

(F) All provisions of sections 125.07(1), (3), (4) and 125.09(2) of the Wisconsin Statutes describing and defining regulations with respect to alcohol beverages, for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted by reference and made part of this section as if they were fully set forth herein. Any act required to be performed or prohibited in any statute incorporated herein by reference is required or prohibited by this section.

SECTION 2: This ordinance shall be in full force on the day following its passage and official publication.

Dated the _____ day of _____, 2016
Passed the _____ day of _____, 2016
Published the _____ day of _____, 2016

_____
Mayor

_____
City Clerk

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CODE OF ORDINANCES

CITY OF MONROE, WISCONSIN

Published by authority of the Monroe Common Council

Current through July 12, 2016

PREFACE

The orderly collection and compilation of this legislation is an important aspect of local governance. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It is to this end that the Common Council ordered this codification of the City's legislation.

Contents of Code

This code represents an organized compilation of the current body of all previously enacted legislation passed by the Common Council of the City of Monroe, including revisions or amendments to existing legislation considered necessary by the Common Council in the course of the codification.

Division of Code

This Code is divided into the following 11 Titles:

Title 1 Legislation of an administrative nature.
Title 2 Legislation that defines the composition, powers and duties of City boards and commissions.
Title 3 Legislation related to the conduct of business and event activities in the City.
Title 4 Legislation related to building and property maintenance.
Title 5 Legislation related zoning regulations.
Title 6 Legislation related to the division of land in the City and its extraterritorial jurisdiction.
Title 7 Legislation related to fire protection.
Title 8 Legislation related to health and sanitation.
Title 9 Legislation related to animal control, abandoned vehicles and offenses committed against persons or property.
Title 10 Legislation related vehicles and traffic.
Title 11 Legislation related to public ways and property, including the City’s airport.

History Notes

Each title is divided into chapters and each chapter is divided into sections. At the end of each chapter is located a history note for each section within the chapter. This history note indicates the date of adoption or amendment of the section.

Page Headers

At the top of each page of each chapter is a header indicating the chapter name, a page number for each page within the named chapter and the total number of pages in the chapter. The header also contains the date of the most recent revision of any section in the chapter.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. The enactment date of new legislation, amendments to existing legislation and legislation repealing prior legislation will be included in the legislative history.

MONROE CITY CODE
Code organization

TITLE 1 ADMINISTRATIVE
1-1 Official City Code
1-2 Saving Clause
1-3 Rules of Interpretation and Definitions
1-4 General Penalty
1-5 Mayor and Council
1-6 City Officers
1-7 City Personnel
1-8 City Boundaries
1-9 Wards and Aldermanic Districts
1-10 Official City Logo
1-11 Continuity of Government and Emergency Management
1-12 Nondiscrimination on the Basis of Handicap
1-13 Finance and Tax Procedures
1-14 Citations for Code Violations
1-15 Code of Ethics for City officials and Employees

TITLE 2 BOARDS AND COMMISSIONS
2-1 Board of Public Works
2-2 Board of Review
2-3 Board of Police and Fire Commissioners
2-4 City Plan Commission
2-5 Zoning Board of Appeals
2-6 Board of Park and Recreation Commissioners
2-7 Senior Citizens Board
2-8 Finance and Taxation Committee
2-9 Public Safety Committee
2-10 Judiciary and Ordinance Review Committee
2-11 License Committee
2-12 Salary and Personnel Committee
2-13 Airport Board of Management
2-14 Visitors and Promotion Commission
2-15 Ethics Board
2-16 Information Technology Committee

TITLE 3 BUSINESS REGULATIONS
3-1 Amusements
3-2 Amusement Devices
3-3 Public Assemblies
3-4 Alcohol Beverages
3-5 License and Permit Revocations, Suspensions and Refusals
3-6 Auctions
3-7 Vendors
3-8 Taxicabs
3-9 Sidewalk Cafes
3-10 Dance Licenses
3-11 Cigarette Licenses
3-12 Weights and Measures
3-13 Special Events
3-14 Room Tax
3-15 Electronic Alarms

TITLE 4 BUILDING REGULATIONS
4-1 Building Code
4-2 Housing and Property Maintenance Code
4-3 Swimming Pools

TITLE 5 ZONING REGULATIONS
5-1 General Zoning Provisions
5-2 Definitions, General Regulations, and Accessory Building Regulations
5-3 R-1 Single-Family Residence District
5-4 R-2 Medium Density Residential District
5-5 R-3 Multiple-Family Residence District
5-6 A-1 Mobile Home Parks and A-2 Subdivisions
5-7 B-1 Central Business District
5-8 B-2 General Business District
5-9 M-1 Light Industrial District
5-10 M-2 Heavy Industrial District
5-11 M-3 Industrial Park District
5-12 PUD Planned Unit Development District
5-13 Traffic, Parking and Access
5-14 Nonconforming Uses
5-15 Changes and Amendments
5-16 Bufferyards
5-17 Floodplain Regulations
5-18 Signs
5-19 Historic Preservation
5-20 Storm Water Management and Construction Site Erosion Control

TITLE 6 SUBDIVISION REGULATIONS
6-1 General Provisions and Procedures
6-2 Preliminary and Final Plat Requirements
6-3 Required Improvements
6-4 Design Standards and Requirements
6-5 Modifications and Exceptions; Enforcement
6-6 Minor Subdivisions

TITLE 7 FIRE REGULATIONS
7-1 Fire Department
7-2 Fire Prevention; Limits and Regulations
7-3 Volatile, Toxic, Gaseous, Flammable Material, or Other Hazardous Substances
7-4 Rapid Entry Key Lock Box System
7-5 Outdoor Burning, Open Burning and Burning of Refuse
7-6 Fire Hydrants and Fire Department Connections

TITLE 8 HEALTH AND SANITATION
8-1 General Health and Sanitation Regulations
8-2 Illicit Discharge Detection and Elimination
8-3 Solid Waste Recycling and Disposal
8-4 Monroe Water Utility
8-5 City Sewer Service
8-6 Objectionable Materials
8-7 Storm Water Utility

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TITLE 1: ADMINISTRATIVE

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TITLE 1: ADMINISTRATIVE

Chapter 1: OFFICIAL CITY CODE

1-1-1 Title
1-1-2 Acceptance
1-1-3 Amendment
1-1-4 Clerk to maintain code

1-1-1: Title: This code of ordinances constitutes the official code of ordinances of the city of Monroe. This code shall be known and cited as the Monroe City Code, and is hereby published by authority of the council and shall be kept up to date as provided in sections 1-1-3 and 1-1-4 hereof.

1-1-2: Acceptance: This code shall be received without further proof in all courts and in all administrative tribunals in this state as the code of ordinances of the city of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this code.

1-1-3: Amendments: Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code.

1-1-4: Clerk to maintain code: The city clerk shall maintain one current and official copy of this code in electronic and printed form. It shall be unlawful for any person to alter, substitute, replace or deface in any way any provision of this code maintained by the city clerk in such a manner that the meaning of any provision may be changed or omitted. The city clerk may distribute copies of this code to any city official or to any member of the public upon payment of appropriate charges. Any person having in his or her custody a copy of this code originally supplied by the city clerk shall make every effort to maintain said code in an up-to-date and efficient manner.

Chap. 1-1 history: 1-1-1*: 2016 code;* ***1-1-2****: 1977 code; 2016 code;* ***1-1-3****: 1988-2-2; 2016 code;* ***1-1-4****: 1988-2-2; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 2: SAVING CLAUSE

1-2-1 Repeal of general ordinances
1-2-2 Public ways and public utility ordinances
1-2-3 Court proceeding
1-2-4 Severability clause

1-2-1: Repeal of general ordinances: All general ordinances of the city passed before the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication reserved from repeal, and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city; and all special ordinances.

1-2-2: Public ways and public utility ordinances: No code relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding section, excepting as this code may contain provisions for such matters, in which case this code shall be considered as amending such code or codes in respect to such provisions only.

1-2-3: Court proceedings:

(A) Prior acts: No new ordinance shall be construed to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

(B) Extend to all repeals: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

(C) Pending actions: Nothing contained in this chapter shall be construed as abating any action pending under or by virtue of any general ordinance of the city adopted before this code, and the provisions of all general ordinances contained in this code shall be continuing provisions and not a new enactment of the same provisions; nor shall adoption of this chapter discontinue, abate, modify or alter any penalty accrued or to accrue, or affect the liability of any person, or waive any right of the city under any provision thereof in force when this code is adopted.

1-2-4: Severability clause: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part hereof. The council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

***Chap. 1-2 history: 1-2-1**: 2016 code; **1-2-2**: 2016 code; **1-2-3**: 2016 code; **1-2-4**: 1977 code; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 3: RULES OF INTERPRETATION AND DEFINITIONS

1-3-1 Rules of interpretation
1-3-2 Definitions, general
1-3-3 Section and subsection headings

1-3-1: Rules of interpretation: The following rules shall be observed in the general use of this code:

(A) Every word in this code using the masculine or feminine gender may extend and be applied to the other gender and bodies corporate as well, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing, and every word importing a plural number may extend and be applied to one person or thing. These rules of construction shall not be applied to any provision that contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.

(B) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(C) All words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons unless it shall be otherwise expressly declared in the laws giving the authority.

(D) Explaining stated times:

(1) The word "month" means a calendar month unless otherwise expressed. The word "year" means a calendar year unless otherwise expressed.

(2) The word "week" means seven days; but publication in the newspaper of any notice or other matter for a stated number of weeks shall mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

(3) The time within which an act is to be done as provided in any of the provisions of this code, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday, it shall be excluded and when any such time is expressed in hours, the whole of Sunday shall be excluded.

(4) In all cases where any code shall require any act to be done in a "reasonable time", or "reasonable notice" to be given to any person, such reasonable notice or time shall mean such time only as may be necessary for the prompt execution of such duty, or compliance with such notice.

(E) The word "Preceding" and the word "following", when used by way of reference to any section of this code, shall mean the section next preceding or next following that in which said reference is made unless some other section is especially designated in such reference.

(F) When any section of this code requires an act to be done which may by law as well be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

(G) All references to "Wisconsin statutes" or "Wis. Stats." shall mean the Wisconsin statutes as of the adoption of this code and as amended or renumbered from time to time. All references to "Wisconsin Administrative Code" or "Wis. Adm. Code" shall mean the Wisconsin Administrative Code as of the adoption of this code and as amended or renumbered from time to time.

(H) Intent to defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

(I) Liability of employers and agents: When the provisions of any section of this code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

1-3-2: Definitions, general: In this code, unless the context clearly indicates otherwise:

“Agent” means a person acting on behalf of another.

“Alley” means a public thoroughfare which affords only a secondary means of access to abutting property.

"Citizen" means any person residing within the corporate limits of the city.

“City” means the city of Monroe, county of Green, state of Wisconsin.

“Council” means the common council for the city.

“Employee” means an employee of the city unless the context clearly indicates otherwise.

“Fee” means a sum of money charged by the city for the issuance of a license or permit or for the provision of a service.

“Knowingly” means a knowledge that the facts exist which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

“Merchandise” means any form of personal property offered for sale by a seller, and includes wares, goods, or materials provided by a seller that are incidental to services offered or provided by the seller.

“Negligent” means a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

“Nuisance” means mean anything offensive or obnoxious to the health and welfare of the inhabitants of the city; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

“Occupant” when applied to a structure or land means any person who occupies the whole or any part of such structure or land whether alone or with others.

“Offense” means any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

“Officer” means an officer of the city unless the context clearly indicates otherwise.

“Owner” when applied to a structure or land means any person who has a lawful right to occupy such structure or land and includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such structure or land and any person who has charge, care or control of such structure or land as executor, executrix, trustee, receiver or guardian of any such person. Whenever the structure or land is subject to conditional sales contract, lease with option to purchase, or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of consideration, the term "owner" shall mean the person who shall have a contractual right, rather than the person who is holding the legal title. “Owner” when applied to personal property means any person who has a lawful right to possession of such personal property and includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such personal property.

“Permit” means a written approval issued by an authorized city official allowing a person to undertake a type of work, event or activity for which a permit from the city is required by this code.

"Person" means a natural person, partnership, limited partnership, joint venture, limited liability company, corporation, or other legal entity, and includes where appropriate to the context an association, society, institution, enterprise or governmental agency.

“Personal property” means every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created.

“Retailer” means a person who sells goods, merchandise, articles or things in small quantities direct to the consumer.

"Seller" means a person who sells or contracts to sell real or personal property or services.

“Semitrailer” means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home or a mobile recreational vehicle. A vehicle used with a ready−mix motor truck to spread the load is considered a semitrailer.

“Special event” means a planned extraordinary occurrence or temporary aggregation of attractions, open to the public, that: a) is conducted on public property; b) is conducted on private property and has a substantial impact on public property; c) has

activities that request special temporary food or liquor licenses; or d) requires special city services, whether open to the public or not, including, but not limited to, any of the following: street closures, provisions of barricades, garbage cans, stages or special no parking signs, special electrical services, or special police protection. Special events include, but are not limited to, neighborhood and community festivals, parades, processions, fairs, and bicycle or foot races. Farmers' markets and public assemblies are not special events.

“Street” means a way or thoroughfare that is used for vehicular travel by the public, including both streets and avenues, but not including an alley.

“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, signs, gas or liquid storage tanks and culverts.

“This code” means this Monroe City Code.

“Trailer” means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

“Willfully” when applied to the intent with which an act is done or omitted, means a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

“Written, In Writing” means any mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or if he or she cannot write, by his or her proper mark.

1-3-3: Section and subsection headings: The section and subsection headings of the several sections and subsections of this code are intended only to indicate the content of the section or subsection and shall not be construed to be titles of such sections, nor be construed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section or subsection thereto.

Chap. 1-3 history: 1-3-1*: 2016 code;* ***1-3-2****: 2016 code;* ***1-3-3****: 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 4: GENERAL PENALTY

1-4-1 General penalty
1-4-2 Costs
1-4-3 Application
1-4-4 Liability of officers

1-4-1: General penalty: Any person convicted of a violation of a provision of this code shall forfeit a sum not exceeding $1,000.00, but not to exceed any limitations provided by the Wisconsin statutes.

1-4-2: Costs: When a forfeiture is imposed as the whole or any part of the punishment of any offense, or when a penalty or forfeiture is recovered for doing or neglecting to do any act, by virtue of any of the provisions of this code, the court shall also order the defendant to pay, and shall give judgment for, the costs of prosecution, whether the section under which said prosecution or proceeding is had shall specifically so direct or not and in default of payment, the person adjudged guilty shall be committed to the county jail for a term not exceeding six months, unless a different term is specifically provided.

1-4-3: Application: The penalty provided in this chapter shall be applicable to every section of this code, the same as though it were a part of each section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or declared to be unlawful shall be subject to a Class 1 forfeiture, unless said penalty exceeds any limitations provided by Wisconsin statutes. A separate offense shall exist for each day such duty or obligation remains unperformed or such act continues, unless specifically provided in this code. Where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced. Whenever the doing of any act or the omission to do any act constitutes a breach or penalty specifically declared for such breach, his chapter shall apply and each day during or on which a breach or violation occurs or continues shall constitute a separate offense.

1-4-4: Liability of officers: No provision of this code designating the duties of any officer or employee shall be construed to make such officer or employee liable for any forfeiture or penalty for a failure to perform such duty, unless the intention of the council to impose such forfeiture or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

Chap. 1-4 history: 1-4-1*: 2016 code;* ***1-4-2****: 2016 code;* ***1-4-3****: 2016 code;* ***1-4-4****: 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 5: MAYOR AND COUNCIL

1-5-1 Council, mayor and alderpersons
1-5-2 Salaries of mayor and alderpersons
1-5-3 Meetings
1-5-4 Mayor presiding officer of council
1-5-5 Quorum; voting requirements
1-5-6 Committees, boards and commissions
1-5-7 Order of business
1-5-8 Rules of procedure
1-5-9 Ordinance procedure
1-5-10 Appointment of officers
1-5-11 Suspension of rules

1-5-1: Council, mayor and alderpersons.

(A) Council. The council shall consist of the mayor and nine alderpersons.

(B) Beginning date of terms. The regular terms of the mayor and alderpersons shall begin on the third Tuesday of April succeeding their election.

(C) Mayor. The mayor shall be elected for a two year term in the annual spring election of even numbered years.

(D) Staggered aldermanic terms. Aldermanic districts numbered one, three, five, seven and nine shall elect one alderperson each for a two year term in the annual spring election of even numbered years. Aldermanic districts numbered two, four, six and eight shall elect one alderperson each for a two year term in the annual spring election of odd numbered years. Alderpersons in office on the effective date hereof shall hold their respective offices for the balance of their terms.

1-5-2: Salaries of mayor and alderpersons: The mayor and each alderperson shall receive the following salaries payable monthly:

(A) Mayor: The salary of the mayor shall be in an amount set from time to time by resolution of the council.

(B) Alderpersons: The salary of each alderperson shall be in an amount set from time to time by resolution of the council.

1-5-3: Meetings:

(A) Regular Meetings: The council shall meet annually on the third Tuesday of April to organize and elect a council president. Regular meetings shall be held on the first and third Tuesdays in each month at 7:30 PM, except if the first or third Tuesday falls on an officially recognized holiday or a regular or special election day the meeting shall be at 7:30 PM on first day following such holiday or election day.

(B) Special meetings: Special meetings may be called by the mayor, or president of the council when mayor is not available. At such meetings of the council no business shall be transacted but that for which the meeting shall have been called, unless by unanimous consent of the council.

(C) Meetings public: Meetings shall be open to the public, and the council may punish by forfeiture, members or other persons for disorderly behavior.

1-5-4: Mayor presiding officer of council:

(A) The mayor shall be the presiding officer at all regular and special council meetings, and as such he or she shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order, and may, at the insistence of any two members, order the attendance of absentees. In the absence of the mayor, the president of the council shall take his or her place or any member may call the council to order.

(B) The presiding officer shall maintain decorum and decide all questions of order subject to an appeal to the council.

1-5-5: Quorum; voting requirements:

(A) Two-thirds of all the alderpersons must be present to constitute a quorum for the transaction of business. The mayor shall not be counted in computing a quorum, majority or minimum number or proportion of votes of the council required for passage

of a measure and shall not vote except in case of a tie. No member is to leave the council or committee of the whole without leave of absence.

(B) All bylaws and ordinances and all resolutions and orders for the appropriation or payment of money shall require, for their passage or adoption, the concurrence of a majority of all the alderpersons.

1-5-6: Committees, boards and commissions:

(A) Standing committees: The standing committees of the council shall be as follows:

(1) Board of public works.
(2) Finance and taxation committee.
(3) Public safety committee.
(4) Judiciary and ordinance review committee.
(5) License committee.
(6) Salary and personnel committee.

(B) Appointment of standing committees: Unless otherwise expressly provided in this code or by law, standing committees shall be appointed, and the chairperson thereof designated, by the mayor annually at the time of the organization of the council, and such appointments and chair designations shall not require confirmation by the council.

(C) Reports of standing committees: All standing committees to whom any matter shall be referred shall report thereon in the manner directed by the council, or if no manner of reporting is directed, in the manner determined by the committee.

(D) Special boards, committees and commissions: Special boards, committees and commissions of the city shall be as follows:

(1) Board of review.
(2) Board of police and fire commissioners.
(3) City plan commission.
(4) Zoning board of appeals.
(5) Board of park and recreation commissioners.
(6) Senior citizens board.
(7) Airport board of management.
(8) Visitors and promotion commission.
(9) Ethics board.
(10) Historic preservation commission.
(11) Housing authority.
(12) Information technology committee.
(13) Monroe municipal park fund committee.
(14) Monroe redevelopment authority.
(15) Revolving loan fund committee.
(16) Business improvement district board.

(E) Appointment of special boards, committees and commissions: Unless otherwise expressly provided in this code or by law, special committees shall be appointed, and the chairperson thereof designated, by the mayor annually at the time of the organization of the council, and such appointments and chair designations shall require confirmation by the council.

(F) Other appointments: Appointments to any committee, board or other body not enumerated in this code shall be made in the manner required by law or specified by the body for whom such appointment is made. If no manner of appointment is required by law or specified by the body for whom such appointment is made then the appointment shall be made by the mayor, and such appointment shall require confirmation by the council.

1-5-7: Order of business: At all stated meetings the following order shall be observed for disposing of business before the council:

(A) Correction of minutes: The presiding officer shall inquire if any member of the council wishes to offer a correction to the minutes of the last meeting. If no member offers a motion to correct the minutes, or if a motion is made and seconded but not adopted by the council, the minutes shall be deemed approved as drafted;

(B) Petitions, memorials, communications: Presentation of petitions, memorials and communications;

(C) Accounts and claims: Presentation of accounts and other claims against the city;

(D) Business presented by mayor: Business may be presented by the mayor;

(E) Appearance: Appearance by citizens;

(F) Reports: Reports of officers and committees and introduction and consideration of all ordinances, resolutions and motions;

(G) Other business: Consideration of other business pending before the council;

(H) Miscellaneous.

1-5-8: Rules of procedure:

(A) Resolutions reduced to writing: All resolutions shall be in writing.

(B) Petitions Referred to committee: Each petition shall be presented by the presiding officer or the city clerk, who shall briefly state the substance, and shall then be referred to a committee.

(C) Questions, when before council: When a question is before the council, no motion shall be received unless to adjourn, lay on the table the previous question, to commit, or to amend, which several questions shall have precedence in the order in which they are inserted.

(D) Voting procedure:

(1) Form of questions for voting: Where a roll call vote is taken the question shall be stated by the presiding officers as follows: "As many as are in favor answer 'yes', those opposed will answer 'no' and the clerk will call the roll."; and in doubtful cases, the presiding officer may direct or any member may call for a division.

(2) Order of voting for recorded votes: Commencing with the first meeting of the council after the regular election and qualification of new members, the alderperson holding the seat for the lowest numbered ward represented at such meeting shall be the first alderperson called to cast his or her vote on a question for which a roll call vote has been called. Thereafter, until the first meeting of the council after the next regular election and qualification of new members, the alderperson holding the seat for the lowest numbered ward represented at such meeting, the number of which is higher than the last ward to cast the first vote in the most recent roll call vote, shall be the first alderperson called to cast his or her vote on a question for which a roll call vote has been called, provided however, that where no alderperson representing a higher numbered ward is present or the alderperson representing the highest numbered ward was called first for the most recent roll call vote, the order of the roll call vote shall again commence with the alderperson holding the seat for the lowest numbered ward represented at such meeting.

(3) Recording votes: The ayes and nos shall be taken and recorded upon any question before the council upon the call of any two members.

(4) Votes: Every person present when a question is put shall vote, unless the presiding officer shall excuse him or her for good cause.

(5) Tie votes: The presiding officer shall, in all cases, be entitled to vote in case of a tie. It shall be in order for any member who voted in the majority on any question or for any member who voted in the negative when the council was equally divided, to move a reconsideration vote on the same or next succeeding regular meeting of the council. A motion to reconsider, having been put and lost, shall not again be in order.

(E) Motions: When a motion is made, it shall be in possession of the council and shall be stated by the presiding officer, or being in writing shall be delivered to the clerk to be read previous to debate. After a motion is stated by the presiding officer, it shall not be withdrawn except by consent of the council. When a member is about to speak to a question or make a motion, he or she shall rise and address the presiding officer, and the presiding officer shall pronounce the name of the member entitled to the floor, and the member shall confine himself to the question under consideration. No member shall speak more than twice on any question nor more than 10 minutes at any one time without leave of three-fourths of the members present.

A motion to adjourn shall always be in order, unless the council is engaged in voting, and shall be decided without debate.

(F) Division of the question: Any member may call for a division of the question, as such is allowed.

(G) Rules of order: Except as otherwise provided in this section, the proceedings of the council shall be governed by the latest edition of Robert's Rules of Order.

1-5-9: Ordinance procedure:

(A) Title of proposed ordinances: The style of all ordinances shall be: "The council of the city of Monroe do ordain as follows". No bylaw or ordinances shall contain more than one subject which shall be clearly explained in its title.

(B) Consideration by council: An ordinance may be proposed by an alderperson at a regular or special meeting of the council by submitting a written copy thereof to the clerk and to each alderperson present. An ordinance shall be deemed to be introduced when a public hearing has been scheduled. After an ordinance has been introduced it shall be considered by the council as a whole.

(1) Public hearing: If the proposed ordinance has been recommended for passage by the judiciary and ordinance review committee, the presiding officer shall set a date and time for public hearing. If the proposed ordinance has not been recommended for passage by the judiciary and ordinance review committee, a public hearing shall be scheduled only upon passage of a motion suspending the rules and directing the presiding officer to schedule the proposed ordinance for a public hearing.

(2) Reading: No reading shall be required when an ordinance is proposed or introduced.

(3) Final passage: No ordinance shall be put on for final passage on the same day on which it was introduced unless by a suspension of the rules.

(C) Availability of copies: After introduction, copies of the proposed ordinance shall be available to the public at the office of the city clerk. Any person may receive a copy of such proposed ordinance upon request made to the city clerk.

(D) Public hearing procedure: At the public hearing, the chairperson of the judiciary and ordinance review committee, or any other member of such committee, may read the proposed ordinance, but no reading shall be required. If the proposed ordinance is not read, the member of the council who introduced the proposed ordinance shall orally summarize the content and purpose of the proposed ordinance. The presiding officer shall open the meeting for a public hearing and recognize separately those persons wishing to speak in favor of and opposed to the proposed ordinance. The presiding officer shall have authority to limit the amount of time allotted to each speaker. Upon closing the public hearing, the presiding officer shall state the ordinance is ready for adoption. Thereupon, upon motion made and seconded, the council shall act upon the ordinance.

(E) Time of going into effect: Every ordinance which does not expressly prescribe the time when it shall go into effect shall take effect and be enforced on the day following its passage and publication.

(F) Recording ordinances: All ordinances passed by the council shall be recorded by the city clerk in the book kept for that purpose, and shall be published in the official newspaper of the city. The clerk shall procure a copy of such publication, verified by the affidavit of the printer or publisher, and file the same in his or her office.

1-5-10: Appointment of officers: The appointment of all officers by the council shall be by ballot and shall be annually made, or more often, if necessary to fill vacancies. Except as expressly provided in this code, all appointments made by the mayor shall be subject to the approval of the council.

1-5-11: Suspension of rules: The assent of two-thirds of all the members of the council shall be required to suspend or modify the rules contained in section 1-5-8, subsection 1-5-9(B) or subsection 1-5-9(C) of this chapter.

Chap. 1-5 history: 1-5-1*: 1981-8-4; 2007-5-15; 2011-8-16; 2016 code; 2016-4-6;* ***1-5-2****: 1997-1-21; 2016 code;* ***1-5-3****: 1969 code; 1977 code; 2016 code;* ***1-5-4****; 1969 code; 2016 code;* ***1-5-5****: 1969 code; 2016 code;* ***1-5-6****: 2012-4-2; 2015-4-8; 2016 code;* ***1-5-7****: 1969 code; 1993-9-7; 2016 code;* ***1-5-8****: 1969 code; 2006-4-18; 2016 code;* ***1-5-9****: 1969 code; 1991-5-21; 1997-4-15; 1997-7-9; 2016 code;* ***1-5-10****: 2016 code;* ***1-5-11****: 1997-7-9; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 6: CITY OFFICERS

1-6-1 General provisions and requirements
1-6-2 City administrator
1-6-3 City clerk
1-6-4 City treasurer
1-6-5 City attorney
1-6-6 Director of public works
1-6-7 City assessor
1-6-8 Building inspector
1-6-9 Comptroller

1-6-1: General provisions and requirements:

(A) City assessor: The city elects not to be governed by section 70.05(1) of the Wisconsin statutes insofar as such section requires the election of the city assessor.

(B) Sealer of weights and measures: The city shall employ no sealer of weights and measures but shall provide for such service utilizing employees of the state as provided in section 98.04 of the Wisconsin statutes.

(C) Selection of certain city officers: Pursuant to section 66.0101 and section 62.09 of the Wisconsin statutes, the city elects the methods of choosing the city officers as set forth herein and hereby elects to not be governed by section 17.12(1)(c) of the Wisconsin statutes.

(1) City administrator. The city administrator shall be appointed by the council.

(2) Police and fire chiefs. The chiefs of the police and fire departments of the city shall be appointed by the board of police and fire commissioners.

(3) Other officers and department heads. Except as expressly provided herein all officers and department heads of the city shall be appointed by a majority vote of the council and may be terminated by a majority vote of the council.

(D) Official oath: Every person elected or appointed to any office shall take and file the official oath within 10 days after notice of his or her election or appointment.

(E) Bond: In addition to officers otherwise required by law to furnish a bond, the council may require bonds of any officers. All official bonds must be approved by the city administrator, and when so approved, shall be filed within 10 days after the officer executing the same shall have been notified of his or her election or appointment, and official bonds filed with the city clerk shall be recorded in a book kept for that purpose.

(F) Certificate of appointment: When an appointed officer has filed the oath and bond, if required, the clerk shall issue to such officer a certificate of appointment. If the appointment is to be to a board or commission, the appointee shall file the certificate with the secretary thereof.

(G) Powers: There is hereby vested in each board, commission and officer of the city all the necessary power and authority to execute all the duties required by said board, commission or officer by the laws of the state, or any of its lawfully constituted agencies or by this code.

(H) Compensation: All compensation, expense allowances and reimbursements paid to any elected or appointed official of the city or any employee of the city shall be set by resolution of the council. Whenever such salaries are to be changed or established, the council shall, not later than the first regular meeting in February, fix the amount of salary of each officer entitled to a salary that may be elected or appointed for a definite term during the ensuing year.

1-6-2: City administrator:

(A) Office created: To provide the city with a more efficient, economical, coordinated, responsible and responsive municipal government under a system of part-time mayor and part-time alderpersons and at a time when municipal government is becoming increasingly complex, the position of city administrator is created.

(B) Application: Each candidate shall file an application with the city stating in detail his or her education, experience and other qualifications for the position. All eligible candidates shall be examined by the salary and personnel committee. The salary and personnel committee may provide for tests to determine the fitness of the candidates, which tests shall be uniformly

applied to all candidates.

(C) Removal: The city administrator shall serve for an indefinite term, subject to removal by a majority vote of all members of the council.

(D) Duties and responsibilities: The city administrator shall serve as the chief administrative officer of the city responsible to and under the general direction and policy of the mayor and council and shall be responsible to the mayor and council for proper administration of all activities of the city. To this end, the city administrator shall have the following powers and duties:

(1) Carry out all actions and directives of the council which require administrative implementation or where the mayor or council has so directed.

(2) Direct, coordinate and expedite the activities of all city departments, except where such authority is vested by Wisconsin Statute or this code in boards, commissions or other city officers.

(3) Develop budgeting procedures, prepare and administer the annual operating and capital budgets under such guidelines as may be provided by the council and in coordination with all department heads, the finance and taxation committee and the mayor.

(4) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; receive bids or proposals for purchases or contracts for presentation to the council for approval unless the taking of bids is waived by the council.

(5) Serve as a member of the city management negotiation team which is responsible for the negotiation of all collective bargaining agreements with the city's recognized bargaining units.

(6) Report regularly to the mayor and council on the current financial condition and future needs of the city; research the availability of alternative sources of funding for local programs and advise the council of methods of procuring such funds.

(7) Act as public relations officer and government affairs officer.

(8) Prepare reports and recommendations for the mayor, the council and advisory boards and commissions on operational or policy matters before them and on any other actions necessary to improve the overall health, safety and welfare of the city.

(9) Submit as necessary recommendations or suggestions for improving the health, safety or welfare of the city and shall operate a system whereby city departments, as well as persons having business with the mayor or council or any city department may properly and efficiently conduct such business.

(10) Establish and maintain procedures to facilitate communication between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention and to assure that all such matters are expeditiously resolved.

(11) Promote the economic well-being and growth of the city through public and private sector cooperation.

(E) Supervision and cooperation: All officers, department heads and other employees of the city shall serve under the supervision and direction of the city administrator and shall cooperate with and assist the city administrator so that the affairs of the city will be most economically and efficiently administered.

(F) Residency: The city administrator shall establish residence within the city within six months following his or her appointment to the office of city administrator and shall remain a resident of the city. The residency requirement may be waived by the council.

(G) Authority of salary and personnel committee: The salary and personnel committee may develop, and from time to time modify, a more complete job description for the city administrator, which job description shall not conflict with the duties set forth in subsection (D) of this section.

1-6-3: City clerk:

(A) Qualifications: Each candidate for the office of city clerk must be over the age of 18 years and must reside within the city. The residency requirement may be waived by the council.

(B) Application: Each candidate shall file an application with the city stating in detail his or her education, experience and other qualifications for the position. All eligible candidates shall be examined by the city administrator. The city administrator

may provide for tests to determine the fitness of the candidates, which tests shall be uniformly applied to all candidates.

(C) Duties: The city clerk shall perform the duties of clerk as provided by law or the council. The city clerk shall be responsible for the publication, filing, indexing, and safekeeping of all proceedings of the council; shall be responsible for all election duties as required by law and shall keep and maintain all election records and be responsible for all property used in the holding of elections. The city clerk shall publish all required legal notices unless otherwise provided; shall file and keep all contracts, bonds, oaths of office and other documents not required to be filed elsewhere and, except as otherwise expressly provided, shall issue all licenses required by this code or state statute. The city clerk shall be the custodian of the official city seal. The city clerk shall prepare the tax roll and tax notices as required by Wisconsin statutes.

1-6-4: City treasurer:

(A) Qualifications: Each candidate for the office of city treasurer must be over the age of 18 years and must reside within the city. The residency requirement may be waived by the council.

(B) Application: Each candidate shall file an application with the city stating in detail his or her education, experience and other qualifications for the position. All eligible candidates shall be examined by the city administrator. The city administrator may provide for tests to determine the fitness of the candidates, which tests shall be uniformly applied to all candidates.

(C) Duties: The city treasurer shall perform the duties of treasurer as provided by law or the council. The city treasurer shall collect and account for all taxes, license monies, fees, accounts of charges due or owing to the city, shall be responsible for the collection, receiving, safekeeping, and accounting for all monies and securities of the city and attend to all related treasury affairs, and shall perform such other duties as are required by state law or this code.

1-6-5: City attorney:

(A) Qualifications: Each candidate for the office of city attorney must possess a license to practice law in Wisconsin and must reside within the city. The residency requirement may be waived by the council.

(B) Application: Each candidate shall file an application with the city stating in detail his or her education, experience and other qualifications for the position. All eligible candidates shall be examined by the city administrator. The city administrator may provide for tests to determine the fitness of the candidates, which tests shall be uniformly applied to all candidates.

(C) Duties: The city attorney shall perform all the duties of the city attorney as provided in the Wisconsin statutes, or otherwise provided by the mayor, city administrator or council.

(D) Assistants: The city attorney may appoint one or more assistant city attorneys, each of whom shall possess a license to practice law in Wisconsin. An assistant city attorney shall have the duties and perform such services as directed by the city attorney.

1-6-6: Director of public works:

(A) Qualifications: Each candidate for the office of director of public works shall be generally knowledgeable of the construction and operation of public works including the maintenance of streets and public ways, the operation of parks and other municipal recreation facilities, the operation of a municipal airport and the general oversight and operation of a city engineering office. Each candidate for the office of director of public works shall reside within the city. The residency requirement may be waived by the council.

(B) Application: Each candidate shall file an application with the city stating in detail his or her education, experience and other qualifications for the position. All eligible candidates shall be examined by the city administrator. The city administrator may provide for tests to determine the fitness of the candidates, which tests shall be uniformly applied to all candidates.

1-6-7: City assessor:

(A) Qualifications: Each candidate for the office of city assessor must possess the minimum certification required by the Wisconsin Department of Revenue necessary to serve as city assessor in the city.

(B) Duties: The duties and powers of the city assessor shall include those enumerated in chapter 70 of the Wisconsin statutes and such other duties as shall be prescribed by law, supervisory personnel of the Wisconsin department of revenue and council. The assessor shall attend all meetings of the board of review.

1-6-8: Building inspector:

(A) Qualifications: Each candidate for the office of building inspector shall be generally informed on the quality and strength of

building materials, on the prevailing methods of building construction and on good practice in fire prevention and safe exit facilities.

(B) Residence: Each candidate for the office of building inspector must reside within the city. The residency requirement may be waived by the council.

(C) Application: Each candidate shall file an application with the city stating in detail his or her education, experience and other qualifications for the position. All eligible candidates shall be examined by the city administrator. The city administrator may provide for tests to determine the fitness of the candidates, which tests shall be uniformly applied to all candidates.

(D) Duties: The building inspector shall devote such time as is necessary to properly carry out the duties of the office, including without limitation the following:

(1) Receive applications required by this code;

(2) Issue permits and furnish the prescribed certificates;

(3) Examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of the law are complied with and that construction is prosecuted safely;

(4) Enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings except as may be otherwise provided for;

(5) When requested by the council, or when the interests of the city so require, make investigations of matters referred to in this code and make written reports on same;

(6) Issue such notices or orders as may be necessary to enforce compliance with law to remove illegal or unsafe conditions, to secure necessary safeguards during construction, or to require adequate exit facilities in buildings and structures.

(E) Records: The building inspector shall keep a record of:

(1) All applications for building permits and regularly number each permit in the order of its issue.

(2) The number, description and sizes of all buildings erected during his or her term of office, indicating the kind of materials used and the cost of each building and the aggregate cost of all buildings of the various classes.

(3) All inspections made and of all removal and condemnation of buildings, and permits issued.

(F) Cooperation of other officials: The building inspector may request, and shall receive to the extent necessary to properly carry out the responsibilities of his or her office, the assistance and cooperation of other city officials including, but not limited to, the chief of police in enforcing orders and the city attorney in prosecuting violations.

1-6-9: Comptroller:

(A) Qualifications: Each candidate for the office of comptroller must possess knowledge of municipal finance and accounting and shall reside within the city. The residency requirement may be waived by the council.

(B) Application: Each candidate shall file an application with the city stating in detail his or her education, experience and other qualifications for the position. All eligible candidates shall be examined by the city administrator. The city administrator may provide for tests to determine the fitness of the candidates, which tests shall be uniformly applied to all candidates.

(C) Duties: The duties of the comptroller shall be as set forth in section 62.09(10) of the Wisconsin statutes, provided however, the appointment of a deputy shall be first approved by the city administrator if the funds necessary therefore are provided in the comptroller's budget or council. The comptroller shall perform such other duties as city administrator, mayor or council may direct.

***Chap. 1-6 history: 1-6-1**: 2005-12-20; 2016 code; **1-6-2**: 2005-12-20; 2016 code; **1-6-3**: 2005-12-20; 2016 code; **1-6-4**; 2005-12-20; 2016 code; **1-6-5**: 2005-12-20; 2016 code; **1-6-6**: 2005-12-20; 2016 code; **1-6-7**: 2005-12-20; 2016 code; **1-6-8**: 2005-12-20; 2016 code; **1-6-9**; 2005-12-20; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 7: CITY PERSONNEL

1-7-1 Salaries
1-7-2 Wisconsin retirement system

1-7-1: Salaries: All compensation, expense allowances and reimbursements paid to any appointed official of the city or any employee of the city shall be set by resolution of the city.

1-7-2: Wisconsin retirement system:

(A) Pursuant to section 40.21 of the Wisconsin statutes, the city shall participate in the Wisconsin retirement system.

(B) The effective date of participation shall be January 1, 1948.

Chap. 1-7 history: 1-7-1*: 1979-11-20; 2016 code;* ***1-7-2****: 1979-11-20; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 8: CITY BOUNDARIES

1-8-1 City boundaries
1-8-2 Official map

1-8-1: City boundaries: Upon passage of an ordinance annexing territory to the city the clerk shall record the ordinance with the register of deeds. The clerk shall certify annually to the secretary of state and record with the register of deeds a legal description of the total boundaries of the city as those boundaries existed on December 1, unless there has been no change in the 12 months preceding.

1-8-2: Official map:

(A) There shall be adopted an official map of the city consisting of two sheets, which shall be and remain on file in the office of city clerk, and which is made a part hereof by reference as follows: sheet 2 of 2 (street development plan), showing the location and width of streets within the city limits; and sheet 1 of 2 (street expansion plan), showing the location and width of the extension of the major street system of the city into the adjacent unincorporated area over which the city can exercise extraterritorial jurisdiction.

(B) No land subdivision plat shall be approved unless such plat conforms to the official map.

(C) The council may, after a public hearing as provided in section 62.23(6)(c) of the Wisconsin statutes, change or add to the official map of the city so as to establish the exterior lines of planned new streets, highways and parkways or to widen, narrow, extend or close streets, highways or parkways.

(D) To conserve the integrity of the official map, no building shall be erected or located within the bed of any street or highway shown on the official map unless a permit shall first have been applied for and issued under section 62.23(6) of the Wisconsin statutes.

(E) The city clerk shall file with the register of deeds of Green County a certificate showing any changes or additions to the official map.

***Chap. 1-8 history: 1-8-1**: 2016 code; **1-8-2**: 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 9: WARDS AND ALDERMANIC DISTRICTS

1-9-1 Ward boundaries
1-9-2 Polling place
1-9-3. Aldermanic districts

1-9-1. Ward boundaries: The city shall be divided into 10 wards, the boundaries of which shall be as follows:

FIRST WARD: All of the territory within the boundaries of the City of Monroe lying north of the Highway 11-81 bypass and east of Aebly Road, east of the east Right of Way of N. 18th Avenue, east of center line of 18th Avenue, north of the centerline of 6th Street, east of the centerline of 19th Avenue, north of the centerline of 7th Street, west of the centerline of 25th Avenue and north of the center line of 6th Street, to the City limits.

SECOND WARD: All of the territory within the boundaries of the City of Monroe lying south of the center line of 6th Street, east of the center line of 25th Avenue, south of the center line of 7th Street, east of the center line of 22nd Avenue, north of the center line of 11th Street, east of the center line of 25th Avenue, north of the center line of 17th Street, west of the center line of 28th Avenue, north of the centerline of 16th Street and east of the center line of County Highway K, to the City limits.

THIRD WARD: All of the territory within the boundaries of the City of Monroe lying west of the center line of County Highway K, south of the center line of 16th Street, east of the center line of 28th Avenue, south of the center line of 17th Street, west of the center line of 25th Avenue, south of the center line of 13th Street, east of the center line of 23rd Avenue, south of the center line of 14th Street, east of the center line of 22nd Avenue, south of the center line of 16th Street, east of the center line of 20th Avenue, south of the center line of 17th Street and east of the center line of 17th Avenue, to the City limits.

FOURTH WARD: All of the territory within the boundaries of the City of Monroe lying west of the center line of 20th Avenue, south of the center line of 16th Street, east of the center line of 13th Avenue, south of the center line of 18th Street, east of the center line of 11th Avenue, north of the center line of 30th Street, west of the center line of 17th Avenue and north of the center line of 17th Street, to the City limits.

FIFTH WARD: All of the territory within the boundaries of the City of Monroe lying south of the center line of 30th Street, west of the center line of 11th Avenue, south of the center line of 21st Street, west of the center line of State Highway 69, south of the center line of 17th Street, south of the center line of West 17th Street, east of the Badger State Trail corridor, west of the east Right of Way of State Highway 69, and north of the city limits.

SIXTH WARD: All of the territory within the boundaries of the City of Monroe lying south of the center line of 9th Street, east of the center line of 11th Avenue, north of the center line of 12th Street, east of the center line of 12th Avenue, south of the center line of 14th Street, east of the center line of 9th Avenue, south of the center line of 16th Street, east of the center line of State Highway 69, north of the center line of 21st Street, west of the center line of 11th Avenue, north of the center line of 18th Street, west of the center line of 13th Avenue, north of the center line of 16th Street, west of the center line of 22nd Avenue, north of the center line of 14th Street, east of the center line of 23rd Avenue, south of the center line of 13th Street, south of the center line of Byers Court ,south of the center line of 13th Street and west of the center line of 14th Avenue.

SEVENTH WARD: All of the territory within the boundaries of the City of Monroe lying south of the center line of 7th Street, west of the center line of 19th Avenue, south of the center line of 6th Street, east of the center line of 15th Avenue, south of the center line of 9th Street, east of the center line of 14th Avenue, north of the center line of 13th Street, north of the center line of Byers Court, north of the center line of 13th Street, west of the center line of 25th Avenue, south of the center line of 11th Street and west of the center line of 22nd Avenue.

EIGHTH WARD: All of the territory within the boundaries of the City of Monroe lying west of the center line of 18th Avenue, north of the center line of 6th Street, west of the center line of 15th Avenue, north of the center line of 9th Street, east of the apparent center line of 7th Avenue, north of the center line of 8th Street and east of the center line of State Highway 69, to the City limits.

NINTH WARD: All of the territory within the boundaries of the City of Monroe lying west of the center line of State Highway 69, south of the center line of 8th Street, west of the apparent center line of 7th Avenue, south of the center line of 9th Street, west of the center line of 11th Avenue, south of the center line of 12th Street, west of the center line of 12th Avenue, north of the center line of 14th Street, west of the center line of 9th Avenue, north of the center line of 16th Street, west of the center line of State Highway 69, north of the center line of 17th Street, north of the center line of West 17th Street and west of the Badger State Trail corridor, to the City limits.

TENTH WARD: All of the territory within the boundaries of the City of Monroe lying within Sections 29, 30, 31 and 32 of Township 2 north, Range 8 east, Green County Wisconsin.

1-9-2. Polling place: The Polling Place for all wards shall be located at the basement floor of city hall at 1110 18th Avenue, Monroe, Wisconsin.

1-9-3. Aldermanic districts: The city shall be divided into nine aldermanic districts, the boundaries of which shall be as follows:

First aldermanic district: All territory within the first ward and tenth ward described in section 1-9-1 hereof.
Second aldermanic district: All territory within the second ward described in section 1-9-1 hereof.
Third aldermanic district: All territory within the third ward described in section 1-9-1 hereof.
Fourth aldermanic district: All territory within the fourth ward described in section 1-9-1 hereof.
Fifth aldermanic district: All territory within the fifth ward described in section 1-9-1 hereof.
Sixth aldermanic district: All territory within the sixth ward described in section 1-9-1 hereof.
Seventh aldermanic district: All territory within the seventh ward described in section 1-9-1 hereof.
Eighth aldermanic district: All territory within the eighth ward described in section 1-9-1 hereof.
Ninth aldermanic district: All territory within the ninth ward described in section 1-9-1 hereof.

Chap. 1-9 history: 1-9-1*: 2001-7-17; 2011-7-5; 2016-4-6; 2016 code;* ***1-9-2****: 2001-7-17; 2011-7-5; 2016-4-6; 2016 code;* ***1-9-3****: 2016-4-6; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 10: OFFICIAL CITY LOGO

1-10-1 Form of official city logo
1-10-2 Finding
1-10-3 Use of official city logo
1-10-4 Penalty

1-10-1: Form of official city logo: The logo graphically displayed in Figure 1, including the shapes, colors and words depicted thereon, is hereby declared to be the official city logo for the city of Monroe and shall be referred to as the official city logo.

Figure 1
Official City Logo

1-10-2: Finding: The council hereby finds that the official city logo a symbol of the authority and jurisdiction of the city and, as such, it is a valuable asset of the city and its citizens.

1-10-3: Use of official city logo.

(A) Use by the city. Officers, employees and agents of the city, its departments and its enterprises, are hereby authorized to use the official city logo in communications, publications or displays, including electronic communications, publications or displays, developed, distributed or displayed by officers, employees or agents of the city, its departments or enterprises, in their official capacity.

(B) Use by others. Except as expressly provided in subsection (A) of this section, no person shall cause or permit the official city logo, or any logo that is deceptively similar to the official city logo, to be used for any purpose unless the use thereof is expressly authorized by the council, or unless the use thereof is pursuant to a written policy approved by the council.

1-10-4: Penalty: A person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

***Chap. 1-10 history**: **1-10-1**: 2009-7-21; 2016-4-6; 2016 code; **1-10-2**: 2009-7-21; 2016-4-6; 2016 code; **1-10-3**: 2009-7-21; 2016-4-6; 2016 code; **1-10-4**: 2016-4-6; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 11: CONTINUITY OF GOVERNMENT AND EMERGENCY MANAGEMENT

1-11-1 Policy and purpose
1-11-2 Definitions
1-11-3 Interim successors
1-11-4 Temporary assumption of powers and duties
1-11-5 Determination of ranking
1-11-6 Emergency management

1-11-1: Policy and purpose: To assure in case of an emergency the continuation of effective, legally constituted leadership, authority and responsibilities in the government of the city, it is necessary to provide for emergency management of the city and to provide for an interim successor to the mayor who can exercise the powers and discharge the duties of the mayor in the event that the mayor is killed, missing, disabled or for some other cause unable to perform the duties and functions of the office.

1-11-2: Definitions: In this chapter:

"All-hazard emergency operations plan" means a document that defines the city's response to emergencies while providing for the safety and welfare of its citizens, sets forth lines of authority, responsibilities and organizational relationships, and shows how all actions will be coordinated among city departments and agencies, county, state and federal agencies, and other local units of government.

"Duly authorized deputy" means a person who is currently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

"Emergency" means an unexpected and urgent natural or human−caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of the city, or critical systems, including computer or telecommunications systems, including any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the United States by sabotage, the use of bombs, missiles, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or process.

"Emergency management" means all measures undertaken by or on behalf of the city to prepare for and minimize the effect of an emergency or the imminent threat of an emergency or to make repairs to or restore infrastructure or critical systems that are destroyed or damaged by an emergency.

Interim successor" means the person who succeeds to the duties, powers, and office of the mayor upon the death of an incumbent mayor.

"Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of vacancy) and his or her duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

1-11-3: Interim successors: The order of succession to the office of mayor shall be first, the president of the council, and then the alderperson by seniority of unbroken service on the council. If two or more alderpersons share the same seniority, the alderperson representing the aldermanic district with the lower number shall succeed first. No person shall take office as interim successor unless he or she may, under the constitution and statutes of the state of Wisconsin in force at the time, hold the office of mayor.

(A) Status of interim successor: The person who becomes mayor as interim successor shall hold the office until the end of the then current term of office after the next mayoral election.

(B) Formalities of taking office: An interim successor shall take the oath of office as mayor as soon as practicable upon succeeding to the office.

1-11-4: Temporary assumption of powers and duties: If the mayor is temporarily unavailable for any reason and it is necessary that some act within the scope of the duty or authority of the mayor be performed, then the person with the highest ranking of the interim successors immediately available shall temporarily assume the powers and duties of the office of mayor. That person shall continue to exercise the powers and duties of the mayor until a person with a higher rank among potential interim successors is available, or until the incumbent mayor resumes the exercise of authority.

1-11-5: Determination of ranking: The city clerk shall determine the rank order of the potential interim successors under section 1-11-3 after each aldermanic election or other event that causes a change in the membership on the council, and shall keep the rankings up to date as necessary between elections. The rankings shall be recorded in the clerk's files and such other place as will be convenient.

1-11-6: Emergency management:

(A) Director of emergency management. The position of director of emergency management is hereby created. The director of emergency management shall be appointed by the council and shall serve for an indefinite term, subject to removal by a majority vote of a quorum of the council. He or she shall take and file an official oath.

(1) Coordination with other agencies and organizations: The director of emergency management shall coordinate all activities involved in emergency management within the city and shall maintain liaison and cooperate with emergency management agencies and organizations of other political subdivisions and of the state and federal governments, and shall participate in county and state emergency management activities upon request, and shall have such additional authority, duties and responsibilities as are authorized by this section and as may from time to time be required by the council.

(2) All-hazard emergency operations plan: The director of emergency management shall coordinate the preparation of an all-hazard emergency operations plan for the city. In developing the all-hazard emergency operations plan, the director of emergency management shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the city to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities for emergency management purposes. When the council has approved the all-hazard emergency operations plan it shall be the duty of all departments and utilities of the city to perform the duties and functions assigned by the plan.

(3) Absence or incapacity: In the absence or incapacity of the director of emergency management, the duly authorized deputy of the director of emergency management shall have all of the duties, responsibilities and authority hereinabove vested in the director of emergency management, and shall constitute the acting director of emergency management.

(B) Declaration of emergency: Upon the declaration by the governor, by the mayor or by the council of a state of emergency within the city, the director of emergency management shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such warnings or alerts as shall be required in the all-hazard emergency operations plan. All city agencies shall take action in accordance with the all-hazard emergency operations plan after the declaration of an emergency and the issuance of official state of emergency warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the governor may be terminated at the discretion of the council. Contemporaneous with the issuance by the mayor of a declaration of emergency under this section the mayor shall call a special meeting of the council for the purpose of conducting such business as may be necessary to address circumstances arising from such emergency. Actions taken by the mayor in good faith before such meeting pursuant to the authority granted by subparagraph (C) of this section shall be binding upon the city to the extent that third parties have acted in good faith in reliance upon the mayor’s authority.

(C) Emergency regulations: Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the council, the mayor, following a declaration of emergency under subsection (B) of this section, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property to insure the cooperation necessary in emergency situations. Such proclamations may be rescinded by the council at any time.

(D) Obstruction of emergency operations: It shall be unlawful for any person willfully to obstruct, hinder or delay the enforcement of any order, rule, regulation or all-hazard emergency operations plan issued pursuant to this section, or to do any act forbidden by any order, rule, regulation or all-hazard emergency operations plan issued pursuant to the authority contained in this section. A person who violates this subsection shall be subject to a class 1 forfeiture.

(E) Authority to seek state and federal disaster assistance. The city administrator is herewith authorized to prepare and execute the necessary applications to secure state or federal disaster relief should such assistance become available.

***Chap. 1-11 history**: **1-11-1**: 2015-10-20; 2016 code; **1-11-2**: 2015-10-20; 2016 code; **1-11-3**: 2015-10-20; 2016 code; **1-11-4**: 2015-10-20; 2016 code; **1-11-5**: 2015-10-20; 2016 code; **1-11-6**: 2015-10-20; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 12: NONDISCRIMINATION ON THE BASIS OF HANDICAP

1-12-1 Policy
1-12-2 Compliance:
1-12-3 Grievance procedure

1-12-1: Policy: It is the policy of the city not to discriminate on the basis of handicapped status in admission or access to, or treatment or employment in, its programs, services, and activities.

1-12-2: Compliance: The office of city clerk is designated as the office responsible for coordinating implementation of handicapped nondiscrimination requirements.

1-12-3: Grievance procedure: Any city officer, official, or employee of the city who receives a complaint alleging that the city is practicing discrimination on the basis of handicapped status shall refer such complaints (other than complaints alleging employment discrimination) to the city clerk. The city clerk shall investigate the allegations and attempt to resolve the grievance within 20 days of the receipt of the complaint. The complainant shall receive a written statement from the city clerk regarding the action or actions taken, if any, to resolve the complaint. If the complainant is not satisfied with the city clerk's determination, he or she may appeal the matter to the council's judiciary and ordinance review committee. The appeal must be in writing to the chairperson of the committee, and must be made within 10 days of the complainant's receipt of the city clerk's determination. The judiciary and ordinance review committee, upon receipt of the appeal, shall hold a hearing on the matter within 30 days. At any hearing, the complainant shall have the right to give direct testimony, to call witnesses, or present other evidence in support of the complaint, and to require the presence of any city official, officer, or employee for examination. Upon completion of the hearing, the committee shall, if it finds that discrimination on the basis of handicapped status exists, make recommendations to the council as may be necessary to remedy such discrimination. A written statement of the committee's findings and recommendations, if any, shall be given to the complainant within 10 days following the hearing held by the committee.

***Chap. 1-12 history**: **1-12-1**: 1984-10-16; 2016 Code; **1-12-2**: 1984-10-16; 2016 Code; **1-12-3**: 1984-10-16; 2016 Code*

TITLE 1: ADMINISTRATIVE

Chapter 13: FINANCE AND TAX PROCEDURES

1-13-1 Budget system
1-13-2 Preparation of tax roll and tax receipts
1-13-3 Guarantee collections
1-13-4 Delinquent taxes; interest; penalty
1-13-5 Service charge on returned checks or drafts

1-13-1: Budget system:

(A) Annually before September 2, each officer, department or board having fiscal powers or responsibilities shall file with the city administrator an itemized statement of disbursements to be made to carry out the powers and duties of such officer, department or board for the ensuing calendar year. Such statement shall be presented in the form prescribed by the city administrator and shall be designated as the "fiscal estimates" and shall be as nearly uniform as possible for the main fiscal categories applicable to such officer, department or board.

(B) The city administrator shall consider such fiscal estimates in consultation with the officer, department director or presiding officer, and shall then determine the total amount to be recommended in the budget for such officer, department or board.

(C) Annually before October 2 the city administrator shall prepare and submit to the finance and taxation 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) All existing indebtedness and all anticipated revenue from all sources during the ensuing year and likewise list all proposed appropriations for each department activity and reserve account during the ensuing year.

(2) Actual revenues and expenditures for the preceding year, actual revenues and expenditures for not less than the first six months of the current year, all estimated revenues and expenditures for the balance of the current year and for informational purposes list by fund all anticipated unexpended or unappropriated balances, and surpluses, if any.

(3) Such other information as may be required by the finance and taxation committee.

(D) Annually before November 2 the finance and taxation committee shall submit to the council a proposed annual budget and the draft of an appropriation resolution providing for the expenditures proposed for the ensuing fiscal year. Upon the submission of the proposed appropriation resolution to the council it shall be deemed to have been regularly introduced therein. The council shall hold a public hearing on the budget and the proposed appropriation resolution by giving notice thereof and conducting said hearing in the manner prescribed by section 65.90, Wisconsin statutes. Following the public hearing the proposed appropriation resolution may be changed or amended and shall take the same course in the council as other resolutions.

(E) Upon written recommendation of the finance and taxation committee the council may, at any time, by a two-thirds vote of the entire membership, transfer any portion of an unencumbered balance of an appropriation to any other purpose or object. Notice of such transfer shall be given by publication within 10 days thereafter in a newspaper of general circulation in the city as a class one notice.

(F) 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 resolution, or of such resolution when changed as authorized by subsection (E) of this section. At the close of each fiscal year any unencumbered balance of an appropriation shall revert to the general fund and shall be subject to re-appropriation; but appropriations may be made by the council, to be paid out of the income of the current year, in furtherance of improvements or other objects or works which will not be completed within such year, and any such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

1-13-2: Delinquent taxes; interest; penalty:

(A) Overdue or delinquent real estate taxes, personal property taxes, special assessments, special charges and special taxes that are included in the tax roll are subject to an interest charge of one percent per month or fraction of a month pursuant to section 74.47(1) of the Wisconsin statutes.

(B) In addition to the interest charge, overdue or delinquent real estate, personal property taxes, special assessments, special charges and special taxes that are included on the tax roll shall be subject to a penalty of one-half of one percent per month or fraction of a month as authorized by section 74.47(2) of the Wisconsin statutes.

(C) All interest and penalties on payments of delinquent personal property taxes collected by the city treasurer shall be retained by the city treasurer for the city as authorized by section 74.47(3)(e) of the Wisconsin statutes.

1-13-3: Service charge on returned checks or drafts: All monies owed to the city under contract, license fees, assessments, fines, forfeitures or any other payments due by any party shall be paid to the city in legal tender of the United States of America; provided, however, city agents and employees may accept checks or drafts in payment if the tendering party agrees to pay a service charge, in an amount set from time to time by resolution of the council, on such checks or drafts which are dishonored for any reason whatsoever, which charge shall be in addition to remedies available if suit is commenced. The tendering party shall be deemed to have agreed to the foregoing service charge by issuing such check or draft. However, where convenient and where such checks or drafts are accepted as a matter of course, the city departments are directed to post a sign or other written notice to advise the payer of such charge at the place where the check or draft is tendered. Departments are authorized to refuse to accept a check or draft from any person who has an outstanding obligation to the city for the fee assessed by this section. Departments may also apply any future payments from any person owing a fee first to the fee and then to the obligation intended to be paid.

***Chap. 1-13 history**: **1-13-1**: 1969 code; 2016 code; **1-13-2**: 1992-7-7; 2016 code; **1-13-3**: 2001-12-4; 2016 code*

TITLE 1: ADMINISTRATIVE

Chapter 14: CITATIONS FOR CODE VIOLATIONS

1-14-1 Method adopted
1-14-2 Contents of citation
1-14-3 Schedule of deposits
1-14-4 Issuance of citation
1-14-5 Procedure
1-14-6 Nonexclusivity

1-14-1: Method adopted: Pursuant to section 66.0113 of the Wisconsin statutes, the city hereby elects to use the citation method of enforcement of codes.

1-14-2: Contents of citation:

(A) The citation shall contain the following:

(1) The name and address of the alleged violator;

(2) Factual allegations describing the alleged violation;

(3) The time and place of the offense;

(4) The section of this code violated;

(5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so;

(6) The time at which the alleged violator may appear in court;

(7) A statement which in essence informs the alleged violator:

A) That a cash deposit based on the schedule established by this chapter may be made which shall be delivered or mailed to the clerk of county court or chief of police before the time of the scheduled court appearance.

B) That if a deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.

C) That if a cash deposit is made and the alleged violator does not appear in court, he or she will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.

D) That if no cash deposit is made and the alleged violator does not appear in court when specified, an action may be commenced to collect the forfeiture.

(8) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to show that the statement required under subsection (7) of this section has been read. Such statement shall be sent or brought with the cash deposit.

(9) Such other information as the city deems necessary.

(B) The form of the citation to be used by the city is hereby made a part of this chapter by reference.

1-14-3: Schedule of deposits:

(A) A schedule of cash deposits is established for use with citations issued under this code.

(B) Deposits shall be made in cash, money order or certified check to the clerk of county court or chief of police who shall provide a receipt therefor.

1-14-4: Issuance of citation: Citations for violations of this code shall be issued only by a law enforcement officer.

1-14-5: Procedure: Section 66.0113(3) of the Wisconsin statutes, relating to violator's options and procedure on default, is hereby adopted and incorporated by reference.

1-14-6: Nonexclusivity:

(A) Other Ordinance: Adoption of this chapter does not preclude the council from adopting any other ordinance or providing for the enforcement of any other law relating to the same or other matter.

(B) Other Remedies: The issuance of a citation hereunder shall not preclude the city or any authorized officer from proceeding under any other law or by any other enforcement method to enforce any code, regulation or order.

***Chap. 1-14 history**: **1-14-1**: 1988-11-5; 2016 Code; **1-14-2**: 1988-11-5; 2016 Code; **1-14-3**: 1978-4-5; 1978-4-18; 2016 Code; **1-14-4**: 2006-8-15; 2016 Code; **1-14-5**: 1979-11-20; 2016 Code; **1-14-6**: 1978-4-5; 1978-4-18; 2016 Code*

TITLE 1: ADMINISTRATIVE

Chapter 15: CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES

1-15-1 Declaration of policy
1-15-2 Definitions
1-15-3 Application
1-15-4 Responsibility of public office
1-15-5 Standards of conduct
1-15-6 Sanctions
1-15-7 Severability

1-15-1: Declaration of policy: The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for all city of Monroe officials and employees. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officials and employees, to set forth those acts or actions that conflict with the best interests of the city and conflict with or are incompatible with the proper discharge of duties and required independence of judgment.

1-15-2: Definitions: As used in this chapter:

“Anything of value” means any money or property, privilege or benefit, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include political contributions which are reported under the campaign financing laws of Wisconsin, or hospitality extended for a purpose unrelated to city business by a person or an organization.

“Associated” includes, when used with reference to an organization, any organization in which a city official or a member of his or her immediate family is a director or officer or owns or controls, directly or indirectly, and severally or in the aggregate, at least two percent of the outstanding equity. Notwithstanding the foregoing, an elected city official who is appointed by the mayor and approved by the council to serve as an officer or board member of a private nonprofit organization does so in his or her official capacity as a representative of the city of Monroe and, as such, is not "associated" with the private organization.

“City official” means each person holding an elected office of the city, each employee of the city and each member of a city board, committee, commission, subcommittee and ad hoc committee.

Employee” means each person who performs services on behalf of the city under the auspices of any city department, division, utility or other enterprise, whether such position is paid or unpaid, including, without limitation, members of the Monroe fire department, members of the Monroe police auxiliary and independent contractors.

“Immediate family” means an individual's spouse or relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support.

“Organization” means any public or private, profit or nonprofit, religious, educational, charitable, civic or political organization or entity but does not include governmental bodies.

“Personal interest” means any interest greater than nominal, direct or indirect, arising from blood, marriage, adoption, guardianship or from close business, political or other associations.

1-15-3: Application: This chapter applies to all city officials.

1-15-4: Responsibility of public office: City officials are agents of the city and hold office for the benefit of the public. They are bound to uphold the constitution of the United States and the constitution of this state and to carry out impartially the laws of the nation, state and municipality. They are bound to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. City officials shall adhere to the rules of work and performance established as the standard for their positions by the appropriate authority. They shall not exceed their authority or breach the law or ask others to do so, and shall work in full cooperation with others unless prohibited from so doing by law or by officially recognized confidentiality of their work.

1-15-5: Standards of conduct:

(A) Use of office or position: No city official may use or attempt to use his or her position or office to obtain financial gain or anything of value or any advantage, privilege or treatment for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit a city official from using the

title or prestige of his or her office to obtain campaign contributions that are permitted and reported as required by the campaign financing laws of Wisconsin.

(B) Influence and reward: No person or entity may offer or give to a city official or member of a city official's immediate family, directly or indirectly, and no city official may solicit or accept from any person or entity, directly or indirectly, anything of value if it could reasonably be expected to influence the city official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on his or her part.

(C) Limitations on actions: No city official may take any official action affecting, directly or indirectly, a matter in which he or she, a member of his or her immediate family, or an organization with which he or she is associated, has a financial or personal interest or use his or her office or position in a way that produces or assists in the production of a benefit, direct or indirect, for him or her, a member of his or her immediate family either separately or together, or an organization with which the city official or his or her immediate family member is associated. This subsection does not prohibit a city official from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit a city official from taking official action with respect to any proposal to create, modify or repeal a code, resolution or matter benefiting the public.

(D) Privilege and advantage: No city official shall take for personal use or convenience or grant to any person for the personal use or convenience of such person any privilege, anything of value, special consideration, treatment or advantage beyond that which is available to every other person except as may be specifically provided for by law or authorized by the council, including, without limitation, any use, nominal or otherwise, of city owned equipment, vehicles, materials or property.

(E) Outside employment: No city official shall engage in or accept employment or render service, whether compensated or uncompensated, when such employment or service would impair or reasonably appear to impair his or her independence of judgment or action in the performance of official duties.

(F) Disclosure of matters pertaining to a closed session prohibited. No city official may disclose any information discussed, debated or acted upon in a closed session of the council or its standing committees.

(G) Employee restrictions: No employee of the city shall:

(1) Engage in non-city related activities for which compensation is received to such an extent as to interfere with the proper performance of the duties and responsibilities of his or her official position.

(2) Receive and retain anything of value if the employment or activity for which it is given arises from the employee's use of the city's time, information, facilities, equipment, services or supplies which are not generally available to all residents of the city. Employees shall not receive and retain from the city or on behalf of the city transportation, lodging, meals, food or beverage, or reimbursement therefor, unless the same were incurred or received primarily for the benefit of the city, and not primarily for his or her private benefit, or that of any other person.

(3) Receive and retain honoraria, such as money or anything of value, other than commemorative or other items of nominal value for, or in recognition of, activities related to, or arising from, their city roles or positions. Employees may accept and retain from persons or entities other than the city the cost or reimbursement of actual and reasonable expenses related to such activities, whether or not such activities arise from their city roles or positions.

(H) Receipt of money by city employees: When a city employee performs or provides services for persons or entities other than the city, which services arise from their city employment or from the employee's holding his or her position, and the employee's compensation and expenses related thereto are paid for or reimbursed by the city, all monies received by the employee therefor shall be paid promptly to the city treasurer.

(I) Receipt of money by city officials other than city employees: If a city official, other than a city employee, receives anything of value not authorized by this chapter the city official shall not retain it but shall deposit the money or the equivalent cash value or anything of value with the city treasurer or return the payment or thing to the payer or giver.

1-15-6: Sanctions: Violation of any provisions of this chapter should raise conscientious questions for the city official concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the city. If the ethics board determines that any person has violated any provision of this chapter, the board may, as part of its report, make any of the following recommendations:

(A) In the case of an elected city official, that the council consider sanctioning, censuring or expelling the elected city official;

(B) In the case of a city official who is a member of a board, committee or commission, that the mayor or other appointing authority consider removing the member from the board, committee or commission;

(C) In the case of a city official who is an employee of the city, that the employee's appointing authority consider disciplining or discharging the employee;

(D) As an alternative, or an addition to, the sanctions authorized by this section, any person who violates any provision of the ethics code shall upon conviction be subject to a Class 2 forfeiture. Each violation of the ethics code shall be a separate offense. No citation shall be issued for a violation of any provision of this chapter unless authorized by the ethics board.

1-15-7: Severability: The provisions of this chapter are severable. If any provision of this chapter is held to be invalid or unconstitutional or if the application of any provision of this chapter to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the council that this chapter would have been adopted had any invalid or unconstitutional provisions or applications not been included.

***Chap. 1-15 history**: **1-15-1**: 2002-3-5; 2016 code **1-15-2**: 2002-3-5; 2016 code **1-15-3**: 2002-3-5; 2016 code **1-15-4**: 2002-3-5; 2016 code **1-15-5**: 2002-3-5; 2014-7-1; 2016 code **1-15-6**: 2002-3-5; 2016 code **1-15-7**: 2002-3-5; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 1	BOARD OF PUBLIC WORKS
Chapter 2	BOARD OF REVIEW
Chapter 3	BOARD OF POLICE AND FIRE COMMISSIONERS
Chapter 4	CITY PLAN COMMISSION
Chapter 5	ZONING BOARD OF APPEALS
Chapter 6	BOARD OF PARK AND RECREATION COMMISSIONERS
Chapter 7	SENIOR CITIZENS BOARD
Chapter 8	FINANCE AND TAXATION COMMITTEE
Chapter 9	PUBLIC SAFETY COMMITTEE
Chapter 10	JUDICIARY AND ORDINANCE REVIEW COMMITTEE
Chapter 11	LICENSE COMMITTEE
Chapter 12	SALARY AND PERSONNEL COMMITTEE
Chapter 13	AIRPORT BOARD OF MANAGEMENT
Chapter 14	VISITORS AND PROMOTION COMMISSION
Chapter 15	ETHICS BOARD
Chapter 16	INFORMATION TECHNOLOGY COMMITTEE

TITLE 2: BOARDS AND COMMISSIONS

Chapter 1: BOARD OF PUBLIC WORKS

2-1-1 Composition of board
2-1-2 Meetings
2-1-3 Rules for, by council
2-1-4 Quorum; record; report
2-1-5 Duties and powers

2-1-1: Composition of Board: A Board of Public Works is hereby established. The word "Board" when used in this Chapter shall be construed to mean the Board of Public Works. The Board shall be composed of four alderpersons, three of whom shall be designated voting members and one of whom shall be designated as an alternate member. Members of the Board shall be appointed by the Mayor annually and shall serve for a term from their appointment through the Monday preceding the third Tuesday in April of the succeeding year. The alternate member may act with full power and authority when any other member of the Board is absent. The alternate member may participate in Board discussion and may be appointed to any committee which requires the participation of a member of the Board. The members of the Board shall, on the first Tuesday in May of each year, choose a president and a vice-president of the Board from their number, and the city clerk shall be secretary of the Board by virtue of his or her office.

2-1-2: Meetings: Meetings of the board shall be held at the call of the president and at such other times as the board may determine.

2-1-3: Rules for, by council: The council may make such rules, not contravening any of the provisions of law, for the government of the board and when the business of said board shall be conducted.

2-1-4: Quorum; record; report: Two members of the Board shall constitute a quorum for doing business and if necessary alternate members shall be counted to determine such quorum. The secretary shall keep a record of all the proceedings, subject to the inspection of any elector of the city.

2-1-5: Duties and powers:

(A) In general: It shall be the duty of the board. subject to the direction of the council, to superintend all public works and keep the streets, alleys, parking facilities, sewers and public works and places in repair.

(B) Use of streets: No building shall be moved through the streets without a written permit therefor, granted by the board. The board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light and telephone poles; provided, that its decision in this regard may be reviewed by the council.

(C) Restoring streets: If any individual or entity shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said individual or entity. The expense thereof when chargeable to a lot owner shall be certified to the city clerk by the board and if not paid, shall be carried into the tax roll as a special tax against the lot.

(D) City forester: To supervise the work of a city forester who shall have the responsibility to maintain a long term forestry program for the propagation and preservation of trees and shrubs within the city.

Chap. 2-1 history: 2-1-1*: 2016-1-5; 2016 code;* ***2-1-2****: 2015-4-8; 2016 code;* ***2-1-3****: 2015-4-8; 2016 code;* ***2-1-4****: 2016-1-5; 2016 code;* ***2-1-5****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 2: BOARD OF REVIEW

2-2-1 Members
2-2-2 Meetings
2-2-3 Duties
2-2-4 Taxpayer's duty to provide information
2-2-5 Confidentiality of information provided to Assessor

2-2-1: Members: The board of review shall consist of the mayor, city clerk, and any three alderpersons to be appointed by the mayor subject to confirmation by the council. The word "board" when used in this chapter means the board of review. Members of the board who are appointed by the mayor shall serve for a term from their appointment through the Monday preceding the third Tuesday in April of the succeeding year. Members of the board shall receive no salary for their service, provided however, if proceedings require a member's attendance on more than one day, the council may by resolution establish a per diem salary payable to such member for attendance on the second and each succeeding day.

2-2-2: Meetings: The board shall meet in the council chambers, or at such other location as the council may direct, annually on a date which shall be during the 30-day period beginning on the 2nd Monday of May. The board may adjourn from day to day or from time to time until its business is completed; provided however, if an adjournment is for more than one day, a written notice shall be posted on the outer door of the place of meeting stating to what time said meeting is adjourned.

2-2-3: Duties: The duties and powers of the board shall be the same as set forth in section 70.47 of the Wisconsin statutes, and acts amendatory and supplementary thereto.

2-2-4: Taxpayer's duty to provide information: No person may appear before the board, testify to the board by telephone or object to a valuation if that valuation was made by the assessor or the objector using the income method, unless the person supplies to the assessor all of the information about income and expenses that the assessor lawfully requests.

2-2-5: Confidentiality of information provided to Assessor: Any information about income and expenses supplied to the assessor at the request of the assessor under section 2-2-4 of this chapter shall remain strictly confidential and shall not be subject to inspection or copying under any public records law. This section shall not apply to disclosure to any person using the information in the discharge of duties imposed by law or the duties of their office or by order of a court.

***Chap. 2-2 history: 2-2-1**: 2015-4-8; 2016 code; **2-2-2**: 2015-4-8; 2016 code; **2-2-3**: 2015-4-8; 2016 code; **2-2-4**: 2015-4-8; 2016 code; **2-2-5**: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 3: BOARD OF POLICE AND FIRE COMMISSIONERS

2-3-1 Commission members, appointment

2-3-1: Commission members, appointment: The board of police and fire commissioners shall consist of five citizens, three of whom shall constitute a quorum. The word "board" when used in this chapter means the board of police and fire commissioners. 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 term of five years. No appointment shall be made which will result in more than three members of the board belonging to the same political party. The members of the board shall receive no compensation. The board shall keep a record of all its proceedings.

Chap. 2-3 history: 2-3-1*: 2016-1-5; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 4: CITY PLAN COMMISSION

2-4-1 Members and appointment
2-4-2 Organization of commission
2-4-3 Meetings
2-4-4 Duties
2-4-5 Powers
2-4-6 Records
2-4-7 Specifications

2-4-1: Members and appointment: The city plan commission shall consist of the mayor who shall be the presiding officer, one alderperson appointed by the mayor and five citizens appointed by the mayor. The word "commission" when used in this chapter means the city plan commission. Citizen members shall be persons of recognized experience and qualifications and may be employees or officers of the city, provided however, at all times not less than three members of the commission shall be citizens who are not also employees or officers of the city. They shall receive no compensation for service on the commission. Each member of the commission shall serve for a term from his or her appointment through the Monday preceding the third Tuesday in April of the third succeeding year, except for the alderperson member who shall serve for a term from his or her appointment through the Monday preceding the third Tuesday in April of the succeeding year.

2-4-2: Organization of commission: Each year at its first meeting following the third Tuesday in April the commission shall organize by the election of a vice chairperson, secretary and such other officers as may in their judgment be necessary.

2-4-3: Meetings: Meetings of the commission shall be held at the call of the presiding officer and at such other times as the commission may determine. A quorum shall consist of four members of the commission.

2-4-4: Duties: The duties and powers of the commission shall be the same as set forth in section 62.23 of the Wisconsin statutes, and acts amendatory and supplementary thereto. In addition thereto, the commission shall have responsibility to analyze demographic and economic trends in the city and to recommend to the council policies or programs designed to promote the orderly development of infrastructure, housing or other improvements needed to accommodate demographic and economic trends in the city.

2-4-5: Powers: The commission may employ expert advice, upon the authority of the council if any appropriation is necessary, and may have made maps showing proposed additions to or changes of the comprehensive plan. The commission may request assistance from any official, department, board or agency of the city.

2-4-6: Records: The commission shall keep written records of its proceedings which shall be open to inspection at all reasonable times.

2-4-7: Specifications:

(A) Specifications to commission: Any plat, survey, abstract, annexation petition or other description brought before the commission shall conform to the following specifications:

(1) Lengths shall be specified to the nearest 1/100 of a foot.

(2) Bearings shall be specified to the nearest one second of a degree (00°00'00").

(3) Interior angles of all closed traverse surveys shall close absolutely.

(B) Failure to Conform: The commission may refuse to accept or act on any plat, survey, abstract, annexation petition or other description brought before the commission which fails to conform to the specifications provided in subsection (A) of this section.

Chap. 2-4 history: 2-4-1*: 2015-4-8; 2016 code;* ***2-4-2****: 2015-4-8; 2016 code;* ***2-4-3****: 2015-4-8; 2016 code;* ***2-4-4****: 2015-4-8; 2016 code;* ***2-4-5****: 2015-4-8; 2016 code;* ***2-4-6****: 2015-4-8; 2016 code;* ***2-4-7****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 5: ZONING BOARD OF APPEALS

2-5-1 Members
2-5-2 Meetings
2-5-3 Rules of board
2-5-4 Appeals to board
2-5-5 Powers

2-5-1: Members: A zoning board of appeals is hereby established. The word "board" when used in this chapter means the zoning board of appeals. The board shall consist of five regular members and two alternate members who shall be appointed by the mayor subject to confirmation by the council. Each regular member and each alternate member shall serve for a term from his or her appointment through the Monday preceding the third Tuesday in April of the third succeeding year. Terms of members and alternate members shall be staggered such that not more than one alternate member and not more than two regular members are appointed each year. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The members of the board shall serve without compensation. The mayor shall designate one of the members to serve as chairperson, and the city clerk shall serve as secretary of the board.

2-5-2: Meetings: All meetings of the board shall be held at the city hall unless a different meeting place is announced in a public notice of the meeting, and shall be open to the public. 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 or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. A quorum shall consist of four members of the board and if necessary alternate members shall be counted to determine such quorum.

2-5-3: Rules of board: The board shall adopt from time to time such rules and regulations as it may consider necessary to carry into effect the provisions of the zoning regulations of this code and of subsection (7) of section 62.23 of the Wisconsin statutes. The board shall make its decisions in writing with such findings and conclusions as the law requires and the city attorney shall provide to the board a decision form that is suitable for use by the board in making its 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, showing such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record. The concurring vote of a majority of the members present shall be necessary to reverse any order or determination of the building inspector or other official whose order or determination is challenged, or to decide in favor of the applicant any matter upon which they are required to pass or to effect any variation of the zoning regulations of this code.

2-5-4: Appeals to board: Appeals to the board may be taken by any person aggrieved by an order that pursuant to this code may be appealed to the zoning board of appeals. An appeal shall be initiated by filing a notice of appeal with the officer who made the order and the board, within a reasonable time after the issuance of the order, and tendering a filing fee in an amount set by resolution of the council. The notice of appeal shall state all the grounds for the appeal. The officer making the order appealed from shall immediately transmit to the board all the documents in his or her possession relating to the order. The board shall fix a time for the hearing of the appeal, and give public notice of the time and place, as well as due notice to any person in interest. Upon the hearing, a party must appear in person, and may appear with counsel. The city may file an appeal without paying the filing fee, but shall comply with all other requirements of this section.

2-5-5: Powers: The board shall have the following powers:

(A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a city officer that pursuant to this code may be appealed to the zoning board of appeals.

(B) To permit the reasonable extension of a district where the boundary line of a district divides a lot in a single ownership when the zoning regulations of this code were first adopted.

(C) If recommended by the public service commission of Wisconsin, to permit in appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the zoning regulations of this code, a building or premises to be erected or used by a public service corporation or for public utility purposes in any location and for any purpose which is reasonably necessary for the public convenience and welfare.

(D) To authorize upon appeal in specific cases such variance from the terms of the zoning regulations of this code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning regulations of this code will result in practical difficulty or unnecessary hardship so that the spirit of the zoning regulations of

this code shall be observed, public safety and welfare secured, and substantial justice done.

(E) The board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as may be appropriate.

(F) Any person or persons, jointly or severally, aggrieved by the board, or any taxpayer, or any officer, department, board or bureau of the city may, within 30 days after the filing of the decision of the board, present to a court of competent jurisdiction a verified petition setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality whereupon such decision shall be subject to review by certiorari as provided by law.

Chap. 2-5 history: 2-5-1*: 2015-4-8; 2016 code;* ***2-5-2****: 2015-4-8; 2016 code;* ***2-5-3****: 2015-4-8; 2016 code;* ***2-5-4****: 2015-4-8; 2016 code;* ***2-5-5****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 6: BOARD OF PARK AND RECREATION COMMISSIONERS

2-6-1 Board created
2-6-2 Members and appointment
2-6-3 Organization of board
2-6-4 Meetings
2-6-5 Powers and duties

2-6-1: Board created: A board of park and recreation commissioners of the city is hereby created which shall consist of nine persons who are residents and qualified voters of the city. The word "board" when used in this chapter means the board of park and recreation commissioners.

2-6-2: Members and appointment: The members of said board shall be appointed by the mayor subject to confirmation by the council. One member thereof shall be an alderperson who shall serve for a term from his or her appointment through the Monday preceding the third Tuesday in April of the succeeding year. The term of each of the other eight members of said board shall be from appointment through the Monday preceding the third Tuesday in April of the third succeeding year from appointment. Terms of members shall be staggered such that not more than three members are appointed each year. Each member shall take and file the official oath. Members and officers of the board shall serve without salary or other compensation.

2-6-3: Organization of board: At the first meeting following appointment of a new member the board shall organize by electing from its members a president who shall hold office until his or her successor shall be elected and qualified. Five members of the board shall constitute a quorum for the transaction of business.

2-6-4: Meetings: Meetings of the board shall be held at the call of the president and at such other times as the board may determine.

2-6-5: Powers and duties: The board is empowered and directed:

(A) To secure the quiet and suitable use and enjoyment of all public parks, parkways, and buildings used for recreational activities by the people and to adopt rules and regulations to promote these purposes.

(B) To oversee parks and recreation programs and activities in the city.

(C) To promote recreational activities within the city as it may consider advisable and its budget may permit.

(D) To administer funds deposited in the city's municipal park fund originally created by special ordinance number 11 adopted on April 20, 1971 and the city's non-lapsing fund for park land development originally created by special ordinance number 90 adopted on March 6, 1990. Such funds shall be consolidated into a single fund to be known as the municipal park fund and administered as follows:

(1) Funds shall be used to encourage and assist with the purchase, acquisition, and development of personal property and land in the city for park and recreation purposes, including development of playgrounds.

(2) The board may accept and deposit in the municipal park fund gifts, devises and bequests to the city for the purposes set forth in subsection (1) of this paragraph. A gift, devise or bequest that is subject to any condition, limitation or restriction shall be accepted only if approved by the council. Subject to any condition, limitation or restriction accepted by the city, the board shall have full right, power and authority to invest and reinvest funds or property given, devised or bequeathed to the city for the purposes set forth in subsection (1) of this paragraph in securities or other forms of investment which may be lawful under the laws of Wisconsin.

(3) Funds may be disbursed from municipal park fund as follows:

A) Income may be disbursed upon approval of the board.

B) Principal may be disbursed upon approval by the council.

Chap. 2-6 history: 2-6-1*: 2015-4-8; 2016 code;* ***2-6-2****: 2015-4-8; 2016 code;* ***2-6-3****: 2015-4-8; 2016 code;* ***2-6-4****: 2015-4-8; 2016 code;* ***2-6-5****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 7: SENIOR CITIZENS BOARD

2-7-1 Board created
2-7-2 Organization of board
2-7-3 Meetings
2-7-4 Powers and duties
2-7-5 Restriction on board's actions

2-7-1: Board created: There is hereby created a senior citizens board of the city which shall consist of nine persons. the word "board" when used in this chapter means the senior citizens board.

(a) members of the board shall be appointed by the mayor subject to confirmation by the council.

(1) Not less than six members shall be residents and qualified electors of the city.

(2) One member shall be an alderperson who shall serve for a term from his or her appointment through the Monday preceding the third Tuesday in April of the succeeding year.

(3) Each remaining member shall serve for a term from his or her appointment through the Monday preceding the third Tuesday in April of the third succeeding year. Terms shall be staggered so that the term of not more than three members ends in any single year.

(4) Each member shall take and file the official oath.

(B) Members and officers of the board shall serve without salary or other compensation.

2-7-2: Organization of board: The board shall annually elect a chairperson and secretary who shall hold office until his or her successor shall be elected and qualified. Five members of the board shall constitute a quorum for the transaction of business.

2-7-3: Meetings: Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine.

2-7-4: Powers and Duties: The board is empowered and directed:

(A) To govern, manage, control, improve and care for all land, buildings or other facilities owned or leased by the city for senior citizen purposes and secure the suitable use and enjoyment thereof by senior citizens.

(B) To oversee senior citizen programs and activities.

(C) To adopt rules and regulations to promote the purposes for which the board has been created.

(D) To acquire in the name of the city for senior citizen purposes by gift, devise, bequest or condemnation, either absolutely or in trust, money, real or personal property, or any right or privilege. Gifts to the city of money or other property, real or personal, either absolutely or in trust for senior citizen purposes shall be accepted only after they shall have been recommended by the board to the council and approved by the council by resolution. Subject to the approval of the council, the board may carry out every trust imposed upon the use of property or property rights by deed, testament or other conveyance transferring the title of such property to the city for senior citizen purposes.

(E) To recommend to the council the acquisition or disposition of senior citizen facilities within the city.

(F) To acquire and maintain such equipment as may be necessary to properly carry out its purposes and as its budget may permit.

(G) To promote senior citizen activities within the city as it may consider advisable and as its budget may permit.

2-7-5: Restriction on board's actions: The board shall not contract any liability of the city that exceeds the sums set apart for senior citizen funds, unless the same has been expressly authorized by the council.

***Chap. 2-7 history: 2-7-1**: 2015-4-8; 2016 code; **2-7-2**: 2015-4-8; 2016 code; **2-7-3**: 2015-4-8; 2016 code; **2-7-4**: 2015-4-8; 2016 code; **2-7-5**: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 8: FINANCE AND TAXATION COMMITTEE

2-8-1 Members and appointment
2-8-2 Meetings
2-8-3 Duties

2-8-1: Members and Appointment: The Finance and Taxation Committee shall be composed of four alderpersons, three of whom shall be designated voting members and one of whom shall be designated as an alternate member. The word "Committee" when used in this Chapter shall be construed to mean the Finance and Taxation Committee. Members shall be appointed by the Mayor annually and shall serve for a term from their appointment through the Monday preceding the third Tuesday in April of the succeeding year. The Mayor shall designate one of the members as chairperson. The alternate member may act with full power and authority when any other member of the Committee is absent. The alternate member may participate in Committee discussion. Two members of the Committee shall constitute a quorum for doing business.

2-8-2: Meetings: The meetings of the committee shall be on call of the chairperson.

2-8-3: Duties: The committee shall have the following duties:

(A) To annually submit the city budget for public hearing and council approval in the manner set forth in section 65.90 of the Wisconsin statutes.

(B) To annually establish the tax rate for tax collection purposes.

(C) To give preliminary approval and make recommendations to the council in matters concerning transfers of funds, investments, continuing appropriations, reserve accounts and any other financial matter.

(D) To audit all claims against the city and to make recommendations to the council.

(E) To oversee and make recommendations to the council regarding liability risk management programs and property and liability insurance coverage.

(F) To recommend to the council the purchase of land or buildings, or the improvement of land or buildings, as may be required for the effective operation of city departments, utilities or other enterprises.

(G) To recommend to the council the sale or other disposition of surplus or otherwise unneeded land or buildings previously used in the operation of city departments, utilities or other enterprises.

(H) To adopt policies and procedures for the expenditure of public funds.

Chap. 2-8 history: 2-8-1*: 2015-4-8; 2016 code;* ***2-8-2****: 2015-4-8; 2016 code;* ***2-8-3****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 9: PUBLIC SAFETY COMMITTEE

2-9-1 Members and appointment
2-9-2 Meetings
2-9-3 Duties

2-9-1: Members and appointment: The public safety committee shall be composed of four alderpersons, three of whom shall be designated voting members and one of whom shall be designated as an alternate member. The word "committee" when used in this chapter means the public safety committee. Members shall be appointed by the mayor annually and shall serve for a term from their appointment through the Monday preceding the third Tuesday in April of the succeeding year. The mayor shall designate one of the members as chairperson. The alternate member may act with full power and authority when any other member of the committee is absent. The alternate member may participate in committee discussion. Two members of the committee shall constitute a quorum for doing business.

2-9-2: Meetings: Meetings of the committee shall be on call of the chairperson.

2-9-3: Duties: The committee shall have the following duties:

(A) To make recommendations to the city administrator or other pertinent committees or boards regarding matters of public safety.

(B) To periodically review provisions of this code that are concerned with overall public safety, and make recommendations for appropriate additions or changes.

(C) To supervise the regulation of traffic and parking.

(D) To recommend to council the approval of certain purchases relative to police and fire matters.

(E) To recommend to council the approval of special event permits.

(F) To oversee the affairs and activities of the auxiliary police reserve appointed by the police chief.

(G) To oversee the management of parking facilities in the city, including, but not limited to, the following:

(1) The management of all city parking control devices and systems.

(2) Make recommendations to the council on the management, location and placement of all public parking stalls within the city.

(3) The coordination and control of other public parking within the city in conjunction with other committees, boards or commissions having authority over the same.

(4) Recommend to the council the establishment of such fees and charges for parking privileges in city parking lots or other parking facilities as it shall determine reasonable.

(5) Recommend to the council the adoption of such ordinances as will promote and assure the proper use of such parking facilities.

(6) Recommend to the council the number, size and location of parking lots throughout the city.

Chap. 2-9 history: 2-9-1*: 2015-4-8; 2016 code;* ***2-9-2****: 2015-4-8; 2016 code;* ***2-9-3****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 10: JUDICIARY AND ORDINANCE REVIEW COMMITTEE

2-10-1 Members and appointment
2-10-2 Meetings
2-10-3 Duties

2-10-1: Members and Appointment: The Judiciary and Ordinance Review Committee shall be composed of four alderpersons, three of whom shall be designated voting members and one of whom shall be designated as an alternate member. The word "Committee" when used in this Chapter shall be construed to mean the Judiciary and Ordinance Review Committee. Members shall be appointed by the Mayor annually and shall serve for a term from their appointment through the Monday preceding the third Tuesday in April of the succeeding year. The Mayor shall designate one of the members as chairperson. The alternate member may act with full power and authority when any other member of the Committee is absent. The alternate member may participate in Committee discussion. Two members of the Committee shall constitute a quorum for doing business.

2-10-2: Meetings: Meetings of the committee shall be on call of the chairperson.

2-10-3: Duties: The committee shall have the following duties:

(A) To work with the city staff and the city attorney to continuously review, organize, amend and update this code.

(B) To review, analyze and recommend to the council appropriate means to effectively administer and enforce this code.

Chap. 2-10 history: 2-10-1*: 2015-4-8; 2016 code;* ***2-10-2****: 2015-4-8; 2016 code;* ***2-10-3****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 11: LICENSE COMMITTEE

2-11-1 Members and appointment
2-11-2 Meetings
2-11-3 Duties

(A) To review all applications for licenses or permits required to be approved by the council, except for licenses or permits relating to operations on the Monroe municipal airport, and to make recommendations to the council regarding the issuance of such licenses and permits.

(B) To make recommendations to the council regarding general policies and procedures related to issuance of licenses and permits.

2-11-1: Members and appointment: The license committee shall be composed of four alderpersons, three of whom shall be designated voting members and one of whom shall be designated as an alternate member. The word "committee" when used in this chapter means the license committee. Members shall be appointed by the mayor annually and shall serve for a term from their appointment through the Monday preceding the third Tuesday in April of the succeeding year. The mayor shall designate one of the members as chairperson. The alternate member may act with full power and authority when any other member of the committee is absent. The alternate member may participate in committee discussion. Two members of the committee shall constitute a quorum for doing business.

2-11-2: Meetings: Meetings of the committee shall be on call of the chairperson.

2-11-3: Duties: The committee shall have the following duties:

(A) To review all applications for licenses or permits required to be approved by the council, except for licenses or permits relating to operations on the Monroe municipal airport, and to make recommendations to the council regarding the issuance of such licenses and permits.

(B) To make recommendations to the council regarding general policies and procedures related to issuance of licenses and permits.

Chap. 2-11 history: 2-11-1*: 2015-4-8; 2016 code;* ***2-11-2****: 2015-4-8; 2016 code;* ***2-11-3****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 12: SALARY AND PERSONNEL COMMITTEE

2-12-1 Members and appointment
2-12-2 Meetings
2-12-3 Duties

2-12-1: Members and Appointment: The Salary and Personnel Committee shall be composed of four alderpersons. The chairperson of the finance and taxation committee shall be a voting member by virtue of his or her position as chairperson. Of the remaining three members two shall be designated voting members and one shall be designated as an alternate member. The word "Committee" when used in this Chapter shall be construed to mean the Salary and Personnel Committee. Members shall be appointed by the Mayor annually and shall serve for a term from their appointment through the Monday preceding the third Tuesday in April of the succeeding year. The Mayor shall designate one of the members as chairperson. The alternate member may act with full power and authority when any other member of the Committee is absent. The alternate member may participate in Committee discussion. Two members of the Committee shall constitute a quorum for doing business.

2-12-2: Meetings: Meetings of the committee shall be held on call of the chairperson.

2-12-3: Duties: The committee shall have the following duties:

(A) To annually establish and recommend to the council the salaries and wages for all employees of the city except employees under union contract.

(B) To establish work rules and personnel policies that govern those under their jurisdiction.

(C) To act as the bargaining unit on behalf of the city when negotiating all union contracts.

(D) To oversee and make recommendations to the council regarding insurance programs that are related to employee benefits and safety.

Chap. 2-12 history: 2-12-1*: 2015-4-8; 2016 code;* ***2-12-2****: 2015-4-8; 2016 code;* ***2-12-3****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 13: AIRPORT BOARD OF MANAGEMENT

2-13-1 Creation
2-13-2 Members and appointment
2-13-3 Meetings
2-13-4 Duties

2-13-1: Creation: There is hereby established an airport board of management, under section 114.14(l) of the Wisconsin statues. When used in this chapter the word "board" means the airport board of management and the word “airport” means the Monroe municipal airport.

2-13-2: Members and appointment: The board shall be composed of five voting members and one ex officio member, as follows:

(A) The mayor shall serve as the ex officio member of the board.

(B) Two members shall be alderpersons appointed by the mayor subject to confirmation by the council. One such alderperson shall serve as chairperson of the board. Each alderperson on the board shall serve for a term from his or her appointment through the Monday preceding the third Tuesday in April of the succeeding year.

(C) Three members shall be citizens appointed by the mayor subject to confirmation by the council. Each citizen on the board shall serve a term from his or her appointment through the Monday preceding the third Tuesday in April of the third succeeding year.

(D) Each member shall take and file the official oath.

(E) The board shall meet as often as required to conduct its duties.

2-13-3: Meetings: Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. A quorum shall consist of three members of the board.

2-13-4: Duties: The board is hereby vested with responsibility for the construction, improvement, equipment, maintenance and operation of the airport. The board shall have the following powers:

(A) To make policy related to the maintenance, operation and control of the airport.

(B) To manage, maintain, operate and control the airport.

(C) To enforce the provisions of this code on the airport.

(D) To establish fees and charges for the use of airport facilities, subject to approval by the council.

(E) To recommend to the council the adoption of ordinances and resolutions to further the purpose for which the airport is established.

(F) To adopt rules and regulations for the normal, ongoing operation of the airport.

(G) To recommend to the council the employment of persons to administer, supervise and control the construction, operation, maintenance and use of the airport within the scope of the authority delegated to them by the board, and the compensation of such employees.

(H) To contract, subject to council approval, for a supervisor to service the airport.

(I) To enter into contracts or other arrangements as are considered necessary for the construction, improvement, maintenance or operation of the airport.

(J) To command the services and advice of the city engineer and the city attorney to the extent considered necessary.

(K) To enter into leases regarding airport land and improvements.

(L) To approve airport fixed base operator licenses.

(M) To approve leases and contract for the operations of concessions on the airport.

(N) All other powers needed to adequately fulfill the delegation of this chapter.

Chap. 2-13 history: 2-13-1*: 2015-4-8; 2016 code;* ***2-13-2****: 2015-4-8; 2016 code;* ***2-13-3****: 2015-4-8; 2016 code;* ***2-13-4****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 14: VISITORS AND PROMOTION COMMISSION

2-14-1 Members and appointment
2-14-2 Meetings
2-14-3 Duties

2-14-1: Members and Appointment:

(A) The visitors and promotion commission [the "commission"] shall be composed of 5 members.

(1) One member shall be an alderperson.

(2) Two members shall be persons actively engaged in the management of a hotel or motel in the city.

(3) One member shall be a resident of the city who is qualified by experience or training to pass on matters pertaining to development of the tourism industry in the city.

(4) One member shall be a resident of the city selected at large.

(B) Each member shall be appointed by the mayor subject to confirmation by the council and shall serve a term from his or her appointment through the Monday preceding the third Tuesday in April of the succeeding year. Any member may be reappointed. The mayor may be appointed as a member under any category for which he or she meets the qualification requirements of subsection (A) of this section.

(C) The chairperson, one vice-chairperson and a secretary of the commission shall be elected by a majority of the members on the commission, and shall serve in this capacity for a term from the date of election through the Monday preceding the third Tuesday in April of the succeeding year or until his or her successor is elected and qualified.

(D) Members of the commission shall serve without salary or other compensation.

2-14-2: Meetings: Meetings of the commission shall be on call of the chairperson.

2-14-3: Duties: The commission shall have the following duties:

(A) Establish procedures for granting funds collected as a result of the room tax established under title 3, chapter 14 of this code. Such procedures shall be subject to approval by the council and shall provide, at a minimum, for:

(1) Submittal of proposals for the expenditure of funds by any person or entity requesting such funds.

(2) Inclusion in each proposal of a statement of how the proposed grant of funds will benefit the city.

(3) Obtaining an accounting of funds granted.

(B) Administer the fund created by title 3, chapter 14 of this code; allocating monies from such fund for the advancement of the tourism industry in the city, and retaining such reserves as the commission considers necessary.

Chap. 2-14 history: 2-14-1*: 2015-4-8; 2016 code;* ***2-14-2****: 2015-4-8; 2016 code;* ***2-14-3****: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 15: ETHICS BOARD

2-15-1 Creation
2-15-2 Members
2-15-3 Meetings
2-15-4 Duties

2-15-1: Creation: There is hereby created an ethics board the purpose of which shall be to administer and enforce title 1, chapter 16, of this code. When used in this chapter the word "board" means the ethics board.

2-15-2: Members:

(A) The board shall be composed of three regular members and one alternate member.

(1) All members shall be residents of the city or owners of real property located in the city. The members shall not be elected officials, full-time appointed officials or city employees, nor shall a member be simultaneously serving on any other city board, commission, or committee.

(2) Each member of the board shall be appointed by the mayor, subject to confirmation by the council.

(3) Each member and alternate member of the board shall serve a staggered three year term expiring on the Monday preceding the third Tuesday in April of the third succeeding year following his or her appointment. The alternate member shall serve when one of the regular members is unavailable.

(4) The board shall elect a chairperson and vice-chairperson who shall each serve until his or her successor is elected.

(B) Two members of the board shall constitute a quorum.

(C) The city attorney shall provide legal advice and assistance to the board. The city clerk shall serve as the secretary of the board.

2-15-3: Meetings: Meetings of the board shall be on call of the chairperson.

2-15-4: Duties: The board shall have the following duties:

(A) Develop, publish and distribute such written opinions and policies as the board may consider appropriate to properly administer the ethics code.

(B) Investigate all alleged violations of the ethics code and recommend appropriate sanctions to the proper authority.

(C) Give advisory opinions as to the applicability of a provision of the ethics code to a particular situation in which a city official is or may become involved or to the meaning of one or more definitions of terms used in the ethics code. When a city official has doubt as to the applicability of a provision of the ethics code to a particular situation in which he or she is or may become involved or to the meaning of one or more definitions of terms used in the ethics code, he or she should apply to the board for an advisory opinion and be guided by that opinion when given.

(1) The applicant shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provision or provisions of the ethics code before such advisory decision is made. It is prima facie evidence of intent to comply with the ethics code when a city official refers a matter to the board and abides by the advisory opinion, if the material facts are as stated in the opinion request.

(2) When a request for an advisory opinion is made, the name of the requester and the nature of the request may, at the requester's choice, be kept confidential. When confidentiality is requested, the board shall hear and determine the request in closed session. The agenda for the meeting shall identify the session as a closed session to hear a request for a confidential opinion pursuant to this subsection (C)(2) When confidentiality is requested, the report of the board shall also be kept confidential, but the board shall prepare a redacted summary of the report as a public document; however, if the requester requests in writing that the full report be made public, it shall become a part of the public record. If the requester makes public any portion of the opinion or report, all confidentiality is waived by the requester and the board may release the unredacted report.

***Chap. 2-15 history: 2-15-1**: 2015-4-8; 2016 code; **2-15-2**: 2015-4-8; 2016 code; **2-15-3**: 2015-4-8; 2016 code; **2-15-4**: 2015-4-8; 2016 code*

TITLE 2: BOARDS AND COMMISSIONS

Chapter 16: INFORMATION TECHNOLOGY COMMITTEE

2-16-1 Creation
2-16-2 Member
2-16-3 Duties
2-16-4 Meetings

2-16-1: Creation: There is hereby created an information technology committee, the purpose of which shall be to provide direction and oversight for the city's information technology and systems and services. The word "committee" when used in this chapter means the information technology committee.

2-16-2: Members:

(A) The committee shall be composed of five members, appointed by the mayor subject to confirmation by the council:

(1) Two members shall be alderpersons, one of whom shall also be a member of the finance and taxation committee.

(2) Three members shall be persons who either regularly work with the city's information technology systems or who possess unique knowledge about information technology systems generally.

(3) Residence in the city shall not be a prerequisite to serve as a member of the committee.

(B) Each member shall be appointed for a term from his or her appointment through the Monday preceding the third Tuesday in April of the succeeding year.

(C) The mayor shall designate one member to serve as chairperson.

2-16-3: Duties: The information technology committee shall have the following duties:

(A) Develop, review and refine policies related to operation of the city's information technology systems and services.

(B) Plan for the city's future information technology needs.

(C) Monitor the city's progress toward implementing information technology systems and services.

(D) Make recommendations to the council for information technology investments.

2-16-4: Meetings: Meetings of the committee shall be on call of the chairperson.

Chap. 2-16 history: 2-16-1*: 2015-4-8; 2016 code;* ***2-16-2****: 2015-4-8; 2016 code;* ***2-16-3****: 2015-4-8; 2016 code;* ***2-16-4****: 2015-4-8; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 1	AMUSEMENTS
Chapter 2	AMUSEMENT DEVICES
Chapter 3	PUBLIC ASSEMBLIES
Chapter 4	ALCOHOL BEVERAGES
Chapter 5	LICENSE AND PERMIT REVOCATIONS, SUSPENSIONS AND REFUSALS
Chapter 6	AUCTIONS
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Chapter 9	SIDEWALK CAFES
Chapter 10	DANCE LICENSES
Chapter 11	CIGARETTE LICENSES
Chapter 12	WEIGHTS AND MEASURES
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Chapter 15	ELECTRONIC ALARMS

TITLE 3: BUSINESS REGULATIONS

Chapter 1: AMUSEMENTS

3-1-1 License required
3-1-2 Application for license
3-1-3 Issuance of license
3-1-4 License term and fees
3-1-5 Transfer of license
3-1-6 Posting of license
3-1-7 Premises restrictions and regulations
3-1-8 Revocation of license
3-1-9 Penalties

3-1-1: License required: No person shall conduct, exhibit, operate or maintain within the city any circus, menagerie, concert, either vocal or instrumental, or exhibit any natural or artificial curiosity or conduct any game or athletic event or any other amusement open to the public for which an admission fee is charged, whether directly or indirectly, without a license issued under this chapter.

3-1-2: Application for license: Any person desiring to procure a license under this chapter shall file with the city clerk a written application upon a form furnished by the city. Such application shall contain the name, residence and age of the applicant, if the applicant is an individual. If the applicant is an association or legal entity such application shall contain the names of the principal officers, managers or agents and their residences and the name or names of one or more persons whom such association or legal entity shall designate as a manager or person in charge with the address or addresses of such manager or person in charge. Such application shall further state the following:

(A) Length of time such applicant, if an individual, or the manager or person in charge if the applicant is an association or legal entity, has or have resided in the city, his, her or their places of previous employment, whether a citizen of the United States and a resident of the city, whether he, she or they or any of them have been convicted of violating any law regulating the conduct of any public amusement and, if so, when and in what court.

(B) The premises where such amusement is to be located or conducted, giving street and number of all entrances, the location of the room or rooms or space to be occupied and the total amount of space to be used for said purposes.

(C) Whether the applicant or applicants or managers or agents had, either alone or with someone else, previously engaged as owner or employee in conducting any public amusement, when and where and for how long.

(D) The name and address of the person owning the premises for which a license is sought.

(E) The specific nature of the amusement for which a license is sought.

(F) The city clerk shall review such application and may command the assistance of the chief of police, chief of the fire department and building inspector who shall inspect or cause to be inspected each application to determine whether the place sought to be licensed complies with the laws applicable thereto and is a proper place for the purpose for which it is to be used. These officials shall furnish to the city clerk in writing the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused.

3-1-3: Issuance of license: Upon filing of the application and the information as provided in this chapter, the city clerk shall refer such application to the council. The council may, upon payment to the city of the required license fee, authorize the issuance to the applicant of a license to conduct and maintain a public amusement. Such license fees shall be paid to the city treasurer. No license shall be refused except for the protection of the public safety, health, morals or general welfare.

(A) License criteria: No license shall be issued unless the principal officers, managers, agents and persons in charge named in the application are of good moral character, that the proposed location complies with and conforms to all codes, health and fire regulations applicable thereto, and that it is a safe and proper place for the purposes for which it shall be used. No license shall be granted any public amusement place unless adequate modern toilet facilities are provided, including wash basins with running water, soap and individual towels (and unless an adequate supply of drinking water is available, either at a sanitary drinking fountain, or with individual drinking cups). The applicant (or applicants or manager or person in charge) for a license shall establish by affidavit or otherwise that they are of good moral character and capable of maintaining good order at all public performances. A license shall be refused by the council to any applicant, or to any association or legal entity of which a member or members, shall have been convicted within two years of the date of application of a second offense against any of the provisions of this chapter, also to any person who has within five years of the date of application been convicted of a felony and to any association or legal entity of which any member has been so convicted of a felony. No license shall be issued for any public amusement place if three or more buildings used exclusively for residence purposes are located within 500 feet

except such places as were used for that purpose as of and before March 3, 1931.

(B) License procedure: All licenses shall be numbered in the order in which they are issued and shall state clearly the location, the exact nature of the amusement, and dates of issuance and expiration of the license, the fee paid and the name of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection, unless he or she can show that the reason for the objection no longer exists. No license shall be granted to a person under 18 years of age or renewed without a re-inspection of the premises.

(C) Due process protection: Any person who is denied the issuance of an initial or renewal license under this chapter shall be notified of the right to request a hearing before the council, at which the person may show cause, if there be any, why the issuance of the license should not be denied.

3-1-4: License term and fees: Licenses shall expire on June 30 succeeding the issuing thereof and the license fee shall be set by resolution of the council.

3-1-5: Transfer of license: No transfer of license as to location or licensee shall be granted without approval by the council. If the transfer is approved, this action shall be endorsed upon the license by the city clerk.

3-1-6: Posting of license: Every person licensed under this chapter shall post such license and keep the same posted while in force in a conspicuous place on the premises subject to such license. It shall be unlawful for any person to post such license or permit such license to be posted upon premises other than the premises subject to such license, or knowingly to destroy or deface any such license. Whenever a license shall be lost or destroyed without fault of the holder or his or her agent or employees, a duplicate license in lieu thereof under the original application may be issued by the city clerk.

3-1-7: Premises restrictions and regulations:

(A) Conduct of licensed premises: No recipient of a license under this chapter shall permit any disorderly conduct, or permit the sale, giving away, delivering, drinking or use in or upon the licensed premises of any drugs or alcohol beverages, or prostitution, or gambling, or for any other unlawful purposes.

(B) Noise: No loud or unusual noises shall be permitted upon the licensed premises, nor shall any music be played so as to constitute a nuisance.

(C) Sanitary and lighting requirements: All public amusement places and facilities appertaining thereto shall be kept at all times in a clean, healthful and sanitary condition, and all stairways and other passages and all rooms connected with a public amusement place shall be kept open and well lighted during the public use.

3-1-8: Revocation of license: The council may, at any time after giving notice to the licensee of an opportunity to be heard, revoke any license granted under this chapter for disorderly or immoral conduct on the premises, or for the violation of any of the laws governing or applying to public amusements, or for the protection of the public health, safety, morals or general welfare. Whenever any license shall be revoked, no refund of any unearned portion of the fee paid shall be made. Notice of such hearing and the reason therefor shall be in writing shall be served by the chief of police upon the person named in the application and by filing a copy of such with the city clerk.

3-1-9: Penalties: A person who violates any provision of this chapter, or who violates any provision of a license issued under this chapter, shall upon conviction be subject to a Class 3 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

***Chap. 3-1 history: 3-1-1**: 1982-9-21; 2016 code; **3-1-2**: 1969 code; 1982-9-21; 2016 code; **3-1-3**: 2002-11-6; 2016 code; **3-1-4**: 1982-9-21; 2016 code; **3-1-5**: 1969 code; 2016 code; **3-1-6**: 1969 code; 2016 code; **3-1-7**: 1969 code; 2016 code; 1982-9-21; **3-1-8**: 1969 code; 2016 code; **3-1-9**: 1991-12-17; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 2: AMUSEMENT DEVICES

3-2-1 Definitions
3-2-2 Registration required
3-2-3 Fee
3-2-4 Nonregistered amusement devices prohibited
3-2-4 Penalty

3-2-1: Definitions: In this chapter:

“Amusement devices” means billiard or pool tables, coin or token operated machines commonly referred to as pin games, shovel or digger games, put and take machines, electronic and video games, and similar devices which invoke a skill feature, which they operate by coins and which do not deliver, pay to or emit coins, tokens, coupons, tickets, receipts, chips or other things which may be redeemed or exchanged for money or merchandise or other things of value, or which do not deliver, pay out or emit merchandise or anything of value, or entitle the player of said device to the same.

"Possess" means to own, manage, occupy or control a premises on or within which a nonregistered amusement device is located.

3-2-2: Registration required: A person owning or providing any amusement device, or a person maintaining, operating or permitting the maintenance of any such amusement device on premises owned, occupied by or under the control or management, or operated by any such person, shall register such amusement device with the city. On each July 1, every such amusement device shall be re-registered. This section shall not be construed to authorize the registration of any slot machine or gambling device.

3-2-3: Fee: The registration fee for each amusement device shall be set by resolution of the council. The re-registration fee for each year shall be in an amount equal to the registration fee in effect at the time of re-registration. Such fee shall be paid to the city treasurer upon registration or re-registration of each amusement device. The city treasurer shall require the registrant to submit such information as may be necessary to identify the amusement device so registered and shall issue to the registrant any appropriate registration tag. All registrants shall keep proof of registration at the same premises as the amusement device. A separate tag is required for each amusement device. Every registrant, or his or her agent, shall show to any person, upon request, the registration tag for each amusement device on the premises.

3-2-4: Nonregistered amusement devices prohibited: It shall be unlawful to own or possess a nonregistered amusement device.

3-2-5: Penalty: A person who violates any provision of this chapter shall upon conviction be subject to a Class 4 forfeiture.

Chap. 3-2 history: 3-2-1*: 2016 code;* ***3-2-2****: 2016 code;* ***3-2-3****: 2016 code;* ***3-2-4****: 1987-8-4; 2016 code;* ***3-2-5****: 1991-12-17; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 3: PUBLIC ASSEMBLIES

3-3-1 Definitions
3-3-2 Notice of public assembly
3-3-3 Public assembly permitted
3-3-4 Significant public safety issue
3-3-5 Denial of public assembly
3-3-6 Appeal
3-3-7 Administration and enforcement
3-3-8 Disrupting a public assembly
3-3-9 Penalty

3-3-1: Definitions: In this chapter:

"Disrupt" means any planned activity, verbal or nonverbal, with the intent to disturb or interrupt the orderly course of the public assembly, or any activity, verbal or nonverbal, with knowledge that the natural consequences of the person's actions would be to disturb or interrupt the orderly course of the public assembly.

"Organizer" means a person planning to lead or initiate any type of public assembly, including a march or procession on a public way.

"Public assembly" means a) A company of persons which is reasonably anticipated to obstruct the normal flow of traffic upon a public way and that is collected together in one place, or b) any organized march or procession of persons upon any public way that is reasonably anticipated to obstruct the normal flow of pedestrian traffic on the public way. A public assembly does not include any event, gathering, or activity for which a special events permit is required.

"Public way" means all public property open to the public, including, sidewalks, alleys, streets, parks, rights of way, and public buildings.

3-3-2: Notice of public assembly: Any organizer planning to lead or initiate any type of public assembly, including a march or procession upon a public sidewalk, shall notify the police chief, at least five business days in advance, or as soon as practicable if the event is of a spontaneous or urgent nature, and shall inform him or her of the date, time, location, route and estimated number of persons participating, so that the city can make any preparations necessary to provide personnel or other city services to minimize the obstruction to pedestrian and other traffic and to otherwise protect the participants and the public.

3-3-3: Public assembly permitted: Public assemblies shall be allowed unless the police chief informs the organizer giving the notice, within two days or as soon as practicable before the scheduled event, that there would be a direct interference with a previously planned permitted activity, special event or public assembly, or that there is a significant public safety issue, as set forth in section 3-3-4 of this chapter. If the police chief does this, he or she must state the reasons in writing and give an alternative date, time, location or route, as provided for in section 3-3-5 of this chapter. If the organizer desires to appeal such decision, then the appeal shall be governed by the procedures set forth in section 3-3-6 of this chapter, if the notification was received in sufficient time that the appeals process could be completed before the planned date; if not, the decision by the police chief shall be final subject to judicial review as provided by law. Upon request, the police chief shall provide the organizer with a stamped copy of the notice given under this section.

3-3-4: Significant public safety issues:

(A) The following are significant public safety issues:

(1) The proposed activity will substantially or unnecessarily interfere with traffic in the area next to the activity and there are not available sufficient city resources to mitigate the disruption.

(2) There are not enough peace officers and traffic control aides to police and protect lawful participants in the activity and nonparticipants from traffic related hazards in light of the other demands for police protection.

(3) The concentration of persons, animals, vehicles or things at the assembly and disbanding areas will prevent proper fire and police protection or ambulance service.

(4) Such other public safety issues as determined by resolution of the council.

3-3-5: Denial of public assembly:

(A) Notice to organizer:

(1) The police chief, or designee, shall provide notice of the denial to the organizer within five business days after receipt of the notice for a public assembly, except that where the purpose of such event is a spontaneous response to a current event, or where other good and compelling cause is shown, the police chief, or designee, shall act within two business days. If the police chief, or designee, fails to act within five business days after the date upon which the application was filed, said notice of public assembly shall be considered approved.

(2) The notice must state the facts and conclusions, which are the basis for any denial of the public assembly and, if the action taken is offering an alternate time, date, location or route, then describing the conflict among application requests. If the police chief, or designee, denies an application for failure to provide sufficient information about the proposed route or estimated number of persons participating, he or she shall specify what additional information must be provided in a new or amended application.

(3) Notice may be by facsimile transmission or telephone, but then must be followed up by regular mail directed to the organizer.

(B) Alternate date, time, location or route:

(1) When the police chief denies an application for a public assembly, he or she shall authorize the conduct of a public assembly on a date, at a time, at a location, or over a route different from that named by the organizer. This alternate shall to the extent practicable authorize a public assembly that will have comparable public visibility and a similar route, location and date to that of the proposed event. An organizer desiring to accept an alternate public assembly date, time or location shall, within five business days after notice of the action by the police chief, file a written notice of acceptance with the police chief.

(2) The police chief may limit the public assembly to the public way where it is determined that such limited area is capable of accommodating the number of people anticipated based upon the information submitted by the applicant and the experience of previous comparable events, and such limitation shall not be considered a denial.

3-3-6: Appeal: Any organizer who believes that his or her request for a public assembly is wrongfully disapproved may appeal to the council by notifying the city clerk of the intent to appeal. If no appeal is filed within five business days of the date notice of the police chief's decision is given, that decision shall be considered final. Upon the filing of such appeal, the council shall cause a hearing to be held and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the police chief. Any final decision of the police chief or the council shall be subject to judicial review as provided by law. If the council fails to act within two business days of the conclusion of a hearing held under this section, said request for public assembly shall be considered approved.

3-3-7: Administration and enforcement: The council may, from time to time, pass such resolutions to help clarify the administration or enforcement of this chapter.

3-3-8: Disrupting a public assembly: It shall be unlawful for any person, other than a law enforcement officer acting in the course of his or her official peace keeping duties, to knowingly disrupt a public assembly.

3-3-9: Penalty: A person who violates section 3-3-2 or section 3-3-8 of this chapter shall upon conviction be subject to a class 1 forfeiture. A separate offense exists each calendar day during which a violation of section 3-3-8 of this chapter occurs or continues.

Chap. 3-3 history: 3-3-1*: 2002-9-3; 2016 code;* ***3-3-2****: 2002-9-3; 2016 code;* ***3-3-3****: 2002-9-3; 2016 code;* ***3-3-4****: 2002-9-3; 2016 code;* ***3-3-5****: 2002-9-3; 2016 code;* ***3-3-6****: 2002-9-3; 2016 code;* ***3-3-7****: 2002-9-3; 2016 code;* ***3-3-8****: 2002-9-3; 2016 code;* ***3-3-9****: 2002-9-3; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 4: ALCOHOL BEVERAGES

3-4-1 Wisconsin statutes adopted
3-4-2 Definitions
3-4-3 General licensing requirements
3-4-4 Fermented malt beverages
3-4-5 Intoxicating liquors
3-4-6 “Class C” wine license
3-4-7 Sidewalk cafés
3-4-8 Nude exhibitionism
3-4-9 General provisions
3-4-10 License fees
3-4-11 Penalty

3-4-1: Wisconsin statutes adopted: The provisions of chapter 125 of the Wisconsin statutes, existing as of the adoption of this chapter and as amended or renumbered from time to time, are hereby adopted by reference. References to a specific section of the Wisconsin statutes, wherever used in this chapter, shall mean the Wisconsin statutes of 2013-2014.

3-4-2: Definitions: In this chapter:

“Alcohol beverages“ means fermented malt beverages, intoxicating liquor or wine, or any combination thereof.

“Alcohol beverages license“ means an authorization to sell alcohol beverages issued by the city under this chapter or chapter 125 of the Wisconsin statutes.

“Barroom“ means a room or area that is primarily used for the sale or consumption of alcohol beverages.

“Brewer“ means any person who manufactures fermented malt beverages for sale or transportation.

“Brewery premises“ means all land and buildings used in the manufacture or sale of fermented malt beverages at a brewer's principal place of business.

“Class “B”-restaurant fermented malt beverages license“ means a Class “B” fermented malt beverages license designated as “Restaurant” when issued.

“Class “B”-unrestricted fermented malt beverages license“ means a Class “B” fermented malt beverages license other than a Class “B”-restaurant fermented malt beverages license.

“Fermented malt beverages“ means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

“Intoxicating liquor“ means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5 percent or more of alcohol by volume, which are beverages, but does not include fermented malt beverages.

“Licensed premises“ means the area described in an alcohol beverages license or permit.

“Manufacturer“ means a person, other than a rectifier, that ferments, manufactures or distills intoxicating liquor.

“Monroe alcohol beverages license application supplement“ means a form, approved by the license committee, containing questions to be answered by the person who submits an application for an alcohol beverages license.

“Nude exhibitionism“ means a live act, demonstration, dance or exhibition, or any combination thereof, that: a) Shows a person’s genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or b) Shows any portion of the female breast below a point immediately above the top of the areola; or c) Shows the covered male genitals in a discernibly turgid state.

“Point of sale“ means a checkout, cash register or other facility or equipment located within a licensed premises and used to consummate the sale of alcohol beverages by a person holding an alcohol beverages license.

“Population“ means the number of inhabitants of the city in the previous year determined by the Wisconsin Department of

Administration under section 16.96(2) of the Wisconsin statutes, or any amendments thereto, for purposes of revenue sharing distribution.

“Rectifier“ means any one of the following: a) A person that rectifies, purifies or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort or wash, through continuous closed vessels or pipes, until the manufacture thereof is complete; b) A person who possesses any still or leach tub or keeps any other apparatus for refining distilled spirits; c) A person who after rectifying and purifying distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale; d) A distiller or any person under substantially the same control as a distiller who, without rectifying, purifying or refining distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale under the name of "whiskey," "brandy," "gin," "rum," "spirits," "cordials" or any other name; or e) A person who places intoxicating liquor in bottles or other containers.

“Reserve “Class B” intoxicating liquor license“ shall have the meaning set forth in section 125.51(4) of the Wisconsin statutes.

“Restaurant“ means any building, room or place where meals are prepared or served or sold to transients or the general public, and all places used with it and includes any public or private school lunchroom for which food service is provided by contract. “Meals” does not include soft drinks, ice cream, milk, milk drinks, ices and confections. “Restaurant” does not include: a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter; b) 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; c) Any public or private school lunchroom for which food service is directly provided by the school, or a private individual selling foods from a movable or temporary stand at public farm sales; d) Any bed and breakfast establishment that serves breakfasts only to its lodgers; e) The serving of food or beverage through a licensed vending machine; f) Any college campus, as defined in section 36.05 (6m) of the Wisconsin statutes, institution, as defined in section 36.51 (1) (b) of the Wisconsin statutes or technical college that serves meals only to the students enrolled in the college campus, institution or school or to authorized elderly persons under section 36.51 or 38.36 of the Wisconsin statutes; g) A concession stand at a locally sponsored sporting event, such as a little league game; or h) A potluck event.

“Sell, “ “sold, “ “sale“ or “selling“ means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of alcohol beverages.

“Wholesaler“ means a person, other than a brewer, manufacturer or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit or license to sell alcohol beverages at wholesale.

“Wine“ means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain 0.5 percent or more of alcohol by volume.

3-4-3: General licensing requirements:

(A) Unpaid claims, assessments or forfeitures. No alcohol beverages license or renewal thereof shall be granted to any person who is delinquent in the payment of any tax, assessment, or other claim owed to the city, or delinquent in the payment of any forfeiture resulting from a violation of any provision of this code.

(B) Licensed premises closed due to damage. Where any licensed premises has been partially or totally destroyed by wind, storm, fire, or any act of God, a reasonable length of time may be granted by the council for the alcohol beverages license holder to restore the licensed premises. The decision of the council as to what constitutes a reasonable time, or any extensions thereof, shall be final. If the licensed premises are not restored, the council may revoke the alcohol beverages license, as provided in the Wisconsin statutes.

(C) Posting of alcohol beverages license. It shall be unlawful for any person to post an alcohol beverages license issued under this chapter, or permit the alcohol beverages license to be posted, upon a premises other than a licensed premises. It shall also be unlawful to deface or destroy an alcohol beverages license, or to remove an alcohol beverages license without the consent of the person holding the alcohol beverages license, except in the exercise of lawful authority.

(D) Disorderly conduct. Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

(E) Dancing. No dancing shall be permitted in any licensed premises, and no entertainment other than music shall be permitted on a licensed premises unless an appropriate permit has first been obtained.

(F) Sales area. The following conditions shall apply to all Class “A” fermented malt beverages and “Class A” intoxicating

liquor licenses:

(1) No alcohol beverages license shall be granted for any proposed licensed premises where any other business is conducted on the proposed licensed premises and no other business may be conducted on such licensed premises.

(2) The provisions of subsection (F)(1). of this section shall not apply to a point of sale.

(G) Limitation on number of alcohol beverages licenses:

(1) "Class A" intoxicating liquor licenses. The total number of "Class A" intoxicating liquor licenses issued in the city shall not exceed 24.

(2) Class "A" fermented malt beverages licenses. The total number of Class "A" fermented malt beverages licenses issued in the city shall not exceed 24.

(3) "Class B" intoxicating liquor licenses. The combined total number of "Class B" intoxicating liquor licenses and reserve "Class B" intoxicating liquor licenses issued in the city shall not exceed 25.

(4) Class "B"-unrestricted fermented malt beverages licenses. The total number of Class "B"-unrestricted fermented malt beverages licenses issued in the city shall not exceed 25.

(5) Class "B"-restaurant fermented malt beverages licenses. The total number of Class "B"-restaurant fermented malt beverages licenses issued in the city shall not exceed 12.

(6) "Class C" wine licenses. The total number of "Class C" wine licenses issued in the city shall not exceed 12.

(H) Limitation on number of licensed premises:

(1) The combined total number of licensed premises issued a "Class A" intoxicating liquor license or a Class "A" fermented malt beverages license, or both, shall not exceed 24.

(2) The combined total number of licensed premises issued a "Class B" intoxicating liquor license, a reserve "Class B" intoxicating liquor license or a Class "B"-unrestricted fermented malt beverages license, or any combination thereof, shall not exceed 25.

(3) The combined total number of licensed premises issued a Class "B"-restaurant fermented malt beverages license or a "Class C"-wine license, or both, shall not exceed 12.

(I) Alcohol beverages license holders to be open for business:

(1) Continuity of business. No holder of an alcohol beverages license shall be closed for business for more than 120 consecutive days in any license year or for more than 120 consecutive days spanning two consecutive license years.

(2) Minimum operation. The holder of an alcohol beverages license shall serve alcohol beverages pursuant to such alcohol beverages license not less than 25 percent of the days in any license year, or partial year if the alcohol beverages license has been issued for a period less than a full year. For the purpose of this subparagraph, the license year or partial license year shall be equal to the total number of days in the license year or partial year, less 120 days, but not less than zero days.

(3) Initial use of alcohol beverages license. A person to whom an alcohol beverages license has been granted, who had not been issued the same kind of alcohol beverages license in the preceding license year, may elect to defer issuance of such alcohol beverages license for a period not exceeding six months following the granting of such alcohol beverages license.

(4) Non-renewal, Suspension or Revocation. A violation of this subsection shall be prima facie grounds for non-renewal, suspension or revocation of the applicable alcohol beverages license.

(5) Variance. If any one or more of the following conditions exist, the council may grant a variance from the requirements of this subsection:

A) Substantial damage or destruction of the licensed premises by fire, wind or other calamity.

B) Death of the alcohol beverages licensee or a principal officer of the alcohol beverages licensee.

C) Physical or mental disability of the alcohol beverages licensee or a principal officer of the alcohol beverages

licensee such that the alcohol beverages licensee or such principal officer cannot carry on the business of the alcohol beverages licensee.

D) Substantial remodeling or rebuilding of the licensed premises in such a manner as to make it impossible to serve the public.

E) A unique circumstance, not shared by other holders of the same kind of alcohol beverages license, where in the judgment of the council the grant of a variance from the requirements of this subsection advances a significant public interest.

(J) Operator's license. A beverage operator's license as provided by chapter 125 of the Wisconsin statutes may be granted by the council, or a standing committee of the council, if authorized by the council, and shall be effective for one year, from July 1 through June 30upon the payment of a fee set by resolution of the council. A written application provided by the city clerk shall be filed with the city clerk's office and completed in full. The application shall be referred to the chief of police for a background report on the applicant and a recommendation on the granting of the license. A person must be 18 years of age in order to be eligible for an operator's license.

(1) Said license shall expire on June 30th following the date of issuance. The license fee under this section shall be paid to the city treasurer.

(2) The city clerk shall issue a provisional beverage operator's license subject to the following conditions:

A) A provisional operator’s license may be issued only to a person who has applied for a regular beverage operator's license as provided by this section.

B) A provisional beverage operator's license may not be issued to any person who has been denied a regular beverage operator's license.

C) A provisional beverage operator's license shall expire 60 days after its date of issuance, or when a regular beverage operator's license is issued to the holder, whichever is sooner.

D) Before issuance of the provisional beverage operator's license, the clerk or that person's designee shall provide the police department with a copy of the application and the police department shall then make a background check on the license holder and report the results and make a recommendation to the clerk's office.

E) The city clerk, upon recommendation of the chief of police, may deny or revoke the provisional beverage operator's license if it is discovered that the holder of the license made a false statement on the application.

F) The city clerk, upon recommendation of the chief of police, may deny or revoke the provisional beverage operator's license of any person when it is determined that that person's criminal or civil conviction record substantially relates to the duties and circumstances of a beverage operator's position.

G) Any person whose provisional beverage operator's license is denied or revoked shall have the right to appeal that denial or revocation to the council.

(3) A regular beverage operator’s license issued hereunder may be revoked or suspended by the city clerk for reasons provided under subsections (2) E) or F) of this section. An appeal of said revocation or suspension may be made under chapter 3-5 of this title.

3-4-4: Fermented malt beverages:

(A) Class “A” fermented malt beverages license issued to wholesaler. The limitations of subsection 3-4-3(H) of this chapter shall not apply to a Class “A” fermented malt beverages license issued to a wholesaler under this chapter.

(B) Class “B”-restaurant limitations. A Class “B”-restaurant fermented malt beverages license authorizes the retail sale of fermented malt beverages by the glass or in an opened original container, subject to the following:

(1) The licensed premises shall be a restaurant with on-site seating for 20 or more persons for dining purposes.

(2) The sale of alcohol beverages shall not exceed 35 percent of gross receipts for such licensed premises.

(3) No part of the licensed premises shall at any time operate as a barroom.

(4) All fermented malt beverages shall be served to patrons at a table, counter or other surface where food is ordinarily served.

(5) The sale of fermented malt beverages shall be for on-licensed premises consumption only.

3-4-5: Intoxicating liquors: Persons holding a “Class B” intoxicating liquor license may:

(A) Sell intoxicating liquor by the glass for consumption on the licensed premises, and in the original package or container, in multiples not to exceed four liters at any one time, to be consumed off the licensed premises where sold.

(B) Sell wine for consumption off the licensed premises in the original container or otherwise in any quantity.

3-4-6: “Class C” wine license: A “Class C” wine license may be issued to an otherwise qualified person, subject to the following:

(A) The licensed premises shall be a restaurant with on-site seating for 20 or more persons for dining purposes.

(B) The sale of alcohol beverages shall not exceed 35 percent of gross receipts for such licensed premises.

(C) No part of the licensed premises shall at any time operate as a barroom.

(D) All wine shall be served in a glass or in an opened original container to patrons at a table, counter or other surface where food is ordinarily served.

(E) The sale of wine shall be for consumption on the licensed premises only.

3-4-7: Sidewalk cafés: No alcohol beverages licensee may operate under said license in a sidewalk café unless the licensed premises includes the area designated for operation of such sidewalk café and the alcohol beverages licensee also holds a permit authorizing the operation of the sidewalk café at all times during which alcohol beverages are served.

(A) Definition. When used in this chapter, sidewalk café has the meaning set forth in section 3-9-2 of this title.

(B) Application. A request for expansion of the licensed premises to include a sidewalk café shall be made in writing to the city clerk.

(C) Requirements. Sidewalk cafés are authorized to serve alcohol beverages under this section only as follows:

(1) The service and consumption of alcohol beverages in the sidewalk café shall be limited to the hours of operation authorized for the sidewalk café. All alcohol beverages shall be cleared from tables during all times when the sidewalk café is not permitted to operate.

(2) Alcohol beverages shall only be served to patrons of the establishment to which the sidewalk café permit has been issued who are seated at a table in the sidewalk café by a server working under the direction and supervision of the management of such establishment and only at times when food service is also available from such establishment. No person may consume alcohol beverages in a sidewalk café unless such person is seated at a table in the sidewalk café.

(3) There shall be no carry-in of alcohol beverages by the patron to the sidewalk café. Patrons of the sidewalk café shall remain seated at the table within the sidewalk café when consuming alcohol beverages.

(4) The alcohol beverages licensee shall be in compliance with all city and state laws, rules, and regulations relating to alcohol beverages.

(5) A valid sidewalk café permit issued under chapter 9 of this title has been issued and remains in effect for the sidewalk café.

(6) The alcohol beverages licensee shall be in compliance with such additional requirements as the council may establish.

(D) Responsibility of alcohol beverages licensee. The alcohol beverages licensee shall take reasonable steps to ensure that alcohol beverages are consumed only by patrons of the licensed premises who are of legal drinking age, and not by passersby or persons who are not of age or who are obviously intoxicated. Reasonable steps may include, but not be limited to, the use of portable barriers or fences, supervision of the outside area by security and staff personnel, or electronic surveillance monitors. Failure to take such reasonable steps in the sidewalk café is grounds for removal of the sidewalk café from the description of the licensed premises or revocation or suspension of the alcohol beverages license for the licensed premises.

(E) Responsibility of patrons. No person shall leave the area delineated as a sidewalk café with an open alcohol beverage.

3-4-8: Nude exhibitionism.

(A) Findings. The council finds that bars and taverns featuring non-obscene nude exhibitionism have in other communities tended to further the increase of criminal and other offensive activity, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life in such communities; for these reasons such secondary effects are hereby found to be detrimental to the public health, safety and general welfare of citizens of the communities where such activities are allowed to occur in bars and taverns, including the following detrimental effects:

(1) The potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses.

(2) The potential depreciation of property values in neighborhoods where bars and taverns featuring nude dancing exist.

(3) Health risks associated with the spread of sexually transmitted diseases.

(4) The potential for infiltration by organized crime.

(B) Purpose. The council recognizes that the United States Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the first amendment to the United States Constitution and is therefore entitled to some limited protection under the first amendment, and the council further recognizes that freedom of speech is among our most precious and highly protected rights. The purpose of this section is to protect the health, safety and general welfare of the citizens of the city by prohibiting nude exhibitionism in licensed premises, and thereby minimizing the risk of adverse secondary effects of non-obscene nude exhibitionism encountered in other communities.

(C) Nude exhibitionism prohibited. It is unlawful for any person to perform or engage in nude exhibitionism on a licensed premises, or outside a licensed premises at a location in close proximity and plain view of a licensed premises. It is unlawful for a person holding an alcohol beverages license, or for the manager or agent for such person, to permit any person, employee, entertainer or patron to perform or engage in nude exhibitionism on the licensed premises, or outside the licensed premises at a location in close proximity and plain view of the licensed premises.

(D) Exceptions. The provisions of this section do not apply to licensed premises that are theaters, performing arts centers, civic centers, and dinner theaters, where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and where the predominant business or attraction is not the offering of nude exhibitionism and where the establishment to which the licensed premises is associated is not distinguished by an emphasis on, or the advertising or promotion of, persons engaging in nude exhibitionism.

3-4-9: General provisions:

(A) Monroe alcohol beverages license application supplement. The applicant for an alcohol beverages license under this chapter, other than an applicant submitting a renewal alcohol beverages license application, shall in addition to the forms otherwise required to be submitted, complete and submit with the application for such alcohol beverages license the Monroe alcohol beverages license application supplement. The Monroe alcohol beverages license application supplement shall be available from the city clerk.

(B) Economic development grant to recipient of reserve “Class B” intoxicating liquor license. The council hereby finds that it is in the interests of the public welfare to increase the property tax base, provide employment opportunities, attract tourists and generally enhance the economic and cultural climate of the city by providing grants for new businesses issued reserve “Class B” intoxicating liquor licenses. The following procedures shall apply to the consideration and award of such grants:

(1) Application. The holder of a reserve “Class B” intoxicating liquor license may apply for an economic development grant in an amount not to exceed $10,000 within 12 months following the date of issuance of the reserve “Class B” intoxicating liquor license. The holder shall complete an application for an economic development grant, available from the city clerk, and shall attach complete, legible copies of paid invoices or receipts evidencing or documenting payment for improvements made to the premises in an amount equal to or greater than the amount requested in the application for an economic development grant.

(2) Review of application by license committee. The license committee shall review the grant application and either approve or deny the application, as appropriate. The grant funds shall not be disbursed until the licensed premises listed on the application is operating and open to the public. If the license committee determines that the alcohol beverages licensee is not in compliance with the approved alcohol beverages license or grant application requirements set forth in this section, the economic development grant request shall be denied and the city clerk shall make such findings in writing and cause to be delivered a copy of the findings to the alcohol beverages licensee.

(3) Appeal of grant denial. If the alcohol beverages licensee disagrees with the license committee's determination denying the grant, the alcohol beverages licensee may file a written notice of appeal upon the city clerk within 10 days of the delivery of the license committee's findings to the alcohol beverages licensee. The city clerk shall forward said notice of appeal to the council, which shall hold a hearing thereon within 20 days following receipt of the notice of appeal. If the council finds that the alcohol beverages licensee is in compliance with alcohol beverages license requirements and the grant application satisfies requirements set forth in this section, then the council shall authorize the payment of all or part of the economic development grant.

(C) Right to hearing on nonrenewal. Any person who is denied the issuance of a renewal alcohol beverages license shall be notified of the right to request a hearing before the council, at which the person may show cause, if there be any, why the issuance of the alcohol beverages license should not be denied. There shall be no right to a hearing before the council for any person who is denied the initial issuance of an alcohol beverages license under this chapter or chapter 125 of the Wisconsin statutes.

3-4-10: License fees:

(A) Fees set by resolution. Except as expressly set forth in this section, all alcohol beverages license fees and operator's license fees shall be an amount established from time to time by resolution of the council.

(B) Partial year. The fee for an alcohol beverages license issued for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(C) Reserve "Class B" intoxicating liquor license fee. A fee of $10,000.00 shall be paid for the initial issuance of any license designated a reserve "Class B" intoxicating liquor license, which fee shall be in addition to the fee otherwise payable for a "Class B" intoxicating liquor license.

3-4-11: Penalty:

(A) In this section, "juvenile" shall have the meaning set forth in section 938.02(10m) of the Wisconsin statutes.

(B) Any person, other than a juvenile, who violates a provision of this chapter, including those adopted by reference, except the provisions of sections 125.07 and 125.09 of the Wisconsin statutes, shall upon conviction be subject to a Class 3 forfeiture. Each day that a violation occurs or continues shall constitute a separate offense. A violation of any provision of this chapter shall be sufficient grounds to revoke, suspend or refuse to renew an alcohol beverages license issued to the person who owned or controlled the licensed premises when such violation occurred. In addition, any alcohol beverages license issued to any person under this chapter may be revoked by the court upon conviction.

(C) Any juvenile who violates a provision of this chapter shall be punished under section 938.344 of the Wisconsin statutes, including community service work under any available court-approved community service program.

(D) Any person, other than a juvenile, who violates a provision of section 125.07 of the Wisconsin statutes, which is adopted by reference as a part of this chapter, shall be subject to the penalties imposed by section 125.07 of the Wisconsin statutes. In addition to or in lieu of the penalties provided in section 125.07 of the Wisconsin statutes, any person, other than a juvenile, who violates a provision of section 125.07 of the Wisconsin statutes may be sentenced to perform community service work under any available court-approved community service program.

(E) Any person who violates a provision of section 125.09 of the Wisconsin statutes, which is adopted by reference as part of this chapter, shall be subject to the penalties imposed by section 125.09 of the Wisconsin statutes.

(F) All provisions of sections 125.07(1), (3), (4) and 125.09(2) of the Wisconsin statutes describing and defining regulations with respect to alcohol beverages, for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted by reference and made part of this section. Any act required to be performed or prohibited in any statute incorporated herein by reference is required or prohibited by this section.

***Chap. 3-4 history: 3-4-1**: 2012-10-16; 2016 code; **3-4-2**: 2012-10-16; 2016 code; **3-4-3**: 2012-10-16; 2015-5-5; 2016 code; **3-4-4**: 2012-10-16; 2016 code; **3-4-5**: 2012-10-16; 2016 code; **3-4-6**: 2012-10-16; 2016 code; **3-4-7**: 2012-10-16; 2016 code; **3-4-8**: 2012-10-16; 2016 code; **3-4-9**: 2012-10-16; 2016 code; **3-4-10**: 2012-10-16; 2016 code; **3-4-11**: 2012-10-16; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 5: LICENSE AND PERMIT REVOCATIONS, SUSPENSIONS AND REFUSALS

3-5-1 Definitions
3-5-2 Scope
3-5-3 Grounds for revocation, suspension, and refusal to issue or renew license
3-5-5 Procedure for refusal to issue or renew license
3-5-6 Review of determination
3-5-7 Election

3-5-1: Definitions: In this chapter:

"Committee" means any committee or board of the city.

"License" means any license or permit authorized to be issued by the city.

"Licensee" means any person that has been issued any type of permit or license by the city, or that has applied for any license or permit from the city, or both.

"Person aggrieved" means any person whose rights, duties or privileges are adversely affected by a determination of a municipal authority.

"Renew" means to either renew or reissue.

3-5-2: Scope:

(A) The city may suspend, revoke, or refuse to issue or renew any license. If procedures for such action are not set out in the section under which the license was or would be issued, such action shall be taken in compliance with the provisions of this chapter.

(B) The grounds set forth under section 3-5-3 for revocation, suspension, and refusal to issue or renew any license are in addition to all other grounds for such action set forth in this code, and shall provide a basis for revocation, suspension, and refusal to issue or renew any license, regardless of the chapter under which such license is authorized.

(C) The provisions of this chapter shall not apply to the temporary suspension, modification, or conditioning of any license issued pursuant to chapter 13 of title 3 this code.

3-5-3: Grounds for revocation, suspension, and refusal to issue or renew license: The city may suspend, revoke, or refuse to issue or renew any license when the city finds that the licensee:

(A) Has violated the conditions of the license.

(B) Has violated state law or this code.

(C) Has refused to allow the city to inspect the licensed premises.

(D) Does not possess the requirements to hold the license.

(E) Is, or would be, subject to suspension or revocation of the license under this code.

(F) Has not paid any overdue forfeiture resulting from a violation of this code.

(1) The city may enter into written agreements providing for reciprocal enforcement of forfeitures with other cities, villages, or towns within Green County. The city may suspend, revoke, or refuse to issue or renew any license to a person who has not paid an overdue forfeiture resulting from a violation of the code of any city, village or town that is a party to such agreement.

(2) The city may not suspend, revoke or refuse to issue or renew a license to any person who is appealing the imposition of the forfeiture, unless the refusal is based upon grounds other than the failure to pay the forfeiture. However, if the appeal is unsuccessful, the city may then revoke, suspend, or refuse to issue or renew a license based upon the failure to pay the overdue forfeiture.

(G) Is delinquent in the payment of personal property taxes due the city.

3-5-4: Procedure for revocation or suspension:

(A) Any resident of the city may file a sworn, written complaint with the city clerk setting forth facts that, if true, would show that a particular licensee has committed one of the acts set forth in section 3-5-3 of this chapter. Any member of a committee may file such a complaint, but shall not sit as a member of the council or committee during any hearing on the complaint or deliberation following a hearing on the complaint.

(B) Upon the filing of the complaint, the committee responsible for issuing the particular license shall issue a summons, directing the licensee to appear before the committee at a specific place and at a specific date and time to show cause why the committee should not recommend that the council revoke or suspend the license. The summons shall be signed by the city clerk.

(C) The committee may require the complainant to provide security for the costs of the action before issuing a summons under this section.

(D) The date and time noted on the summons for the appearance of the licensee shall be not less than three days nor more than 14 days from the date of issuance of the summons.

(E) The summons and a copy of the complaint shall be served on the licensee at least three days before the date of the hearing.

(F) The complainant shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

(G) If the committee finds the allegations of the complaint have not been proven, the proceeding shall be dismissed without cost to the licensee.

(H) If the licensee does not appear as required by the summons, or if the licensee appears and admits the allegations of the complaint, the allegations of the complaint shall be taken as proven. The council shall suspend or revoke the license upon recommendation of the committee. The city clerk shall give the licensee notice of such action within five days following the hearing.

(I) If the licensee appears as required by the summons and denies the complaint, the committee shall hold a hearing. At the hearing, the complainant and the licensee may be represented by counsel. The complainant and the licensee may present evidence, call and examine witnesses, and cross examine witnesses of the other party. The testimony of all witnesses shall be given under oath.

(1) The city shall arrange for having the hearing tape recorded. The licensee shall be provided a written transcript of the hearing at his or her expense.

(2) The committee shall submit a report to the council, including findings of fact, conclusions of law, and a recommendation as to what action, if any, the council should take with respect to the license.

A) The committee shall provide the complainant and the licensee with a copy of the report submitted to the council.

B) The council shall follow the recommendation of the committee unless review of the committee's determination is requested by any person under section 3-5-5 of this chapter. The city clerk shall give notice of all action taken by the council to the licensee.

3-5-5: Procedure for refusal to issue or renew license:

(A) Before the time to issue or renew a license, a committee shall notify the licensee in writing of its intention not to approve the issuance or renewal of the license and shall provide the licensee the opportunity for a hearing. The notice shall state the reasons for the intended action.

(B) The licensee shall be entitled to a hearing before the committee with regard to the intended action. To obtain a hearing, the licensee shall file a written request for hearing with the city clerk. Such request must be filed within seven days of the date notice is given under subsection (A) of this section.

(C) If hearing is requested, the city clerk shall set the matter for hearing before the committee. Such hearing shall be held not less than three days nor more than 14 days from the date the request for hearing is filed with the city clerk. Notice of such hearing shall be sent to the licensee by regular mail not less than three days before the date of hearing.

(D) The licensee shall have the opportunity at hearing to present evidence and argument supporting the issuance or renewal

of the license. After presentation of evidence and argument, the committee shall deliberate and shall return a determination confirming or reversing its initially proposed action. The determination shall be referred to the council as a recommendation for action.

(E) If the licensee does not appear at the requested hearing, all determinations of fact shall be resolved in favor of the initially proposed action, and the requested license shall not be issued or renewed. The city clerk shall give the licensee notice of such action within five days following the hearing.

(F) If the licensee appears, the licensee may present evidence and call and examine witnesses. The testimony of all witnesses shall be given under oath. The licensee may be represented by counsel.

(G) The city shall arrange for and pay the cost of having the hearing tape recorded. The licensee shall be provided a written transcript of the hearing at his or her request and expense.

3-5-6: Review of determination:

(A) Any person aggrieved may have a determination reviewed by written request mailed or delivered to the council 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 decision should be modified or reversed. A request for review shall be made to the council, but failure to make such request to the council shall not preclude the person aggrieved from review unless such failure has caused prejudice to the city.

(B) A review under this section shall be made by the council, unless an independent review of such initial determination by another person, committee, or agency of the city is provided by the city. Such independent review shall be at the sole discretion of the council.

(C) The council, or independent reviewer, if provided, 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.

(D) Upon the filing of a request for review, the council shall set a hearing regarding the determination. Such hearing shall be set before the council at a specific place and at a specific date and time.

(E) Such hearing shall be held not less than three nor more than 14 days from the date of filing of the request for review. Notice of the date and time of hearing shall be sent to the person requesting review not less than three days before the hearing. Notice shall be sent by regular mail.

(F) The committee shall have the burden of proving allegations supporting its recommendation by a preponderance of the evidence.

(G) If the council finds the allegations have not been proven, the recommendation of the committee shall be disregarded, and the council shall then take such action as is appropriate under the circumstances.

(H) At the hearing, the committee and the licensee may be represented by counsel. The committee and the licensee may present evidence, call and examine witnesses, and cross examine witnesses of the other party. The testimony of all witnesses shall be given under oath.

(I) No alderperson who participated in the determination of the committee shall sit on the council for purposes of the hearing under this section.

(J) The city shall arrange for having the hearing tape recorded. The licensee shall be provided a written transcript of the hearing at his or her request and expense.

3-5-7: Election: The city elects not to be governed by chapter 68 of the Wisconsin statutes in the area of licensing by virtue of the enactment of this chapter. This election is made pursuant to that authority granted to the city under section 68.16 of the Wisconsin statutes.

Chap. 3-5 history: 3-5-1*: 1992-1-7; 2016 code;* ***3-5-2****: 1992-1-7; 2016 code;* ***3-5-3****: 1992-1-7; 1993-2-2; 2016 code;* ***3-5-4****: 1992-1-7; 2016 code;* ***3-5-5****: 1992-1-7; 2002-11-6; 2016 code;* ***3-5-6****: 1992-1-7; 2016 code;* ***3-5-7****: 1992-1-7; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 6: AUCTIONS

3-6-1 Definition
3-6-2 License required; application, fee
3-6-3 Refusal to issue license
3-6-4 Exceptions
3-6-5 Compliance
3-6-6 Penalty

3-6-1: Definition: In this chapter:

"Sale at auction" or "to the highest bidder", shall include all sales by auction, whether the property is put up to the highest bidder in fact or whether it is sold by what is usually called "Dutch Auction", or by bidding down the sale thereof or by adding to the quantity of goods first offered for sale at a fixed price, or any other way if made to evade the provisions of this chapter.

3-6-2: License required: No auction sale shall be held in the city without a license issued under this chapter.

3-6-3: Application: Any person desiring to hold an auction sale shall obtain a license application form from the city clerk. He or she shall fill out the form stating the nature of the sale, the place where the same will be held, the number of days upon which said sale will be held, the general description of the things intended to be sold, the name and permanent address of the applicant and the name and address of the person he or she represents.

3-6-4: Fee: The fee for a license under this chapter shall be set by resolution of the council.

3-6-5: Approval and issuance of license:

(A) Approval: Upon filing of application properly filled out and presentation of the receipt from the city treasurer showing the proper license fee has been paid, the license may be granted to the applicant by the council. Such license shall be for the number of days indicated in the license application. A license shall not be transferable and shall be posted in a prominent place where the auction is to be held.

(B) Refusal to issue:

(1) The council may refuse to grant such license in the event it is shown that the applicant's business and moral character would be contrary to the best interests of the public good.

(2) No license shall be issued to any person who is delinquent in payment of any taxes, assessments, claims or forfeitures to the city.

(3) Due process protection: Any person who is denied the issuance of an initial or renewal license under this chapter shall be notified of the right to request a hearing before the council, at which the person may show cause, if there be any, why the issuance of the license should not be denied.

3-6-6: Exceptions: There are hereby excepted from the terms of this chapter all sales made by auction of household furniture which the person selling the same has used as such. Also any sale of livestock by a recognized association, by the owner thereof or by any agent of the owner, or where a sale is made by virtue of a chattel mortgage or of a rule, order or judgment of court, or of some law of the state or the United States respecting the collection of some tax or duty; or in consequence of a general assignment of property or effects for the benefit of creditors; or when of property belonging to the state or of the United States; or when made by or on behalf of any executor or administrator or guardian authorized by the court to conduct such sale personally, or when made by an officer of any court in person, or by an officer of the city, or the United States in person; provided, that no auction sale conducted by virtue of an order or judgment of any state court shall be held without license; or to any sale by any trustee in bankruptcy; or when made of his or her farm property by or on behalf of a resident farmer who has paid the taxes lawfully levied on his or her property; or when made to close up his or her business, or when made to reduce his or her stock, but not to exceed two such sales per year, by or on behalf of any merchant who shall reside and trade in any town, city or village and who shall have paid the taxes lawfully levied on his or her stock in trade; provided, that in the last case such sale shall be made in the town, city or village in which such taxes are paid. Whenever the auctioneer or the owner of the property sold or any person employed by them or either of them shall buy anything at any such sale, the same duty shall be paid as if any other person were purchaser thereof, and sales on credit shall be liable to duty as if made for cash.

3-6-7: Penalty: A person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

***Chap. 3-6 history: 3-6-1**: 1969 code; 2016 code; **3-6-2**: 1969 code; 2016 code; **3-6-3**: 1974-9-17; 1986-6-3; 2016 code; **3-6-4**: 1969 code; 2016 code; **3-6-5**: 1969 code; 2016 code; **3-6-6**: 1991-12-17; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 7: Vendors

3-7-1 Definitions
3-7-2 Exemptions
3-7-3 Permit required
3-7-4 Application for permit
3-7-5 Insurance requirements
3-7-6 Investigation and issuance
3-7-7 Permit fees
3-7-8 Regulation of transient merchants
3-7-9 Duty of police to report
3-7-11 Penalty
3-7-12 Severance clause

3-7-1: Definitions: In this chapter:

"Canvasser" means any transient merchant who goes from house to house or from place to place to solicit orders for sales of merchandise for future delivery or for services to be performed in the future.

"Charitable organization" means any benevolent, philanthropic, patriotic, or eleemosynary person, partnership, association or corporation.

"Farm products vendor" means a transient merchant who distributes, sells or offers for sale perishable agricultural products.

"Peddler" means any transient merchant who goes from house to house or from place to place transporting merchandise or offering merchandise for sale.

"Permanent merchant" means any person who, for at least one year before the consideration of the application of this chapter to said person, a) has continuously operated an established place of business in the local trade area among the communities bordering the place of sale, or b) has continuously resided in the local trade area among the communities bordering the place of sale and does business from his or her residence.

"Street vendor" means a transient merchant who on public property offers merchandise for sale from a vehicle, temporary booth, or other temporary location or by stopping any vehicle or pedestrian.

"Transient merchant" means any individual who engages in the retail sale of merchandise at any place in this state and who does not intend to become and does not become a permanent merchant of such place. For purposes of this section, sale of merchandise includes a sale in which the personal services provided upon or with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm.

3-7-2: Exemptions:

(A) This chapter shall not apply to the following:

(1) Any person delivering newspaper, fuel, dairy products or bakery goods to regular customers on established routes.

(2) Any person selling merchandise at wholesale to dealers in such merchandise.

(3) Any permanent merchant or employee thereof who takes orders at the home of the buyer for merchandise regularly offered for sale by such merchant within the city and who delivers such merchandise in his or her regular course of business.

(4) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested, a home visit by said person.

(5) Any veteran who holds a special state license issued under section 440.51 of the Wisconsin statutes.

(6) Any person selling or offering for sale a service unconnected with the sale or offering for sale of merchandise.

(7) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.

(8) Any person who claims to be a permanent merchant, but against whom a complaint has been made to the city clerk that such person is a transient merchant; provided, that there is submitted to the city clerk proof that such person has leased for at least one year, or purchased, the premises from which he or she has conducted business in the market area for at least one year before the date the complaint was made.

(9) Any person licensed by an examining board as defined in section 15.01(7) of the Wisconsin statutes.

(10) Any transient merchant operating within the area designated for a special event with authority of the sponsor of such special event.

(B) Sections 3-7-3, 3-7-4, 3-7-5, 3-7-6 and 3-7-7 of this code shall not apply to the following:

(1) Any farm products vendor.

(2) Any person operating solely on private property who has obtained the consent of the owner of such propertybefore commencing operations.

(3) Any employee, officer or agent of a charitable organization who engages in direct sales for or on behalf of said organization, so long as:

A) There is submitted to the city clerk proof that such charitable organization is registered under section 440.42 of the Wisconsin statutes or that such charitable organization is exempt from that statute's registration requirements, and

B) Such charitable organization does not operate as a street vendor.

3-7-3: Permit required: No transient merchant shall engage in sales within the city without having first obtained a permit under this chapter.

3-7-4: Application for permit:

(A) Every transient merchant shall complete and file a written, sworn application for a permit on forms provided by the city clerk. The application shall be filed with the city clerk.

(B) The permit fee set by the council shall be paid to the city clerk when the application is submitted.

(C) The application shall contain the following information:

(1) Name, permanent address and telephone number, and temporary address, if any of the applicant.

(2) Age, height, weight, color of hair and eyes of the applicant.

(3) A statement as to whether any individual for which information is provided has been convicted of any crime or code violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.

(4) The name, address and telephone number of the person, firm, association, or corporation that the applicant represents or is employed by, or whose merchandise is being sold.

(5) The temporary address and telephone number from which business will be conducted, if any.

(6) The nature of business to be conducted and a brief description of the merchandise, and any services offered.

(7) The proposed methods of delivery of merchandise, if applicable.

(8) The make, model and license number of any vehicle to be used by applicant in the conduct of his or her business.

(9) The three most recent cities, villages, towns, where applicant conducted his or her business.

(10) The place where applicant can be contacted for at least seven days after leaving this city.

(D) Applicants shall present to the clerk for examination:

(1) A driver's license or some other proof of identity as may be reasonably required.

(2) A State certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities.

(3) Where applicant's business involves the handling of food or clothing and the applicant shall be certified under state law, a proper certificate from the state agency having authority to issue such certificates. A certificate that does not purport to cover the applicant's proposed operations within the city shall not be considered by the clerk.

(E) The applicant shall sign a statement agreeing to indemnify and save harmless the city against all liabilities, claims, demands, and losses, including costs, expenses, and reasonable attorney fees, for injury or death of any individual or loss or damages to the property of any person arising from any activity undertaken pursuant to a permit issued under this chapter.

(F) The applicant shall sign a statement acknowledging that he or she has read subsection 3-7-6(J), and that he or she understands the permit issued under this section is suspended during the term of all special events in the area designated for such special events.

(G) The applicant shall sign a statement appointing the city clerk or his or her agent to accept service of process in any civil action brought against the applicant arising out of any sale or service performed by the applicant in connection with the direct sales activities of the applicant, in the event the applicant cannot, after reasonable effort, be served personally.

3-7-5: Insurance Requirements:

(A) All applicants for permits under this section, except peddlers and canvassers, shall provide the city clerk with a certificate of insurance showing the applicant has insurance coverage for all liabilities and obligations that may result from the activities undertaken pursuant to the permit. Such coverage shall include:

(1) Coverage for operations by the applicant's employees, agents, contractors and subcontractors.

(2) Coverage of the city as an additional named insured.

(3) Worker's compensation coverage under chapter 102 of the Wisconsin statutes.

(B) The certificate of insurance shall provide that the insurance company shall furnish the city with a 10 day written notice of cancellation, nonrenewal or material change.

(C) The insurance company issuing the certificate of insurance shall be licensed in Wisconsin and shall be approved by the city.

(D) The insurance shall be written in comprehensive form and shall protect the applicant and city against all claims arising from injuries to members of the public or damages to property of others arising out of any act or omission of the applicant, its employees, agents, contractors or subcontractors.

(E) The policy of insurance shall provide minimum combined single limits for bodily injury and property damages of $1,000,000.00, and such other coverage as is required by the city clerk.

3-7-6: Investigation and Issuance:

(A) An application that fulfills the requirements of sections 3-7-4 and 3-7-5 shall be considered complete.

(B) Upon receipt of a complete application, the city clerk shall refer such application to the chief of police for investigation. such referral shall take place within 72 hours after the city clerk receives the application.

(C) The chief of police shall immediately investigate the statements made in the application and such investigation of the applicant's background as he or she considers necessary for the protection of the public good.

(D) If the chief of police determines from the investigation that the applicant's background demonstrates no danger to the safety of the public, the chief of police shall endorse his or her approval on the application and return the application to the city clerk. The city clerk shall, upon payment of the prescribed fee, deliver a permit to the applicant.

(E) If the chief of police determines from the investigation that the applicant's background demonstrates potential danger to the public, the chief of police shall endorse his or her disapproval on the application and his or her reasons for such disapproval. The chief of police shall then return the application to the city clerk. The city clerk shall notify the applicant that his or her application is disapproved and that no permit will be issued.

(F) In determining whether the applicant's background demonstrates potential danger to the public, the chief of police shall

consider the following:

(1) The application contains any material omission or materially inaccurate statement.

(2) Complaints of a material nature have been received against the applicant by authorities in one or more of the three most recent cities, villages and towns in which the applicant conducted similar business.

(3) The applicant was convicted of a crime, statutory violation or municipal code violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in the activities for which the permit is sought.

(4) Any other factor which the chief of police determines is relevant to the proposed activities of the applicant.

(G) The chief of police shall return the approved or disapproved application to the city clerk within a reasonable time from the receipt of the application by the chief of police.

(H) After approval by the chief of police, and upon payment of all fees and the signing of all statements required under this chapter, the city clerk shall issue a permit to the applicant as a transient merchant and note the effective dates of the permit.

(I) Each permit issued pursuant to this chapter shall contain the following:

(1) The signature of the city clerk.

(2) The name and address of each individual authorized to operate pursuant to the permit.

(3) The type of permit issued.

(4) The kind of merchandise to be sold or offered for sale.

(5) The amount of fee paid.

(6) The effective dates of the permit.

(7) The permit number.

(8) An identifying description of any vehicle to be used in such business, including the license number of such vehicle.

(9) A notice that the permit is suspended during a special event in the area allocated to such special event.

(J) No permit shall be issued, assigned, or otherwise transferred to any person other than the original applicant. No permit shall be used at any time by any person other than the one to whom it is issued. The city clerk shall keep a permanent record of all permits issued.

(K) All permits issued pursuant to this chapter are suspended during a special event in the area designated for such special event.

(L) All permits issued under this chapter shall expire not more than one year after date of issuance.

(M) All permits issued pursuant to this chapter are subject to suspension or revocation under this chapter and chapter 5 of this title. Chapter 5 of this title shall not apply to the temporary suspension of permits during special events.

3-7-7: Permit fees:

(A) The fee for issuance of permits under this chapter shall be established from time to time by resolution of the council.

(B) No permit fee shall be required of any person who operates for a charitable organization or a religious youth school, or other related purpose, unless such person operates as a street vendor.

(1) Each organization desiring exemption pursuant to this section shall file a sworn application in writing on a form to be furnished by the city clerk, which shall include the following information:

A) Name and purpose of the cause for which permit is sought.

B) Name and addresses of the officers and directors of the organization.

C) Period during which solicitation will be carried on.

D) Whether or not any commission, fees, wages or emoluments are to be expended in connection with such solicitations, and the amount thereof.

(2) Upon being satisfied that such organization meets the requirements of this section, the city clerk shall issue a permit pursuant to this chapter without charge. Such organization shall furnish all of its members, agents or representatives conducting solicitation with written credentials stating the name of the organization, name of agent and purpose of solicitation.

3-7-8: Regulation of transient merchants:

(A) No transient merchant shall:

(1) Call at any dwelling or other place between the hours of 9:00 PM and 8:00 AM except by appointment.

(2) Call at any dwelling or other place where a sign is displayed bearing the words "no peddlers," "no solicitors" or words of similar meaning.

(3) Call at the rear door of any dwelling place.

(4) Remain on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.

(5) Misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of his or her merchandise offered for sale, the purpose of his or her visit, his or her identity or the identity of the organization he or she represents.

(6) Impede or interfere with the free use of sidewalks and streets by pedestrians and vehicles.

(7) Make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a 100 foot radius of the source, except in compliance with a permit issued under section 9-4-20 of this code.

(8) Allow rubbish or litter to accumulate in or around the area in which he or she is conducting business.

(9) Permit equipment or displays to be located in the following areas:

A) Within a 10 foot radius of a fire hydrant.

B) Within a five foot radius of a standpipe.

C) Within five feet of a bus or taxi stop.

D) Within 10 feet of a marked crosswalk.

E) Within four feet of any building unless permission has first been obtained from the person having legal control of such building.

F) Within 2½ feet of a parking meter.

G) Within five feet of any handicapped parking space.

H) Within the vision triangle described in section 5-13-1 of this code.

(10) Permit ropes or other equipment to be attached to any bench, flower planter, tree, light pole, utility pole or trash receptacle for display of merchandise.

(11) Permit any bench, flower planter, tree, light pole, utility pole or trash receptacle to be used for the display of goods or advertising materials.

(12) Permit any part of the operations of the transient merchant to interfere with the free flow of pedestrian, or vehicle traffic.

(13) Permit merchandise, or byproducts thereof, sold by the transient merchant to be deposited on any street, sidewalk or

other place within the city.

(14) Operate in violation of any condition or restriction placed upon any permit issued pursuant to this chapter, including conditions or restrictions established during a special event.

(B) Street vendors shall be entitled to sell from or conduct business on public streets, sidewalks, and other public property to the extent set forth in the street vendor's permit. No other transient merchant shall sell from or conduct business on public sidewalks, streets, or other property.

(C) Every transient merchant shall observe all traffic and parking regulations.

(D) Each transient merchant shall exhibit any permit required by this chapter at the request of any police officer or citizen.

(E) No street vendor shall:

(1) Operate within 200 feet from any other street vendor. In the event of conflict between two or more street vendors wishing to locate in the same vicinity, the city clerk is hereby authorized to establish a procedure for allocating locations by means which assure fair and equitable access to such locations by competing street vendors.

(2) Operate within 20 feet of any portion of the front of any building in which a permanent merchant sells merchandise of the same or similar nature, unless the street vendor has obtained the prior written consent of the permanent merchant for such operation.

(3) Permit equipment, goods or advertising materials to be stored on any street, sidewalk, alley or other public place when no individual is present on behalf of the transient merchant or when vending is not permitted.

(4) Operate without at least one individual listed on the permit issued under this chapter present at all times.

(5) Operate in any city park without the written permission of the board of park and recreation commissioners. Any street vendor operating in any city park shall comply with all conditions of operation established by the board of park and recreation commissioners.

(F) Except pursuant to a special event permit issued by the city, it shall be unlawful for a farm products vendor to operate at any place or location within the city except those corners of the intersection of 15th Street and 16th Avenue owned and controlled by the city and designated for sale of agricultural products, or in such areas as otherwise set by resolution of the council.

(G) Every street vendor shall:

(1) Maintain a minimum pedestrian walkway of five feet on any sidewalk.

(2) Remove all equipment, including carts, tables, apparatus and goods, from the streets, sidewalks, alleys or other public places during times when the vendor is not operating.

(3) Comply with all licensing and inspection requirements of the state of Wisconsin.

(H) Any transient merchant required to provide a certificate under section 3-7-4(D) of this chapter shall carry and display such certificate at all times while operating in the city, and shall keep such certificate current at all such times.

(I) Except pursuant to a special event permit issued by the city, no farm products vendor shall operate at any location within the city except those corners of the intersection of 15th Street and 16th Avenue owned and controlled by the city and designated for sale of agricultural products, or in such areas as otherwise set by resolution of the council.

3-7-9: Duty of police to report:

(A) The city police may require any transient merchant to produce his or her permit for inspection.

(B) If any transient merchant does not have a permit, the police may direct the transient merchant to stop operations, and may issue a citation to the violator or violators.

(C) If any transient merchant has a permit, but is in violation of the terms of his or her permit, the police may require the transient merchant to correct the violation. The police may issue a citation to the violator. If the transient merchant is unwilling or unable to immediately correct the violation, the police may direct the transient merchant to stop operations, and may issue a citation to the violator.

(D) The chief of police shall report all convictions resulting from violations of this section to the city clerk. The city clerk shall maintain a record of each permit issued and each report of violation.

3-7-10: Appeal: Any person refused or denied a permit under this chapter may appeal the denial through the appeal procedure provided in chapter 5 of title 3 of this code.

3-7-11: Penalty: Upon conviction for a violation of this chapter the following penalties shall apply:

(A) Any person who violates this chapter shall upon conviction be subject to a Class 1 forfeiture. Each day's or partial day's violation of any provision of this chapter shall constitute a separate offense.

(B) In addition to other penalties provided in this section, a transient merchant may have his or her permit suspended or revoked.

(C) Grounds for revocation or suspension: The following shall be grounds for revocation or suspension of a permit:

(1) The applicant made any material omission or materially inaccurate statements in the application for permit.

(2) The transient merchant made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales.

(3) The transient merchant violated any provision of this chapter or was convicted of any crime, municipal code or statutory violation which is directly related to the transient merchant's fitness to engage in selling.

(4) Failure to hold a required license or permit from the state of Wisconsin.

(5) Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(D) No part of the permit fee for a permit which has been revoked or suspended under this section shall be refunded.

(E) Suspension and revocation of permits issued under this chapter shall take place under the provisions of chapter 5 of title 3 of this code.

3-7-12: Severance clause: The provisions of this chapter are declared to be severable. If any section, sentence, clause or phrase of this chapter is held to be invalid or unconstitutional, such decision shall not affect the validity or effect of the remaining sections, sentences, clauses and phrases of this chapter. It is the intent of the council that this chapter shall stand notwithstanding the invalidity of any part.

Chap. 3-7 history: 3-7-1*: 2005-10-4; 2016 code;* ***3-7-2****: 2005-10-4; 2016 code;* ***3-7-3****: 2005-10-4; 2016 code;* ***3-7-4****: 2005-10-4; 2016 code;* ***3-7-5****: 2005-10-4; 2016 code;* ***3-7-6****: 2005-10-4; 2016 code;* ***3-7-7****: 2005-10-4; 2016 code;* ***3-7-8****: 2005-10-4; 2016 code;* ***3-7-9****: 2005-10-4; 2016 code;* ***3-7-10****: 2005-10-4; 2016 code;* ***3-7-11****: 2005-10-4; 2016 code;* ***3-7-12****: 2005-10-4; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 8: TAXICABS

3-8-1 License required
3-8-2 Definitions
3-8-3 Exceptions
3-8-4 Taxicab business license
3-8-5 License fees
3-8-6 Taxicab indemnity bond
3-8-7 Provisions, cancellation of undertaking
3-8-8 Vehicles and equipment
3-8-9 General regulations
3-8-10 Revocation

3-8-1: License required: No person shall operate or cause to be operated any taxicab within the limits of the city without having first secured a taxicab business license.

3-8-2: Definitions: in this chapter:

“Taxicab” means a motor vehicle regularly engaged in the business of carrying passengers for hire, not operated on a fixed route.

“Taxicab driver” means a person who operates a taxicab.

3-8-3: Exceptions: Any person licensed by any other municipality as a chauffeur or operator shall not be required to procure a taxicab business license in the city, to carry taxicab passengers for hire from another municipality into the city, but this exception does not permit such chauffeur or operator to operate a taxicab wholly within the limits of the city.

3-8-4: Taxicab business license:

(A) Application: Application for a taxicab business license or an annual renewal thereof, accompanied by the appropriate fees as prescribed by section 3-8-5 of this chapter, shall be made in writing to the city clerk upon forms provided by said clerk not less than 15 days before any license year, or not less than 15 days before commencing any taxicab business within the city. Upon compliance with the provisions of this chapter and upon the approval of the application by the council, the clerk shall issue to the applicant a taxicab business license.

(B) License denied: No license shall be issued to any person who is delinquent in payment of any taxes, assessments, claims or forfeitures to the city.

(C) Due process protection: Any person who is denied the issuance of an initial or renewal license under this chapter shall be notified of the right to request a hearing before the council, at which the person may show cause, if there be any, why the issuance of the license should not be denied.

3-8-5: License fees: The annual taxicab business license fee shall be set by resolution of the council. The fee for a license issued for less than one year shall be prorated accordingly. The license year shall be from July 1 through June 30 of the following year.

3-8-6: Taxicab indemnity bond: No person shall operate a taxicab business within the city unless there shall be on file with the city clerk a good and sufficient indemnity bond, policy or insurance or other contract in writing in such form and containing such conditions and terms as may be approved by the city attorney issued by a surety, indemnity or insurance company lawfully qualified to do business in this state under which such indemnitor shall assume the liability prescribed by this chapter with respect to such vehicle. Said undertaking shall be subject to the approval of the city attorney and shall provide that the indemnity be directly liable for and shall pay all damages for injuries to persons or property that may be recovered against the owner or operator of vehicles owned by the taxicab business by reason of negligent use or operation thereof in a combined property damage and personal injury coverage amount of not less than $1,000,000.00 for each accident.

3-8-7: Provisions, cancellation of undertaking: No such undertaking shall be terminated at any time before its expiration under the terms thereof, nor canceled for any reason whatsoever, unless there shall have been filed with the city clerk by the indemnitor a notice thereof at least 10 days before the date of such termination or cancellation. The provisions of this chapter shall be a part of every such undertaking and no other provision thereof or agreement between parties thereto shall operate the same.

3-8-8: Vehicles and equipment:

(A) Equipment: Except as otherwise specifically provided in this chapter, all provisions of chapter 347 of the Wisconsin statutes and Trans 305 of the Wisconsin administrative code describing and defining regulations with respect to equipment on motor vehicles shall apply to all taxicabs. References to specific statute sections and administrative codes wherever used in this chapter, shall mean Wisconsin statutes 2013-14 and Wisconsin administrative code of 2015, and acts supplementary and amendatory thereto.

(B) Police inspection: The police department shall inspect the mechanical condition of each vehicle for which an application for a license is made and shall make annual inspections of all licensed vehicles before the license year. No vehicle shall be operated, whether licensed or not, as a taxicab if the police department shall find that the mechanical condition thereof makes it unsafe for the carrying of passengers. Unannounced inspections shall be made by the police department upon a valid citizen complaint. A written inspection report shall be completed for each vehicle inspected. One copy of the inspection report shall be retained on file at the city clerk's office.

3-8-9: General regulations:

(A) Identification: All taxicabs shall be suitably marked or identified as such.

(B) Subject to traffic regulations: The state traffic code and the city traffic regulations shall apply to the use and operation of taxicabs.

(C) Operator not to drink or use drugs: No person driving or operating a taxicab shall drink any intoxicating beverage or be under the influence thereof, nor shall any person drive or operate a taxicab while under the influence of a controlled substance.

3-8-10: Revocation: A taxicab business license may be revoked by the council for a violation of any provision of this chapter. The city clerk shall notify the licensee, in writing, of such intent to revoke. The licensee shall have 10 days from the date of the notice to submit a written request for a hearing before the council regarding the revocation.

Chap. 3-8 history: 3-8-1*: 1980-4-15; 2016 code;* ***3-8-2****: 1980-4-15; 2016 code;* ***3-8-3****: 1980-4-15; 2016 code;* ***3-8-4****: 1980-4-15; 1986-6-3; 2016 code;* ***3-8-5****: 2004-2-18; 2016 code;* ***3-8-6****: 2004-2-18; 2016 code;* ***3-8-7****: 1980-4-15; 2016 code;* ***3-8-8****: 1980-4-15; 2016 code;* ***3-8-9****: 1980-4-15; 2016 code;* ***3-8-10****: 2004-2-18; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 9: SIDEWALK CAFÉS

3-9-1 Purpose
3-9-2 Definitions
3-9-3 Sidewalk café permit

3-9-1: Purpose: To further encourage the revitalization of the downtown of the city, including the development of social and economic activity, the council finds and determines:

(A) That there exists a need for outdoor eating facilities in certain areas of the downtown to provide a unique environment for relaxation, social interaction, and food consumption.

(B) That sidewalk cafés will permit enhanced use of the available public rights of way, will complement the restaurants operating from fixed premises, and will promote economic activity in the downtown.

(C) That the existence of sidewalk cafés encourages additional pedestrian traffic and their presence may impede the free and safe flow of pedestrians. Therefore, a need exists for regulations and standards for the existence and operation of sidewalk cafés to ensure a safe environment.

(D) That the establishment of permit conditions and safety standards for sidewalk cafés is necessary to protect and promote public health, safety, and welfare.

3-9-2: Definitions: In this chapter:

“Downtown” means all territory lying within the business improvement district.

“Sidewalk café” means an outdoor dining area that is located on part of the public right-of-way and is designed and used for the consumption of food or beverages prepared and served by a business establishment that immediately adjoins such area in which such food and beverages are also served.

3-9-3: Sidewalk café permit: The owner or lessee of real property located in the downtown may be issued a permit allowing operation of a sidewalk café. Chapter 7 of this title shall not apply to the holder of a sidewalk café permit operating within the sidewalk café.

(A) Application: Before a permit may be issued, there shall be submitted to the city clerk a fully completed application for sidewalk café permit on a form provided by the city clerk. Included with such application shall be the following:

(1) A copy of a current certificate of insurance in the amount and categories required by this chapter.

(2) A site plan, drawn to a scale of approximately 1/8" = 1', on 8½" x 11" paper, suitable for reproduction, which accurately depicts the dimensions of the sidewalk area and adjacent private property, the proposed location of the sidewalk café, size and number of tables, chairs, steps, planters, and umbrellas, location of doorways, trees, parking meters, sidewalk benches, trash receptacles, and any other sidewalk obstructions, either existing or proposed, within the sidewalk area. Included with the site plan shall be photographs, drawings, or manufacturer’s brochures fully describing the appearance and dimensions of all proposed tables, chairs, umbrellas or other objects related to the sidewalk café. The unobstructed pedestrian pathway required by this code shall be clearly shown on the site plan. If a sidewalk café permit is issued, the site plan shall be attached to and made a part of such permit.

(3) A non-refundable application fee in an amount established from time to time by resolution of the council.

(B) Approval of permit and term: Each permit shall be approved by the council or a standing committee of the council, if authorized by the council, and shall be effective for one year, from July 1 through June 30.

(C) Transfer of permit: The permit issued may be transferred to a new owner. The transferred permit shall be valid only for the remainder of the period for which it was originally issued. A new certificate of insurance must be filed with the city within 30 days of the permit transfer.

(D) Permit fees: The application fee for an initial sidewalk café permit and the annual renewal fee for such permit, with or without an alcohol license expansion, shall be in an amount established from time to time by resolution of the council.

(E) Sidewalk café standards: The following standards, criteria, conditions, and restrictions shall apply to all sidewalk cafés, provided however, that the city administrator or his or her designee may impose additional conditions and restrictions to

protect and promote the public health, safety, or welfare, to prevent a nuisance from developing or continuing, and to comply with this chapter, other provisions of the this code, and applicable state and federal laws.

(1) Proximity to property of permit holder: Sidewalk cafés are restricted to the public right-of-way immediately adjacent to and extending perpendicular to the curb from the front façade of the real property owned or leased by the person or entity to which the permit is issued. With the express written consent of the owner of property located next to the property owned or leased by the sidewalk café permit holder the description of the sidewalk café may be expanded to include all or part of the public right-of-way immediately adjacent to and extending perpendicular to the curb from the front façade of the real property of the person or entity who has granted such permission.

(2) Placement of equipment: Tables, chairs, umbrellas, signs or other fixtures in the sidewalk café:

A) Shall not be placed or allowed to remain within two feet of parking meters, trash receptacles, taxi stands, fire hydrants, alleys, bike racks, a pedestrian crosswalk or a corner curb cut.

B) Shall not be placed or allowed to remain closer than two feet from the inner curb line

C) Shall not be placed or allowed to remain within an area extending in all directions from the center of any entry or exit door a distance of two feet plus one-half of the width of the entry or exit door.

D) Shall not block designated ingress, egress, or fire exits from or to any structures, including the business establishment that operates the sidewalk café.

E) Shall be readily removable and shall not be physically attached, chained or in any manner affixed to any structure, tree, post sign, or other fixture, curb, or sidewalk.

F) Shall be maintained in a clean, sanitary and safe manner.

(3) Pedestrian pathway required: Sidewalk cafés shall be located in such a manner that a distance of not less than five feet is maintained at all times as a clear and unobstructed pedestrian path. For the minimum clear path, parking meters, traffic signs, trees, trash receptacles and all similar obstacles shall be considered obstructions.

(4) Maintenance of sidewalk café: The sidewalk café, along with the sidewalk and roadway immediately adjacent to it, shall be maintained in a neat and orderly manner at all times. Debris shall be removed as required during the day and again at the close of each business day. All debris and refuse generated by patrons of the sidewalk café shall be disposed of in receptacles provided by the holder of the sidewalk café permit and shall not be disposed of in publicly maintained trash receptacles.

(5) Plant tubs: Plant tubs may be located in the sidewalk café with the approval of the city administrator or his or her designee. Plant tubs shall be maintained in a safe, neat, clean, and presentable manner.

(6) Umbrellas and decorative materials: Umbrellas and other decorative materials shall be treated wood, canvas, cloth, or similar material that is manufactured to be fire-resistant. Umbrellas shall only be permitted if made an integral part of a table and no portion of an umbrella framework shall extend beyond a vertical plane at the boundary of the sidewalk café, at edges of the required pedestrian path or at the outer edges of the minimum clearances required from other structures or facilities, unless that portion that extends beyond such vertical plane is at least 7½ feet above the sidewalk immediately beneath it. Umbrellas and other decorative materials shall be placed in a manner that does not significantly obstruct the view of any neighboring traffic control or business signs.

(7) Signs: Signs used in conjunction with the sidewalk café shall be placed within the sidewalk café and shall conform to the following:

A) Any non-temporary sign shall be designed, constructed, erected, and maintained to withstand horizontal wind pressures of not less than 30 pounds per square foot.

B) Any temporary sign shall be attached to supports so as to withstand horizontal wind pressures of not less than 30 pounds per square foot.

C) Each sign shall be constructed and placed so as to not adversely affect or inhibit the safe and efficient movement of pedestrians and motorists.

D) Signs shall not create or add to sign clutter due to the display of an inordinate number of signs which overwhelms those viewing an area.

E) Signs shall be compatible with the street setting and neighborhood character and enhance the appearance of the streetscape.

F) Signs shall be compatible with surrounding ground signs in terms of height, location, copy area and type of illumination and shall not obstruct the view of any surrounding signs.

(8) Food preparation or storage prohibited: No food preparation, food storage, refrigeration apparatus, or equipment shall be allowed in the sidewalk café.

(9) Amplified sound prohibited: No amplified sound shall be allowed in the sidewalk café unless authorized as part of a special event.

(10) Site plan to be available at all times: A copy of the site plan, as approved in conjunction with the current sidewalk café permit, shall be maintained on the permittee's premises and shall be available for inspection by city personnel at all times.

(11) Applicable only to public right-of-way: The sidewalk café permit covers only the public right-of-way described in the permit.

(12) Hours of operation: Sidewalk cafés shall not operate after 12:01 AM or before 6:00 AM

(F) Non-exclusive use of public right-of-way within sidewalk café: Except as otherwise provided in this chapter, use of a portion of the public right-of-way as a sidewalk café shall not be exclusive.

(1) Public improvements: All public improvements, including, but not limited to trees, light poles, parking meters, traffic signals, pull boxes, or manholes, or any public initiated maintenance procedures, shall take precedence over use of the public right-of-way as a sidewalk café.

(2) Private improvements: All private improvements within a sidewalk café, including but not limited to tables, chairs, benches and signs, shall remain private property under control of the holder of the sidewalk café permit and no person shall occupy or use such improvements without the consent of the holder of such permit, or his or her designee.

(3) Use by general public limited: Upon issuance of a permit authorizing a sidewalk café every provision of the this code governing use of a sidewalk, other than this chapter, shall apply only to the unobstructed pedestrian pathway portion of the sidewalk café shown on the site plan. Pedestrians may walk between tables, chairs benches or other private improvements in a sidewalk café for the temporary and momentary purpose of entering and exiting a vehicle parked on the adjoining street or gaining access to public improvements such as parking meters, trash receptacles or similar facilities, provided however, if a pathway has been designated for this purpose pedestrians shall use such pathway.

(4) Authority of chief of police: The chief of police or his or her designee may order the removal of the sidewalk café for public health and safety purposes. The city, its officers and employees, shall not be responsible for sidewalk café fixtures that are relocated or damaged.

(5) Special event: A permit issued under this chapter shall be suspended during a special event if the permit issued for such special event so states.

(G) Liability and insurance: As a condition of issuance of a sidewalk café permit, the permittee shall agree to indemnify, defend, save, and hold harmless the city, its officers and employees, from claims, liability, lawsuits, damages, and causes of action, which may arise out of the permit or the permittee's activity on the sidewalk café. In addition, the permittee shall:

(1) Obtain commercial liability insurance for at least $1,000,000 per occurrence for bodily injury and property damage, with the city named as an additional insured, with coverage including the area and operations of the sidewalk café.

(2) Provide the city with an original certificate of insurance as evidence that the requirements set forth in this section have been met before commencing operations of a sidewalk café.

(H) Penalty: Any person who shall violate any provision of this chapter shall upon conviction be subject to a Class 2 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

Chap. 3-9 history: 3-9-1*: 2006-4-5; 2016 code;* ***3-9-2****: 2006-4-5; 2016 code;* ***3-9-3****: 2006-4-5; 2007-2-6; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 10: DANCE LICENSES

3-10-1 License required
3-10-2 Application, issuance of license; fees
3-10-3 Investigation of applicant and premises
3-10-4 Regulations imposed
3-10-5 Posting license
3-10-6 Power to supervise, close
3-10-7 Revocation of license
3-10-8 Penalty

3-10-1: License required:

(A) All persons licensed to sell alcohol beverages at retail must obtain a dance license under this chapter before permitting any public or private dancing in any place for which the city has granted an alcohol beverage license.

(B) All persons must obtain a dance license under this chapter to allow dancing in any room, place, or space they own or control in the city, except as otherwise provided in this chapter.

(C) The location or holder of a dance license is not transferable.

(D) This chapter does not apply to dances held by an owner or tenant in premises or part of any premises occupied as a dwelling. neither does this chapter apply to any dance given by permanently organized clubs, societies, or corporations when admission is restricted to members of the club, society, or corporation, when the members' guests are admitted only by invitation, and when the guests do not at any time give any fee or payment for attending the dance.

3-10-2: Application, issuance of license; fees: All licenses issued under this chapter shall be for a period terminating June 30 next following the issuance of the license.

(A) Any person desiring such license shall file with the city clerk his or her application in writing, giving the location of the premises to be licensed by legal description, and the street and numbers of all entrances of such premises; the name of the owner and lessee, if any, of said premises, the name of the person proposing to operate such premises, the name of the manager in charge, a description of any other business conducted on the licensed premises, a statement of the nature of entertainment to be furnished, a statement of whether or not an additional charge or special charge shall be made for such entertainment; and a statement of the residence and occupations of the owners and managers of such licensed premises during the two years before date of the application.

(B) No transfer of a license or permit as to location or ownership shall be granted except after application therefor and all procedures applicable to issuance of a new license shall apply to an application to transfer a license, except if the application to transfer is approved, the approval may be endorsed upon the original license.

(C) The fee for a license required by this chapter for the whole or any part of a year shall be set by resolution of the council.

3-10-3: Investigation of applicant and premises: Application for a dance license shall immediately be transmitted by the city clerk to the chief of police, fire chief for investigation and such officers shall, within five days, report in writing to the license committee the results of investigations which they shall conduct as to compliance by such proposed licensed premises with this code and all applicable federal and state laws, and their recommendations shall accompany such report. No license shall be issued unless all of the persons named in the application are of good moral character, that the proposed public dance hall complies with and conforms to all requirements of this code, health and fire regulations applicable thereto, and that it is a safe and proper place for the purposes for which it shall be used. No license shall be granted for any dance hall unless adequate modern toilet facilities are provided within the building, including wash basins with running water, soap and individual towels, and unless an adequate supply of drinking water is available, either at a sanitary drinking fountain or with individual drinking cups.

3-10-4: Regulations imposed: No premises shall be licensed, maintained or operated except in conformity with the following regulations:

(A) Any person conducting a public dance or renting a public dance hall shall have a floor manager in control of the premises continuously from a one-half hour before the dancing begins until the dance hall is closed. It shall be the duty of the floor manager to ensure compliance with all requirements of this code.

(B) The premises shall comply with all applicable laws relating to the operation of such premises, including without limitation

section 9-4-20 of this code.

(C) The premises shall be adequately lighted when the same is open to the public.

(D) The premises shall be open only during the hours as those permitted to places of business holding a "Class B" intoxicating liquor license.

(E) No person under the age of 21 years shall be permitted in the premises unless accompanied by his or her parent or guardian if such premises holds a license for the sale of intoxicating liquor or fermented malt beverages.

(F) It shall be unlawful after 9:00 PM to permit any person to attend or take part in any public dance who has not reached the age of 16 years, unless such person is accompanied by a parent or natural guardian. It shall be unlawful for any person to represent himself or herself to have reached the age of 16 years to obtain admission to a public dance hall or a public dance or to be permitted to remain therein when such person in fact is under 16 years of age. It shall also be unlawful for any person to represent himself or herself to be a parent or natural guardian of any person under 16 years of age in order that such person under 16 years of age may obtain admission to a public dance hall or public dance or for such person under 16 years of age to remain therein when the accompanying person is not in fact either a parent or natural guardian of the person under 16 years of age.

(G) No prostitute, procurer, intoxicated person or vagrant shall be permitted in the licensed premises.

(H) No entertainment or dancing shall be permitted which shall be vulgar, suggestive, licentious or offensive to public morals and decency.

(I) All public dance halls and facilities appertaining thereto shall be kept at all times in a clean, healthful and sanitary condition, and all stairways and other passages and all rooms connected with a public dance hall shall be kept open and well lighted during the public use. Proper ventilation must be maintained at all times.

(J) It shall be unlawful for any person conducting a public dance or public dance hall, or any manager or other agent of such person:

(1) To permit on the public dance hall premises any person under the influence of any intoxicating liquors or drugs.

(2) To permit any persons who idle, loiter or hang-out to be on or about the dance hall premises.

(3) To permit gambling in any form on the premises.

(4) To permit persons to indulge in dancing that may be construed as unrefined, vulgar, suggestive or offensive to public morals and decency.

(5) To permit any undue familiarity between persons on the dance floor.

(6) To permit indecent, boisterous or disorderly conduct or the use of profane or obscene language.

3-10-5: Posting license: Every person licensed under this chapter shall immediately post such license and keep the same posted while in force in a conspicuous place in the premises mentioned in the application for such license. It shall be unlawful for any person to post such license or to be permitted to post it upon premises other than those mentioned in the application, or knowingly to deface or destroy any such license. Whenever a license shall be lost or destroyed without fault of the holder or his or her agent or employee, a duplicate license in lieu thereof under the original application may be issued by the city clerk at his or her discretion.

3-10-6: Power to supervise, close: The members of the police department shall have access at all times to all public dance halls and public dances. Officers and patrolmen of such department shall investigate all complaints and shall visit such halls and dances and report any violation. The chief of police shall have power and duty to cause the place, hall or room where any public dance is held to be vacated whenever any rule or regulation or any provision of any law with regard to public dance halls or public dances is being violated or whenever an indecent act shall be committed or whenever any disorder or conduct of a gross, violent and vulgar character shall take place therein, or any known prostitute, procurer or vagrant be found to be present in such place.

3-10-7: Revocation of license: The council may, at any time after giving notice to the licensee of an opportunity to be heard, revoke any license granted under this chapter for disorderly or immoral conduct on the premises or upon proof that the public dance hall, or a public dance given under the same auspices was frequented by disorderly or immoral persons, or for the violation of any of the rules, regulations, or laws governing or applying to public dance halls or public dances or for the protection of the public health, safety, morals or general welfare. Whenever any license or permit shall be revoked, no refund

of any unearned portion of the fee paid shall be made, and at least six months from the time of such revocation shall elapse before another license or permit shall be given to conduct a public dance in the same premises. Notice of such hearing and the reason therefor shall be in writing shall be served by the chief of police upon the person named in the application and by filing a copy of such with the city clerk.

3-10-8: Penalty: A person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

Chap. 3-10 history: 3-10-1*: 1985-3-5; 2016 code;* ***3-10-2****: 2016 code;* ***3-10-3****: 1969 code;1975-5-20; 2016 code;* ***3-10-4****: 1969 code; 1975-5-20; 2014-5-20; 2016 code;* ***3-10-5****: 1969 code; 2016 code;* ***3-10-6****: 1969 code; 2016 code;* ***3-10-7****: 1969 code; 2016 code;* ***3-10-8****: 1991-12-17; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 11: CIGARETTE LICENSES

3-11-1 License required
3-11-2 Application for license
3-11-3 Approval of license and term
3-11-4 Planned event license
3-11-5 Fees
3-11-6 Fees Penalty

3-11-1: License required: It shall be unlawful for any person, directly or indirectly, upon any pretense or by any device, to sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette paper or cigarette wrappers or any paper made or prepared to be filled with tobacco, without first obtaining a license therefor. All premises where cigarettes are sold shall have a license.

3-11-2: Application for license: Every person desiring a cigarette license shall file with the city clerk a written application therefor, stating the name of the person and the place for which such license is desired. Every license shall be signed by the city clerk and shall name the licensee and the place where he or she may conduct such business and the same shall not be delivered until the applicant shall produce and file with such clerk a receipt showing the payment of the required license fee to the treasurer of the city.

3-11-3: Approval of license and term: Each license shall be approved by the council or a standing committee of the council, if authorized by the council, and shall be effective for one year, from July 1 through June 30.

3-11-4: Planned event license: A person may be issued a cigarette license for a planned event. No person shall hold more than one planned event license at any time and not more than two planned event licenses shall be issued to the same person in any year. In this subsection a "planned event" means a special event or a family, social, civic, community or business event which is expected to continue for not more than 10 days.

3-11-5: Fees: The fee for an annual license or a license issued upon a change of ownership shall be set by resolution of the council.

3-11-6: Penalty: A person who violates any provision of this section shall upon conviction be subject to a Class 3 forfeiture. (6-5-2001)

Chap. 3-11 history: 3-11-1*: 2016 code;* ***3-11-2****: 2016 code;* ***3-11-3****: 2016 code;* ***3-11-4****: 2016 code;* ***3-11-5****: 2016 code;* ***3-11-6****: 2001-6-5; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 12: WEIGHTS AND MEASURES

3-12-1 Applicable law
3-12-2 Appointment of inspectors
3-12-3 Definitions
3-12-4 Weights and measures license required
3-12-5 Weights and measures license application
3-12-6 Issuance of weights and measures license
3-12-7 Weights and measures license term
3-12-8 Enforcement for license non-renewal
3-12-9 Fee assessment
3-12-10 Penalty

3-12-1: Applicable law: Except as otherwise provided in this chapter, the provisions of chapter 98 of the Wisconsin statutes and ATCP 92 of the Wisconsin administrative code are hereby adopted and by reference made a part of this chapter. Any act required or prohibited by any statute or code incorporated in this chapter by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the sections of statutes or administrative code incorporated in this chapter by reference are intended to be made a part of this chapter.

3-12-2: Appointment of inspectors: The city hereby grants the authority and duties of sealers and inspectors required by this chapter to the department.

3-12-3: Definitions: In this chapter:

"Commercial weighing and measuring device" means an electronic scanner used to record the price of a commodity or thing and a device used 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 goods or services provided on the basis of weight or measure.

"Department" means the Wisconsin department of agriculture, trade and consumer protection.

"Weights and measures" means weights and measures of every kind, commercial weighing and measuring devices, and any appliances and accessories used with any or all such commercial weighing and measuring devices, except meters for the measurement of electricity, natural and manufactured gas, and water when operated in a public utility system.

"Weights and measures license" means a license issued pursuant to this chapter for the operation and maintenance of commercial weighing and measuring devices.

"Weights and measures program" means the program for the administration and enforcement of this chapter and applicable law.

3-12-4: Weights and measures license required:

(A) License requirements: Except as provided in subsection (B), no person shall operate for commercial purposes any commercial weighing and measuring device within the city unless a weights and measures license is issued pursuant to this chapter.

(B) Exemptions: The following commercial weighing and measuring devices are exempt from licensing under this chapter:

(1) Devices used by transient merchants, street vendors and farm products vendors as defined in chapter 7 of title 3 of the this code; and

(2) Devices tested under the jurisdiction of another municipality or the state of Wisconsin if used in the city for no more than five days per year.

3-12-5: Weights and measures license application: An application for a weights and measures license shall be made in writing on a form provided for such purpose by the city clerk and shall be signed by the applicant. Such application shall state the type and number of commercial weighing and measuring devices to be licensed, the location of such devices, the applicant's full name and address, and whether such applicant is an individual, partnership, limited liability company, corporation or other entity. If the applicant is not an individual, the application shall state the names and addresses of all principals, partners, officers and agents, including the registered agent thereof.

3-12-6: Issuance of weights and measures license: Upon receipt of a weights and measures license application and upon payment of an annual license fee in an amount set from time to time by resolution of the council, the city clerk shall issue a weights and measures license to the applicant. Each business location shall be required to obtain a separate weights and measures license.

3-12-7: Weights and measures license term: The weights and measures license shall be for a term not exceeding one year, commencing on the date of issuance and ending on the next June 30. If a weights and measures license is issued for a term of less than one year, the license fee shall not be prorated.

3-12-8: Enforcement for license non-renewal: It shall be unlawful to operate or maintain a commercial weighing and measuring device until a valid weights and measures license has been issued under this chapter.

3-12-9: Fee assessment:

(A) Annual assessment:: The council shall annually assess fees to each licensee based upon the number and types of commercial weighing and measuring devices authorized by the license issued to such licensee. The total fees assessed and collected shall not exceed the actual costs of the weights and measures program and administrative costs.

(B) Clerk to prepare assessment: The city clerk shall annually prepare a proposed schedule of assessments to be submitted to the council. Each assessment shall be based upon the weights and measures license application, inspection fee from the Department, annual reports from the department detailing inspection hours, and the number of commercial weighing and measuring devices licensed in the city;

(C) Class 1 notice: The city clerk shall publish notice of meeting of council to determine weights and measures assessments as a Class 1 notice and such notice shall specify that a copy of schedule of assessments for weights and measures licensees is available in the office of the city clerk upon request.

(D) Council determines assessment: The council shall consider the city clerk's proposed schedule of assessments and determine the assessments on a reasonable basis. The city clerk shall mail to each weights and measures licensee an invoice for the amount of the fee assessed as determined by the council and each licensee shall pay the assessed fee within thirty days after the date the invoice is mailed.

(E) Failure to pay fee assessment: If the assessed fee is not paid within thirty days after the date the invoice is mailed, an additional administrative collection charge of 10 percent of the total fee shall be added to the amount due, plus interest shall accrue thereon at 1.5 percent per month or fraction thereof until paid. To the extent permitted by law, if the licensee is the owner of the real estate where the licensed commercial weighing and measuring devices are located, any delinquent fee assessment shall be extended upon the current or the next tax roll as a special charge against the real estate. No license shall be issued or renewed under this chapter if the licensee is delinquent in the payment of a fee assessed under this chapter.

(F) Mailing of notices: Schedules, notices and invoices shall be considered mailed to a licensee when mailed by first class mail, postage prepaid, to the licensee at the licensee's address as stated on the weights and measures application.

(G) Change of ownership: If ownership of a business with commercial weighing and measuring devices licensed under this chapter is transferred during a license year, the owner of the business as of July 1 of the license year shall be liable and responsible for the payment of the fees assessed under this chapter.

3-12-10: Penalty: Any person who violates any provision of this chapter shall upon conviction be subject to a Class 1 forfeiture. Each day a violation exists or continues to exist shall be a separate violation.

Chap. 3-12 history: 3-12-1*: 2012-8-27; 2016 code;* ***3-12-2****: 2012-8-27; 2016 code;* ***3-12-3****: 2012-8-27; 2016 code;* ***3-12-4****: 2012-8-27; 2016 code;* ***3-12-5****: 2012-8-27; 2016 code;* ***3-12-6****: 2012-8-27; 2016 code;* ***3-12-7****: 2012-8-27; 2016 code;* ***3-12-8****: 2012-8-27; 2016 code;* ***3-12-9****: 2012-8-27; 2016 code;* ***3-12-10****: 2012-8-27; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 13: SPECIAL EVENTS

3-13-1 Declaration of purpose
3-13-2 Definitions
3-13-3 Permit required
3-13-4 Duties of public safety committee
3-13-5 Authority of council
3-13-6 Authority of chief of police
3-13-7 Determination of substantial impact
3-13-8 Exemptions
3-13-9 Application for permit
3-13-10 Insurance requirements
3-13-11 Investigation and issuance
3-13-12 Permit fees
3-13-13 Special events regulations
3-13-14 Duty of police to report and enforce
3-13-15 Appeal
3-13-16 Permit suspension or revocation
3-13-17 Disrupting a special event
3-13-18 Penalty

3-13-1: Declaration of purpose: The council finds that the interests of the city and its citizens are promoted by a carefully drawn set of rules designed to facilitate community festivals, parades, runs, and other wholesome events that bring people together while maintaining public safety and welfare.

3-13-2: Definitions: In this chapter:

“Disrupt” means any planned activity, verbal or nonverbal, with the intent to disturb or interrupt the orderly course of the special event, or any activity, verbal or nonverbal, with knowledge that the natural consequences of the person's actions would be to disturb or interrupt the orderly course of the special event.

“Individual” means a man or woman.

“Public property” means real property owned or controlled by the city, including, but not limited to, sidewalks, streets, alleys, parks, rights of way, and public buildings.

“Special event” has the meaning set forth in section 1-3-2 of this code.

“Sponsor” means a person that has applied for, or that has received, a permit to conduct a special event pursuant to the terms of this chapter.

“Vendor” means a person who in any manner engages in or attempts to engage in the sale of merchandise, and includes a person that engages or attempts to engage in transactions in which donations are required by the seller for the retention of goods by a donor or prospective customer.

3-13-3: Permit required: No person shall organize, control or conduct a special event unless such person has obtained a permit authorizing such special event pursuant to this chapter.

3-13-4: Duties of public safety committee:

(A) The public safety committee shall review all applications for special events permits.

(B) The public safety committee shall make recommendations to the council regarding the granting or denial of the requested permit. As a part of such recommendations, the committee shall recommend the taking of such action or the imposition of such conditions as are considered necessary. The recommendations shall include, but shall not be limited to:

(1) Whether the council should grant the special events permit.

(2) What conditions should be imposed on a permit to be issued.

(3) Whether the city should grant the sponsor the right to use public property for the proposed special event.

(4) Whether the city should close streets within the city for the special event, and if so, a designation of the streets and the periods during which such streets should be closed.

(5) Whether the city should rezone parking areas or suspend parking regulations within designated areas within the city for the special event.

3-13-5: Authority of council: The council may grant any person the right to use public property for special events. The council may close streets, rezone parking areas, suspend parking regulations, and take such other action as is considered necessary or desirable for the proper function of a special event.

3-13-6: Authority of chief of police: The chief of police may restrict, direct, and regulate motor vehicle traffic, motor vehicle parking, and movement of pedestrians during a special event, as necessary for the safety of the public. All directives of the chief of police under this section shall control over contradictory provisions of the special event permit.

3-13-7: Determination of substantial impact:

(A) The chief of police shall determine whether a proposed event will have a substantial impact upon public property.

(B) In determining whether a proposed event will have a substantial impact upon public property, the following factors shall be considered:

(1) The extent to which streets will need to be closed for the special event.

(2) The amount of traffic control services required for the safety of the public and participants at the special event.

(3) The extent to which the special event will impact upon normal parking patterns within the area affected by the special event.

(4) Such other factors as passed from time to time by resolution of the council, upon recommendation of the public safety committee.

3-13-8: Exemptions: This chapter shall not apply to the following:

(A) Any auction for which a license or permit has been granted by the city.

(B) Special events required by statute or by order of any court.

3-13-9: Application for permit:

(A) Each person desiring to become a sponsor shall file a written, sworn application for a permit on forms supplied by the city clerk. The application shall be filed with the city clerk.

(B) The application shall contain the following information:

(1) Name and address: A list of the names, addresses and telephone numbers of the sponsor, and not less than three individuals who will hold positions of responsibility with respect to the special event.

(2) Convictions: A statement of any conviction of the sponsor, any officer or director of the sponsor, and the three individuals listed under subsection (B)(1) of this section, for any violation of any criminal law or municipal code, other than traffic and parking violations. Such statement shall include a statement of the nature of the offense and the punishment or penalty assessed therefor.

(3) Description of special event: A description of the nature of the special event, the dates and times during which it is proposed to operate, and the locations in which it is proposed to operate.

(4) Other permits: A description of all other permits which the sponsor anticipates will be required for the conduct of the special event, such as commercial carnival permits, circus permits, and noise amplification permits.

(5) Term of permit: A statement of the length of time for which a permit is desired.

(6) Prior suspensions or revocations: A statement of any prior suspension or revocation of a special event permit of the sponsor or any individual who will hold a position of responsibility with respect to the special event.

(7) Mapped routes: When the proposed special event will feature foot or bicycle races, runs, rides or parades, the

sponsor shall submit the proposed route with the application.

(C) In the application, the sponsor shall agree to indemnify and save harmless the city against all liabilities, claims, demands, and losses, including costs, expenses, and reasonable attorney fees, for injury or death of any individual or loss or damages to the property of any person arising from any activity undertaken pursuant to a permit issued under this chapter. No permit shall be issued unless this signed statement is included in the application.

(D) The sponsor must submit the application for a special event permit a reasonable time before the commencement of the proposed special event. Submittal less than 30 days before the commencement of the proposed special event shall be presumed unreasonable. If the public safety committee, chief of police, or city clerk has inadequate time to properly consider whether a permit should be granted under this chapter, the permit shall not be granted.

3-13-10: Insurance requirements:

(A) Each sponsor shall provide the city clerk with an insurance binder or certificate of insurance showing that the sponsor has insurance coverage for all liabilities and obligations that may result from the activities undertaken pursuant to the permit. If a binder is provided, a certificate of insurance shall be provided before the issuance of a permit. Such coverage shall include:

(1) Coverage for operations by the sponsor's employees, agents, contractors and subcontractors.

(2) Coverage of the city as an additional named insured.

(3) Coverage for personal injury to participants in the special event.

(4) Coverage for property damage occurring as a result of the special event.

(B) The certificate of insurance shall provide that the insurance company shall furnish the city with a 10 day written notice of cancellation, nonrenewal or material change.

(C) The insurance company issuing the certificate of insurance shall be licensed in the state of Wisconsin and shall be approved by the city.

(D) The insurance shall be written in comprehensive form and shall protect the sponsor and city against all claims arising from injuries to members of the public or damages to property of others arising out of any act or omission of the sponsor, its employees, agents, contractors or subcontractors.

(E) The policy of insurance shall provide coverage in such amounts as are set, from time to time, by resolution of the council.

3-13-11: Investigation and issuance:

(A) An application that fulfills the requirements of sections 3-13-9 and 3-13-10 of this chapter shall be submitted by the city clerk to the chief of police for processing. An application that does not fulfill such requirements shall be returned to the sponsor without action.

(B) The chief of police may require such additional information from the sponsor as he or she considers necessary.

(C) The chief of police shall investigate the sponsor's background and other matters regarding the special event. The chief of police shall submit the application and his or her recommendations to the public safety committee within a reasonable time after his or her receipt of the application.

(D) In determining whether to recommend granting of a permit under this chapter, the public safety committee shall consider:

(1) The impact that the special event will have upon public property.

(2) The public inconvenience or disruption of affairs of the public that will be caused by the special event.

(3) The effect of the special event on public safety.

(4) All costs which will be incurred by the city as a result of the special event.

(5) The capacity of the city to provide support services for the special event.

(6) All detrimental effects on the community from the holding of the special event.

(7) All benefits which will inure to the community from the holding of the special event.

(8) The risk of liability to the city from the holding of the special event.

(9) The number of people expected to be involved in the special event.

(10) The area of the city affected by or to be used by the special event.

(11) The recommendations of the chief of police.

(E) The public safety committee may condition the issuance of any permit under this chapter upon the provision of specific services and payment of specific costs by the sponsor, and may impose such other conditions of operation as are deemed necessary by the committee after consideration of the factors enumerated in this section.

(F) All applications for a special event permit shall be submitted for approval to the council with a recommendation by the public safety committee as to any conditions or restrictions which should be placed upon such special event. Approval shall be by resolution of the council.

(G) All permits approved by resolution of the council shall be issued by the city clerk.

(H) Each permit issued pursuant to this chapter shall contain the following:

(1) The signature of the issuing officer.

(2) The name, address and telephone number of the sponsor and not less than three individuals who hold positions of responsibility with respect to the special event.

(3) A statement of the general nature of activities authorized pursuant to the permit.

(4) The amount of fee paid.

(5) The date of issuance.

(6) The effective dates of the permit.

(7) The permit number.

(I) No permit shall be issued, assigned, or otherwise transferred to any person other than the person that filed the original application. The city clerk shall keep a permanent record of all permits issued.

3-13-12: Permit fees: The fee for issuance of a special event permit shall be established from time to time by resolution of the council.

3-13-13: Special events regulations:

(A) Notwithstanding other provisions of this code, the council may grant a sponsor:

(1) The exclusive right to select and control vendors who shall be authorized to operate within the area designated for such special event;

(2) The right to designate sites within such area where such vendors shall be permitted to operate during the special event;

(3) The right to charge such vendors a fee or commission for the privilege of operating within the area designated for the special event.

(B) Any sponsor that is granted any of the rights set forth in subsection 3-13-13(A) shall be liable for all acts of such vendors, including all violations of this chapter by such vendors.

(1) This subsection shall not prevent the sponsor from requiring subrogation agreements from such vendors, or from requiring such vendors to provide insurance coverage for their actions at the special event.

(2) The city shall not be bound by any subrogation agreement or insurance agreement between a vendor and a sponsor.

(C) Each sponsor shall exhibit its permit at the request of any police officer or citizen.

(D) It shall be unlawful for a sponsor to do any of the following:

(1) Operate in violation of a condition or restriction placed upon its permit.

(2) Fail to comply with any licensing or inspection requirement of the state of Wisconsin.

(E) Unless authorized by the special event permit issued by the city, it shall be unlawful for a sponsor to do any of the following:

(1) Permit vending activities associated with such special event to be operated within 20 feet of any portion of the front of any store which sells merchandise or services of the same or similar nature.

(2) Permit ropes or other equipment to be attached to any bench, flower planter, tree, light pole, utility pole or trash receptacle for display of merchandise or cause or permit any of the foregoing to be used for display of merchandise or advertising materials.

(3) Permit equipment, goods or advertising materials to be stored on any street, sidewalk, alley or other public place when no individual is present on behalf of the sponsor or when special event activities are not permitted.

(4) Permit any part of the operations of the sponsor to interfere with the free flow of pedestrian or vehicle traffic.

(F) Except pursuant to a special event permit issued by the city, each sponsor shall:

(1) Keep all areas in and around any stationary location or display used during the special event clean and hazard free.

(2) Remove all equipment, including carts, tables, apparatus and merchandise from the streets, sidewalks, alleys or other public places during times when the sponsor is not operating a special event.

3-13-14: Duty of police to report and enforce:

(A) Any police officer or citizen may require any person operating a special event to produce its permit for inspection.

(B) If such person does not have a permit, any police officer may immediately close the special event, and may issue a citation to the violator or violators.

(C) If such person has a permit, but is in violation of the terms of its permit, any police officer may require the person to immediately correct the violation. The police officer may issue a citation to the violator. If the person is unwilling or unable to immediately correct the violation, the police officer may immediately close the special event, and may issue a citation to the violator.

(D) The chief of police shall report all convictions resulting from violations of this section to the city clerk. The city clerk shall maintain a record of each permit issued and each conviction of violation of such permit.

3-13-15: Appeal: Any person aggrieved by any action of the chief of police, the city clerk, or the public safety committee with regard to the provisions of this chapter shall have the right to appeal to the council. Such appeal shall be taken by filing with the council, within 14 days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner as provided in section 3-5-5 of this code.

3-13-16: Permit suspension or revocation:

(A) The city may suspend or revoke a special event permit. Any such suspension or revocation shall apply to the sponsor and every officer and director of the sponsor.

(B) The following shall be grounds for revocation or suspension of a special event permit:

(1) Fraud, misrepresentation or incorrect statement contained in the application.

(2) Fraud, misrepresentation or incorrect statement made in the course of carrying on a special event.

(3) Conviction of a sponsor or an officer or director of a sponsor of any crime.

(4) Any violation of any municipal code or state or federal law pertaining to the special event.

(5) Failure to hold a required license or permit from the state of Wisconsin.

(6) Conducting business in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(7) Any other ground for suspension, revocation, or failure to issue or reissue a license under chapter 5 of this title.

(C) No part of the permit fee for a special event permit which has been revoked or suspended shall be refunded.

(D) No sponsor that has had a special event permit revoked or suspended shall be issued a subsequent special event permit until at least six months has elapsed since the date of the latest revocation or suspension.

3-13-17: Disrupting a special event: It shall be unlawful for any person who is not a law enforcement officer acting in the course of their official peace keeping duties to knowingly disrupt a special event.

3-13-18: Penalty: The penalty for violating any provisions of this chapter shall be a class 1 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

Chap. 3-13 history: 3-13-1*: 1991-11-6; 2016 code;* ***3-13-2****: 1991-11-6; 2002-9-3; 2016 code;* ***3-13-3****: 1991-11-6; 2016 code;* ***3-13-4****: 1991-11-6; 2016 code;* ***3-13-5****: 1991-11-6; 2016 code;* ***3-13-6****: 1991-11-6; 2016 code;* ***3-13-7****: 1991-11-6; 2002-9-3; 2016 code;* ***3-13-8****: 1991-11-6; 2016 code;* ***3-13-9****: 1991-11-6; 2016 code;* ***3-13-10****: 1999-11-2; 2015-6-16; 2016 code;* ***3-13-11****: 1991-11-6; 2016 code;* ***3-13-12****: 1991-11-6; 2016-4-18; 2016 code;* ***3-13-13****: 1991-11-6; 2016 code;* ***3-13-14****: 1991-11-6; 2016 code;* ***3-13-15****: 1991-11-6; 2016 code;* ***3-13-16****: 1991-11-6; 2016 code;* ***3-13-17****: 1991-11-6; 2002-9-3; 2016 code;* ***3-13-18****: 1991-11-6; 2002-9-3; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 14: ROOM TAX

3-14-1 Definitions
3-14-2 Imposition of tax
3-14-3 Collection of tax and reporting requirements
3-14-4 Allocation of tax
3-14-5 Permit
3-14-6 Liability for tax
3-14-7 Audit
3-14-8 Estimated assessment
3-14-9 Interest:
3-14-10 Security required
3-14-11 Records
3-14-12 Confidentiality
3-14-13 Late fees and penalties

3-14-1: Definitions: In this chapter:

“Gross receipts” means the total amount received from the furnishing, at retail, of rooms or lodging to transients, valued in money, whether received in money or otherwise. "Gross receipts" includes all cash, credits and property received, including all fees and service charges, labor charges, and other charges received in addition to the price charged a customer by the hotelkeeper that represent or are in lieu of a tip or gratuity.

“Hotel or motel” means a building or group of buildings in which the public may obtain accommodations for a consideration, including, without limitation, inns, motels, tourist homes, tourist houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, resort lodges and cabins, and any other building or group of buildings in which accommodations are available to the public. The terms "hotel" and "motel" do not include accommodations, including mobile homes as defined in section 5-6-2 of this code, rented for a continuous period of more than one month or accommodations furnished by any hospital, sanitorium, or nursing home, 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 inures to the benefit of any private shareholder or individual.

“Hotelkeeper” means any person who operates a hotel or motel.

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

3-14-2: Imposition of tax: A tax is hereby imposed on the privilege and service of furnishing, at retail, of rooms or lodging to transients by hotelkeepers, irrespective of whether membership is required for the use of the accommodations. Such tax shall be at the rate of four percent of the gross receipts. Such tax shall not be subject to the selective tax imposed by section 77.52(2)(a)1 of the Wisconsin statutes.

3-14-3: Collection of tax and reporting requirements:

(A) The tax imposed for each calendar quarter, is due and payable on the last day of the month following the end of the calendar quarter for which the tax is imposed.

(B) The tax imposed by this chapter shall become delinquent if not paid by the due date of the return.

(C) All hotelkeepers shall file a room tax return on or before the date on which such tax is due and payable. Such return shall be on forms prescribed by the city treasurer. Such return shall show the gross receipts of the applicable calendar quarter and such other information as the city treasurer requires.

(D) Every hotelkeeper shall file an annual calendar year return. Such annual return shall be filed within 90 days of the close of each calendar year. The annual return shall summarize the quarterly returns, reconcile and adjust for errors in the quarterly returns, and shall contain such additional information as the city treasurer requires. Such annual return shall be made on forms prescribed by the city treasurer. All such returns shall be signed by the hotelkeeper or an authorized agent of the hotelkeeper, but need not be verified by oath.

(E) No quarterly return shall be required from any hotelkeeper who has an estimated annual tax due of $200.00 or less when a written exemption is provided by the city treasurer. For purposes of this subsection, the estimated annual tax due shall be calculated by the city treasurer from records supplied by the hotelkeeper.

(F) For proper administration of this chapter and to prevent evasion of the room tax, it shall be presumed that all receipts of a hotelkeeper are subject to the tax. The burden of proving that a receipt is not taxable is upon the person who makes the sale unless he or she takes from the purchaser a certificate showing that the service purchased is exempt.

3-14-4: Allocation of tax:

(A) For collecting and reporting the room tax, and for the accounting connected with it, hotelkeeper may retain two percent of the room tax payable with each return due under this chapter, if the payment of the taxes is not delinquent.

(B) The city shall retain 10 percent of the total tax collected to defray administrative expenses incurred in the collection of the tax and the administration of the fund.

(C) The remainder of the tax collected shall be deposited into a segregated fund of the city, to be administered by the Visitors and Promotion Commission.

3-14-5: Permit:

(A) Every hotelkeeper shall file an application for a permit allowing such hotelkeeper the privilege of operating a hotel or motel within the city. A separate permit must be obtained for each hotel or motel. Applications for permits shall be filed with the city clerk.

(B) Every application for a permit shall be made upon a form prescribed by the city clerk. Every application for permit shall set forth the name under which the applicant transacts or intends to transact business, the location of the place of business, and such other information as the city clerk requires.

(C) The application shall be signed by the hotelkeeper or by an agent authorized to act on behalf of the hotelkeeper. If an agent signs on behalf of the hotelkeeper, such agent shall also file written proof of the authority claimed. (6-4-1991)

(D) The fee for issuance of each permit shall be set by resolution of the council, which amount shall be tendered by the applicant when application is tendered to the city clerk.

(E) No permit shall be issued to any person who is delinquent in the payment of any tax, assessment or other claim owed to the city, or delinquent in the payment of any forfeiture resulting from a violation this code.

(F) Upon filing of a complete application and payment of the permit fee, the city clerk shall issue each applicant a separate permit for each hotel or motel 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 in the permit. It shall at all times be conspicuously displayed at the place for which it was issued.

(G) Each permit issued under this section shall be valid until June 30 following the issuance of the permit, unless suspended or revoked pursuant to this chapter and chapter 5 of this title.

3-14-6: Liability for tax:

(A) Upon the termination of business by any person liable for any amount of tax under this section, the full amount of the tax liability shall become immediately due and payable.

(B) If any hotelkeeper sells or otherwise terminates his or her business, his or her purchasers, successors, and assigns shall withhold enough of the purchase price of the business or any asset of the business to cover the full amount of tax due under this chapter until the former owner produces a receipt from the city treasurer that he or she has been paid, or a certificate stating that no amount is due.

(C) Any person that does not withhold a portion of the purchase price as required by subsection (B) of this section shall be personally liable for payment of the tax due to the extent of the price of the business or assets purchased, as valued in money.

3-14-7: Audit: Whenever the city treasurer has probable cause to believe that the correct amount of room tax has not been assessed or that the tax return of any hotelkeeper is not correct, the city treasurer or his or her designee may inspect and audit the financial records of such hotelkeeper. The financial records to be inspected and audited shall include all records pertaining to the furnishing of accommodations.

3-14-8: Estimated assessment:

(A) If any hotelkeeper fails to file a return as required by this chapter, the city treasurer shall make an estimate of the amount

of the gross receipts received by such hotelkeeper. Such estimate shall be made for the period for which such hotelkeeper failed to file a return and shall be based upon any relevant information available to the city treasurer. On the basis of this estimate, the city treasurer shall compute the amount of tax required to be paid to the city.

(B) No refund or modification of the payment determined may be granted until the hotelkeeper files a correct room tax return and permits the city treasurer or his or her designee to inspect and audit his or her financial records.

3-14-9: Interest: All delinquent taxes under this chapter shall bear interest at the rate of one percent per month for every month or portion of a month in which such taxes are delinquent. No interest shall be payable by the city on overpayments of tax.

3-14-10: Security required:

(A) No person who has been convicted of two or more violations of the provisions of this chapter shall be issued a permit under section 3-14-5 unless such person deposits security with the city clerk. Such security shall be to ensure the future payment of the tax imposed by this chapter.

(B) The amount of security to be deposited shall be equal to the amount of taxes due for the preceding calendar year, or $1,000.00, whichever is greater.

(C) If the person becomes delinquent in the payment of the taxes imposed by this chapter, the city treasurer may, upon 10 days' notice to such person, recover the taxes, interest and penalties from the security placed with the city clerk.

(D) No interest shall be paid by the city to any person for the deposit of such security.

(E) If the city treasurer must recover the amount of taxes due from the security, and the amount of security is inadequate to cover the amount due, the person's permit may be revoked under the procedures set forth in chapter 5 of title 3 of this code.

3-14-11: Records: Every person liable for the tax imposed by this chapter shall keep, or cause to be kept:

(A) Copies of all sales tax reports filed with the state of Wisconsin;

(B) All documentation necessary to substantiate the figures set forth in such sales tax reports;

(C) All records, receipts, invoices and other pertinent papers necessary to support the room tax return required under this chapter.

3-14-12: Confidentiality:

(A) All tax returns, schedules, exhibits, writings or audit reports relating to such returns, on file with the city treasurer, shall be confidential. The city treasurer may only disclose the contents of such documents to the following:

(1) The person who filed the return, his or her authorized agents, successors and assigns.

(2) Persons using the information in the discharge of the duties of their office or in the discharge of duties imposed on them by law.

(3) Any person designated by order of court.

(B) No person designated under subsections (A)(1), (A)(2), or (A)(3) of this section shall disclose any information received under such subsection, other than to another person designated under one of such subsections.

3-14-13: Late fees and penalties:

(A) Any person who fails to comply with a request to inspect and audit the person's financial records under section 3-14-7 of this chapter shall forfeit five percent of the tax determined to be due under this chapter.

(B) Any hotelkeeper who fails to pay the tax due for the previous year shall pay a forfeiture of 25 percent of the amount of room tax due, or $5,000.00, whichever is less. For purposes of this subsection, the amount of tax due is that amount determined under section 3-14-3 or 3-14-8 of this chapter.

(C) In addition to those penalties set forth in subsections (A) and (B) of this section, any person who violates any provision of this chapter shall be subject to a Class 3 forfeiture.

(D) In addition to any other penalties set forth in this chapter, any person who violates any provision of this chapter shall be subject to suspension or revocation of all permits held under this chapter. The procedure for suspension or revocation of such permits shall be as set out in chapter 5 of title 3 of this code.

Chap. 3-14 history: 3-14-1*: 1991-6-4; 2016 code;* ***3-14-2****: 1991-6-4; 2016 code;* ***3-14-3****: 1991-6-4; 2016 code;* ***3-14-4****: 1991-6-4; 2015-6-16; 2016 code;* ***3-14-5****: 1991-6-4; 2001-6-5; 2016 code;* ***3-14-6****: 1991-6-4; 2016 code;* ***3-14-7****: 1991-6-4; 2016 code;* ***3-14-8****: 1991-6-4; 2016 code;* ***3-14-9****: 1991-6-4; 2016 code;* ***3-14-10****: 1991-6-4; 2016 code;* ***3-14-11****: 1991-6-4; 2016 code;* ***3-14-12****: 1991-6-4; 2016 code;* ***3-14-13****: 1991-6-4; 2016 code*

TITLE 3: BUSINESS REGULATIONS

Chapter 15: ELECTRONIC ALARMS

3-15-1 Declaration of purpose:
3-15-2 Definitions
3-15-3 Unregulated alarms
3-15-4 Approved alarms
3-15-5 Prohibited alarms
3-15-6 Testing
3-15-7 Notification
3-15-8 Permits, fees, application
3-15-9 Confidentiality and permit distribution
3-15-10 Responsibility and liability
3-15-11 Fees for answering alarms
3-15-12 Revocation of permits
3-15-13 Penalty

3-15-1: Declaration of purpose: The purpose of this chapter is to regulate the installation and use of electronic fire, intrusion and holdup alarms. A primary goal to reduce preventable or avoidable false alarms relayed to the police and fire departments is needed to insure efficient use of the city resources and effective response to requests for emergency aid. It is further intended that persons who cause unnecessary false alarms should bear costs of emergency services response. This chapter is further intended to encourage the installation and maintenance of reliable alarm systems which are an effective means of early detection of criminal activity or possible property loss thereby increasing the present level of protection to persons and property and to provide emergency services with specific information before the alarm to provide a more safe and effective response to such alarm.

3-15-2: Definitions: In this chapter:

“Alarm business” means any person engaged in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling or servicing alarm systems with the object of gain, benefit or advantage, either direct or indirect.

“Alarm subscriber” means any person who has an alarm system installed or maintained on his or her premises, including but not limited to any person who buys, leases or otherwise obtains an alarm system and contracts or hires an alarm business to monitor, maintain or service the alarm system.

“Alarm system” means an assembly of equipment or devices which receives electrical energy and is arranged to signal a hazard or intruder requiring urgent attention and to which the police department or fire department is expected to respond, including but not limited to automatic holdup alarm systems, burglar alarm systems, manual holdup alarm systems, fire alarms, humidity alarms, temperature alarms and pressure alarms.

“Annunciator” means the instrumentation of an alarm console at the receiving terminal of a signal line through which both visual or audible signals may show when an alarm device at a location has been activated, malfunctions or otherwise indicates line activity.

“Answering service” means a telephone or direct line answering service which receives emergency signals on a continuous basis from alarm systems and immediately relays the message by like voice to the appropriate emergency service.

“Automatic dialing device” means an alarm system which automatically sends a signal over the telephone lines indicating an emergency situation to which emergency police department or fire department services are expected to respond.

“Automatic holdup alarm system” means an alarm system in which the signal transmission is initiated by the alarm system upon detection of certain actions or movements of a person robbing or attempting to rob the premises.

“Burglar alarm system” means an alarm system which signals the entry into the area protected by the system.

“Calendar year” means January 1 through December 31 inclusive.

“Central station” means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.

“False alarm” means activation of an alarm system by mechanical failure, malfunction, improper installation, negligence of the owner or lessee of the alarm system, or by an undetermined cause. A false alarm includes the testing of the alarm system without prior notice to the police department and fire department of the testing. A false alarm does not include activation of the

alarm system by tornado or severe weather storm.

“Fire alarm” means an alarm system designed to signal fire or smoke in the protected area which transmits an emergency signal to the fire department or police department for response.

“Humidity alarm” means an alarm system which activates the emergency signal due to a change in humidity in the protected area.

“Interconnect” means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that uses a standard telephone and telephone line to transmit an emergency message upon activation of the alarm system.

“Manual holdup alarm system” means an alarm system in which the signal transmission is initiated by the direct action of the alarm user indicating a crime is in progress.

“Person” means any natural person, partnership, association and body politic and corporate.

“Pressure alarm” means an alarm system in which the emergency signal is activated due to a change or drop in pressure, such as the drop in water pressure in a sprinkler system when activated.

“Primary trunk line” means a telephone line leading directly into the emergency services dispatch center for handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.

“Propriety alarm system” means an alarm system which signals to persons on the premises rather than to the police department, fire department or other outside emergency services.

“Supervisory alarm” means an alarm which notifies the police department or fire department of a mechanical problem on the premises and which requires action from the police department or fire department in addition to contacting a responsible person from a list of persons provided by the alarm subscriber.

“Temperature alarm” means an alarm system designed to send an emergency signal activated by a change in temperature.

3-15-3: Unregulated alarms:

(A) This chapter shall not apply to the use of propriety alarm systems.

(B) This chapter shall not apply to the use of motor vehicle alarms unless connected to another alarm system other than a propriety alarm system.

3-15-4: Approved alarms: A central alarm which is received at a central station or answering service which then relates a message by direct live voice contact to the appropriate emergency service may be connected upon approval of an application and issuance of a permit.

3-15-5: Prohibited alarms:

(A) No person shall interconnect any direct dialing alarm or automatic dialing device to a police department or fire department primary trunk line.

(B) Residential property alarms shall not interconnect to the police department or fire department panel.

3-15-6: Testing:

(A) No alarm business or alarm system designed to transmit emergency messages to the police department or fire department shall be tested or demonstrated without prior notification and approval of the police dispatcher. The fire department and police department may advise alarm users or subscribers on proper test procedure.

(B) No alarm system relayed through intermediate services to the police or fire departments may be tested or demonstrated without prior notification and approval of the police chief or fire chief as appropriate. The police department or fire department may inspect or test on-site alarm systems authorized under this chapter.

(C) Alarm systems shall be in compliance with all written response policies of the police department and fire department.

3-15-7: Notification: When the service provided by an alarm business to its subscribers is disrupted for any reason, the alarm

business shall immediately notify each of its subscribers by telephone that protection is no longer being provided unless otherwise previously instructed in writing by a subscriber.

3-15-8: Permits, fees, application:

(A) A permit is required before any person installs or maintains, or permits to be installed or maintained, any regulated alarm device as defined in this chapter on any property in the city.

(B) The city clerk shall be the permit issuing authority and may grant a permit to any applicant complying with the provisions of this chapter.

(C) An application for a permit shall be approved by the fire chief, police chief or both as may be appropriate under the circumstances. The fire chief or police chief or both shall make their recommendation to the city clerk which shall serve as the basis for approval or denial of the application for the permit.

(D) Failure to obtain a permit before the installation of an alarm system shall be a violation of this chapter and subjects the violator to the forfeiture provisions of this chapter.

(E) Alarm permits shall be presented on demand to any police officer, fire chief or assistant fire chief or fire inspector.

(F) A person who obtains a permit to install or maintain an alarm device or system at a specified location and desires to move the devices to protect a different location or changes the type of system, shall notify the fire chief and police chief before relocating the system or installing new equipment at an existing location. A new permit is not required for the relocation or installation of new equipment at an existing location so long as the fire chief and police chief have been notified before the relocation of existing equipment or installation of new equipment on an existing site.

(G) Any person who installs or maintains multiple alarm systems to protect multiple locations shall obtain a permit for each address. A separate permit is not required for multiple alarm systems at one location even if the multiple alarms protect multiple areas at that single address.

(H) A permit fee set by resolution of the council shall be paid by the applicant before the issuance of a permit by the city clerk.

(I) The alarm user permit application shall contain the following information:

(1) Name, address, phone number and date of birth of the applicant.

(2) Location of the alarm in the building or area protected where the alarm is to be installed.

(3) The exact location where the alarm is to be installed. In the event of alarms located outside the city limits, this would include the fire number and the distance and direction from the nearest intersecting roadway.

(4) A description of the use of the protected property.

(5) The type of alarm or alarms to be installed.

(6) The name, address and phone numbers of two persons in addition to the user who can be reached in a reasonable amount of time and who are authorized by the alarm user to respond upon request of emergency services.

(7) The approximate date when the alarm device will be installed and operational, and who will install and service the alarm.

(8) The name, mailing address, telephone number and a description of the type of service provided by an answering service or alarm business, if any, who will monitor the alarm and relay emergency messages to the police department or fire department.

(J) The alarm user or subscriber shall notify the police department or fire department in writing of any change in any of the information required under subsection (J) of this section within five days of such change.

3-15-9: Confidentiality and permit distribution:

(A) All information provided on the permit application shall remain confidential and shall be used solely by emergency services personnel, and only in the performance of their duties.

(B) Permits shall be issued by the city clerk upon payment of fees and approval of the permit application of the fire chief or

police or both as necessary.

(C) No person shall release information contained on the permit application without the prior written consent of the fire chief or police chief and the permit holder.

3-15-10: Responsibility and liability:

(A) For each alarm activation, the permit holder or his or her agent shall respond to the scene of the alarm when requested by emergency services personnel. Such response shall be prompt to reduce the time emergency personnel are kept from other duties.

(B) Alarms shall be maintained by permit holders so as not to cause false alarms.

(C) All other parts of each system are to be maintained by the alarm user, and any malfunction of those parts causing a false alarm will be included as a false alarm for the purposes of assessment or revocation.

3-15-11: Fees for answering alarms:

(A) Each false alarm requires response of public safety personnel, involves unnecessary expense to the city, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the city. Such false alarms constitute a nuisance and must be abated.

(B) No person shall intentionally cause the activation of a burglar or fire alarm knowing that no criminal activity, fire or other emergency exists on or near the premises.

(C) Any person owning or maintaining an alarm at one or more addresses shall pay a fee for false alarms to which the police department or fire department respond pursuant to a fee schedule adopted by resolution of the council. A separate account at each address shall be kept for false alarms on criminal activity and false alarms for fires or other emergencies.

(D) On default of fee payment for false alarms, the amount due may be placed on the tax roll as a special charge under section 66.0627 of the Wisconsin statutes. The fees imposed by this section are in addition to any penalties or revocation proceedings which may be imposed under the Wisconsin statutes or this code.

3-15-12: Revocation of permits:

(A) A permit issued pursuant to this chapter may be revoked upon hearing by the public safety committee of the city. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven days before the hearing.

(B) A permit may be revoked for any of the following reasons:

(1) The application for a permit contains false statement of a material fact;

(2) A licensee has repeatedly failed to comply with the provisions of this chapter;

(3) An alarm system repeatedly actuates false alarms; or

(4) The actions of the permit holder constitute a hazard to public safety personnel or the public.

(C) A permit holder may appeal the decision of the public safety committee by filing a written notice of appeal with the city clerk within 10 days after the public safety committee decision. Such appeal shall be heard by the council within 30 days after the filing of the appeal. An appeal timely taken suspends the revocation until the council gives its decision. The city clerk shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven days before the hearing.

(D) Permit holders shall be notified in writing of any revocation and the effective date of the revocation. If the permit holder subscribes through an answering service or monitoring service, the service shall also be notified in writing by the city of the revocation of the permit.

(E) An alarm shall not be disconnected until the alarm user or subscriber has been served with written notice of his or her permit revocation. The costs for the alarm disconnection shall be paid by the alarm user or subscriber.

(F) Any alarm permit which has been revoked may be reinstated upon a satisfactory showing that the cause of the revocation has been eliminated and upon completion of a permit application and payment of the permit fee.

(G) Any provision of this chapter for revocation of an alarm user's permit that would conflict with the federal bank protection act of 1968 and any subsequent amendment shall not apply to those permit holders.

3-15-13: Penalty: Any person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

Chap. 3-15 history: 3-15-1*: 1994-3-1; 2016 code;* ***3-15-2****: 1994-3-1; 2016 code;* ***3-15-3****: 1994-3-1; 2016 code;* ***3-15-4****: 1994-3-1; 2016 code;* ***3-15-5****: 1994-3-1; 2016 code;* ***3-15-6****: 1994-3-1; 2016 code;* ***3-15-7****: 1994-3-1; 2016 code;* ***3-15-8****: 1994-3-1; 2016 code;* ***3-15-9****: 1994-3-1; 2016 code;* ***3-15-10****: 1994-3-1; 2016 code;* ***3-15-11****: 1994-3-1; 2016 code;* ***3-15-12****: 1994-3-1; 2016 code;* ***3-15-13****: 1994-3-1; 2016 code*

TITLE 4: BUILDING REGULATIONS

Chapter 1 BUILDING CODE
Chapter 2 HOUSING AND PROPERTY MAINTENANCE CODE
Chapter 3 SWIMMING POOLS

TITLE 4: BUILDING REGULATIONS

Chapter 1: BUILDING CODE

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4-1-1: Title: This chapter shall be known as the BUILDING CODE OF THE CITY OF MONROE and shall be cited as such.

4-1-2: Purpose: This chapter provides certain minimum requirements for safe and stable design methods and construction and uses of materials, for electrical installations, for plumbing installations and for heating, ventilating and air conditioning installations in buildings or structures constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and to regulate the equipment, maintenance, use and occupancy of all buildings or structures. The provisions of this code shall supplement laws of the state of Wisconsin and regulations of the Wisconsin administrative code.

4-1-3: Scope: No building, structure or premises shall be constructed, enlarged, altered, repaired, demolished or removed, nor shall the equipment of a building or structure or premises be constructed, installed, altered, repaired or removed except in conformity with this chapter.

4-1-4: Wisconsin administrative code adopted: The following chapters of the Wisconsin administrative code are hereby adopted by reference, including amendments, additions and recodifications thereto:

SPS 305 (Licenses, certifications and registrations)
SPS 316 (Electrical code)
SPS 320-325 (Uniform dwelling code)
SPS 361-366 (Wisconsin commercial building codes)
SPS 381-387 (Plumbing code)

4-1-5: Change of use, maintenance: When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then the building or structure shall be made to comply with the new use as provided in this chapter.

4-1-6: Prohibitions: It shall be unlawful for any person to maintain, occupy or use a building or structure, or part thereof, that has been constructed, enlarged, altered or repaired in violation of this chapter.

4-1-7: Permits required: No building or structure or any part thereof shall be constructed, enlarged, altered, repaired, moved on to a site or demolished within the city, or permanent building equipment installed unless a permit therefor shall first be obtained from the building inspector by the owner or the owner's agent. No building permit is required for work to be performed which is minor repair or minor maintenance of a building or structure. Work consisting only of maintenance or repair the cost of materials for which is less than $1,000 and which does not change the occupancy, area, structural strength, fire protection, exits, lights, sanitation or ventilation of a building or structure shall be presumed to be minor repair or minor

maintenance. Any person desiring a permit required by this chapter, shall file an application in writing on a form to be furnished by the building inspector for that purpose. The application shall be made by the owner, the owner's agent, or the architect, engineer or builder employed in connection with the proposed work.

(A) Format of plans and specifications: Plans and specifications shall be submitted both in printed form and electronically in portable document format [PDF]. Three complete printed sets of identical plans and specifications shall be submitted. The building inspector may waive the requirement that plans and specifications be submitted electronically in PDF if the applicant demonstrates that submission electronically is not reasonably possible.

(B) Time limit for issuance of permit: Except as otherwise provided in this chapter, upon submission of all material required by this section, the building inspector shall not be required to issue the requested permit before the expiration of the following periods:

(1) Normal processing: Five days, exclusive of weekends and legal holidays.

(2) Expedited processing: Two days, exclusive of weekends and legal holidays, if the applicant has paid the required fee for expedited processing. The fee for expedited processing shall be the normal permit fee multiplied by 1.5.

4-1-8: Plan examination: The building inspector shall conduct plan examinations for buildings and structures, except state owned buildings and structures, if the plans are for:

(A) A new building or structure containing less than 50,000 cubic feet of total volume;

(B) An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume;

(C) An addition to a building or structure containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet; or

(D) An alteration of a space involving less than 100,000 cubic feet of total volume;

4-1-9: Permits: After the application, plans and specifications filed by an applicant for a permit have been checked by the building inspector and have been found to be in conformity with the requirements of this chapter, the zoning regulations of the city and all other applicable laws, the building inspector shall upon payment of the required fee stamp or endorse in writing on the plans and specifications his or her approval and issue a permit for the construction.

(A) Approved plans and specifications: One set of approved plans and specifications shall be retained by the building inspector and two sets of approved plans and specifications shall be returned to the applicant. One of the applicant's sets of approved plans and specifications shall be kept on the site of the work at all times during which the work is in progress and shall be open to inspection by authorized inspectors.

(B) Posting of permit card: The building inspector shall issue a permit card properly filled out with every permit issued. The applicant shall post the permit card in a conspicuous place on the building, structure or premises where the work is being done, unobstructed from the public view.

(C) Written consent required for change: Approved plans and specifications shall not be changed in any respect which may involve any provision of this chapter except with the written consent of the building inspector.

(D) Validity: The issuance of a permit shall not prevent the building inspector from requiring the correction of errors in the plans and specifications nor from ordering a stop to work being carried on in violation of this chapter or applicable law.

(E) Staking: The lot, block or tract and the location of the buildings or structures thereon shall be staked out on the ground before construction is commenced.

(F) Access to construction site: The building inspector shall, as a condition of the issuance of a permit required by this chapter, have the right to enter the premises for which said permit is issued at any reasonable time during the work and until final inspection and approval thereof has been given, to inspect said premises and its compliance with all regulations relating to the construction, repair, use, and location of buildings or structures.

4-1-10: Term of permit:

(A) Residential: The term of permit for uniform one-and two-family dwellings and manufactured buildings or dwellings shall be two years.

(B) Other: Every permit not covered under subsection (A) of this section shall expire if the work authorized by the permit is not commenced within six months from the date of the permit. If any work in progress is suspended or abandoned for six months the permit shall expire regardless of when the work was initially commenced. Before the work can be resumed, a new permit shall be obtained.

4-1-11: Failure to obtain permit:

(A) Double fees: In addition to any other penalty for a violation of this chapter, a person who proceeds with work for which a permit is required under this chapter before obtaining a permit shall pay twice the fee otherwise required by this chapter. The payment of a double fee shall not relieve any person from any of the requirements of this chapter.

(B) Duty of police officers: It shall be the duty of all police officers to report at once to the building inspector any work for which a permit is required by this chapter and for which the required permit has apparently not been obtained.

4-1-12: Inspections: Buildings and structures and the lot or premises on which they are placed shall be inspected by the building inspector or his or her designee at such time and in such manner as may be necessary to secure compliance with the laws, rules, orders and approved plans applicable thereto.

(A) Progress inspections: The following progress inspections are the minimum required at each permitted project unless waived by the building inspector:

(1) Erosion control inspection: Erosion control inspections shall be performed concurrently with all other required construction inspections.

(2) Foundation footing and excavation inspection: The excavation for the foundation shall be inspected after the placement of any forms or required reinforcement and before the placement of the permanent foundation material.

(3) Foundation reinforcement inspection: The placement of reinforcement shall be inspected where the reinforcement is required for code compliance.

(4) Foundation inspection: The foundation shall be inspected after completion. Where damp proofing, exterior insulation or drain tile are required for code compliance, the foundation shall be inspected before backfilling.

(5) Rough inspection: A rough inspection shall be performed for each of the following construction categories after the rough work is completed but before it is concealed:

A) General construction, including framing.
B) Electrical.
C) Plumbing.
D) Heating, ventilating and air conditioning.

(6) Insulation inspection: An inspection shall be made of the insulation and vapor retarders after they are installed but before they are concealed.

(B) Final inspection: All buildings, structures or additions and alterations thereto shall have final inspection upon completion and before occupancy, except as provided in this chapter. If, on the final inspection no violation of this or any other code, law or order is found, the fact shall be so certified to by the zoning administrator and building inspector, who shall thereupon issue a certificate of occupancy, stating the purpose for which the building is to be used. No building or part thereof shall be occupied until such final inspection is conducted and certificate has been issued except with the written consent of the building inspector, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy. The certificate of occupancy may be waived for accessory buildings and structures, small additions, minor alterations or those projects where no zoning code requirements are affected.

(C) Inspection requests: Inspection requests under this chapter shall be made in writing or orally by the permit holder or his or her authorized agent when the work is ready. The building inspector or his or her designee, shall perform the requested inspection by the end of the second business day following the day of notification, not including Saturday, Sunday or legal holidays, and upon completion of such inspection shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the same fails to comply with the code and the nature of any deficiency. Construction may proceed if the inspection has not taken place within the required time span.

(D) Electrical inspections in public buildings and places: Under section SPS 316.920(2) of the Wisconsin administrative code, the city shall exercise jurisdiction over the inspection of electrical construction in public buildings and places of employment.

4-1-13: Certificate of occupancy:

(A) New construction: It shall be unlawful for an owner to use or permit the use of any building or structure or part thereof constructed, enlarged, altered, repaired, or moved, until a certificate of occupancy shall have been issued by the building inspector. Such certificate shall show that such building or structure, or part thereof, and the proposed use thereof are in conformity with the provisions of this chapter and any other regulations of the city.

(B) Change of use: The use or occupancy of any building or structure shall not be changed until a certificate of occupancy permitting the new use or occupancy is issued by the building inspector when the new occupancy is such as to require alterations or repairs of the building or structure, as specified in this chapter. No such certificate of occupancy shall be issued unless the building or structure shall comply with the requirements of this chapter and any other codes of the city governing the use and occupancy of buildings or structures.

4-1-14: Powers and duties of building inspector:

(A) Enforcement: The building inspector is hereby authorized and directed to enforce all of the provisions of this chapter.

(B) Right of entry: The building inspector or his or her authorized representative may enter any building or structure during reasonable hours to perform his or her duties and responsibilities under this chapter or to prevent violations of this chapter, upon presentation of proper credentials.

(C) Work stoppage: Whenever any work is being done contrary to the provisions of this chapter, or in an unsafe, unworkmanlike or dangerous manner, the building inspector may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the building inspector to recommence and proceed with the work.

(D) Unlawful use of building or structure: Whenever any building or structure or portion thereof is being used or occupied contrary to the provisions of this chapter, the building inspector shall order such use or occupancy discontinued, and the building or structure or portion thereof vacated, by notice served on any person using or causing such use or occupancy to be continued, and such person shall vacate such building or structure or portion thereof within10 days after receipt of such notice, or make the building or structure or portion thereof comply with the requirements of this chapter.

(E) Condemnation of building or structure: Any building or structure or portion thereof which violates the provisions of this chapter, due to removal, decay, deterioration of any appliance, device or requirement originally required by this chapter, or which has become damaged by the elements or fire to an extent of 50 percent of its assessed valuation may be condemned by the building inspector.

(F) Exposure of structural frame: The building inspector may order portions of the structural frame of a building or structure to be exposed for inspection when in his or her opinion they are in an unsafe condition.

(G) Notice: The building inspector shall serve notice in writing on the owner, reputed owner or person in charge of any building or structure found to be unsafe, setting forth what must be done to make such building or structure safe.

(H) Correction of deficiencies: The person receiving such notice shall commence work within 48 hours to make the changes, repairs or alterations set out in such notice and diligently proceed with such work or demolish the building or structure. No such building or structure shall be occupied or used for any purpose after the building inspector serves written notice of its unsafe and dangerous condition until the instructions of the building inspector have been complied with.

(I) Failure to comply: If at the expiration of the time as set forth in the first notice, the instructions as stated have not been complied with, a second notice shall be served personally upon the owner, his or her agent or the person in possession, charge or control of such building or structure or part thereof; stating such precautionary measures as may be necessary or advisable to place such building or structure or part thereof in a safe condition. Should the necessary changes not be made within 30 days after service of such second notice, the building inspector shall begin an appropriate action or proceeding at law or in equity to restrain, correct or remove such violations and compel compliance. In case of emergency or where such second notice has not been complied with, the building inspector may proceed with the work specified in such notice, and cause the cost of same to be paid and levied as a lien against the property.

4-1-15: Zoning restrictions: The restrictions of the zoning regulations of this code with respect to the location of trade and industries, the use and occupancy of buildings or structures, the height and bulk of buildings or structures, and the areas of yards, courts and other open spaces, shall not be considered modified by any provisions of this chapter, and such restrictions shall be controlling except insofar as this chapter imposes greater restrictions by reason of the type of construction used, in which case the provisions of this chapter shall control.

4-1-16: Street encroachments:

(A) General: Except as otherwise provided in this section, no part of a building or structure erected or enlarged shall project beyond a street line or a building or structure line.

(B) Projections removable: A part of a building or structure permitted to project beyond a street line or building or structure line shall be so constructed that its removal may be made without causing the building or structure to become structurally unsafe.

(C) Structural support: No part of a building or structure or of an enlargement of a building or structure that is necessary for structural safety shall project beyond the property line or building or structure line, but this shall not prohibit the projection of the footings of street walls beyond the street line or beyond the building or structure line within the street line, to the extent of not more than 12 inches.

(D) Permissible projections: Under the conditions and limitations prescribed in this section the following projections shall be permissible:

(1) No person shall erect, repair or maintain any awning over any sidewalk or street within the city, contrary to any of the provisions of this section. No person shall erect or repair any awning over the sidewalk or street without first obtaining a permit from the building inspector.

(2) Any awning framework shall be at least 7 ½ feet in height, above the highest point of the walk. The lowest point of flap or fringe of such awning shall at no point be less than 7 feet above the sidewalk immediately beneath it, and shall not extend closer than two feet from the inner curb line. Wooden awnings shall not be installed in the fire district, except that "Swiss type" or similar awnings may be permitted by the building inspector.

(3) Marquees at entrances to buildings or structures may extend beyond the building or structure line and across the sidewalk to within two feet of the curb line, provided that they are not less than 10 feet above the curb level at all points, and, within the fire limits, are constructed of incombustible materials. They shall be securely supported from the building or structure, and shall be properly drained.

(4) Cornice moldings, belt courses, lintels, sills, architraves, pediments and similar projections of a decorative character may extend beyond the building or structure line not more than four inches when they are 10 feet or more above curb level. The only exception to the above shall be for "Swiss type" or similar fronts which shall not extend beyond the building or structure line more than 30 inches.

(5) Entrance doors on streets and alleys shall be hung so as not to project, when fully opened, beyond the building or structure line without a permit authorized by the board of public works.

(6) Fire escapes and balconies to fire towers or other required exits, constructed of steel or other incombustible material, when required, shall not project beyond the property line on streets, alleys and public grounds, including municipal parking areas unless impractical to do otherwise, and with permission of board of public works.

(7) Areas projecting beyond the building or structure line which are to be entirely below the sidewalk level may be installed only by permission from the board of public works.

(E) Limitations: Nothing in this section shall be construed to authorize a projection beyond the property line or building or structure line that is prohibited by the zoning regulations of this code or by any other law.

(F) Alterations: No change or enlargement shall be made to a part of a building or structure projecting beyond the property line except in conformity with the provisions of this section for new construction.

(G) Encroachments: Parts of buildings or structures which project beyond the property line or building or structure at the time this chapter becomes law may be maintained as constructed until their removal is directed by the city.

4-1-17: Rainwater leaders: It shall be unlawful to allow downspouts or rainwater leaders from roof gutters to spill the water in such manner as to overflow the adjacent property. Anyone causing or allowing such condition to exist shall, upon notice in writing, cause such condition to be corrected within 10 days after receiving such notice.

4-1-18: Design and workmanship:

(A) Generally accepted good practice required: Design of structural members and workmanship in the fabrication and preparation of materials, and their installation, shall conform to generally accepted good practice. This chapter shall be controlling, but shall not suspend or supersede other requirements of good practice which shall be regarded as supplementing the requirements of this chapter. Except as may be otherwise provided in law or this chapter, the standards of federal or state agencies, national technical organizations, or fire underwriters shall be considered generally accepted good practice.

(B) Working stresses: All parts of buildings and structures, dwellings and accessory buildings or structures shall be so designed that the safe stresses of the materials used are not exceeded.

(C) Details and connections: All members shall be so framed, tied and braced as to develop the strength and rigidity necessary for the purpose for which they may be used. No member shall be stressed beyond the strength of its details and connections.

4-1-19: Roofed passageways: Whenever in the opinion of the building inspector it is necessary for the protection of the public, the owner or contractor shall erect a roofed passageway in front of every building or structure to be constructed, altered or repaired on or near the lot line of any street. Such passageway shall extend over the sidewalk for a distance of not less than six feet and shall have a clearance of seven feet, and shall be approved by the building inspector.

4-1-20: Repairs to buildings or structures; damaged buildings or structures:

(A) Every building or structure shall be kept in good repair to maintain the conditions of safety and habitability prescribed by this chapter, or the housing and property maintenance code.

(B) Every building or structure that may be damaged by fire or otherwise shall be examined by the building inspector before a permit is issued to repair or replace the same, and such parts of said building or structure as in his or her opinion are unsafe or damaged to an extent that will impair the safety of the reconstructed building or structure, shall be taken down.

4-1-21: Unsafe buildings or structures:

(A) A building or structure is or becomes dangerous or unsafe shall, unless made safe and secure, be taken down and removed.

(B) A building or structure declared structurally unsafe by the building inspector may be restored to safe condition; provided, that if the cost of reconstruction or restoration is greater than 50 percent of the assessed valuation of the building or structure exclusive of foundations, such building or structure, exclusive of foundations, if reconstructed or restored, shall be made to conform with respect to materials and type of construction to the requirements for construction of new buildings and structures.

(C) Upon receipt of information that a building or structure or part thereof is dangerous to life, health or adjoining property, by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, the building inspector shall make or cause to be made an inspection and if it is found that an unsafe condition exists, he or she shall serve or cause to be served on the owner or some one of the owners, executors, administrators, agents or lessees or other persons who may have a vested or contingent interest in the same a written notice containing a description of the building or structure found to be unsafe, a statement of particulars in which the building or structure is unsafe, and an order requiring the same to be made safe and secure or removed as in the judgment of the building inspector may be necessary; and he or she shall affix a notice of such order by placing a card with the inscription "This building cannot be used for human habitation, occupancy or use" in a conspicuous place on the outside wall of the building or structure, and no person shall remove or deface such notice. The owner or person upon whom such notice was served shall thereupon immediately cause the same to be made safe or to be removed, as ordered; and if any such building or structure is used for any purpose requiring a license, the building inspector may cause such license to be revoked until the building or structure is made safe to comply with the requirements of this chapter.

(D) If the person served with a notice or order to remove or repair an unsafe building or structure shall fail, within a reasonable time, to comply with the requirements thereof, or where the public safety requires immediate action, the building inspector may enter upon the premises, with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the cost of such work may be recovered by the city in an action against the owner or tenant or cause the same to be paid and levied as a lien against the property.

4-1-22: Demolition or razing of buildings and structures:

(A) Demolition permit required:

(1) No person, or his or her agent or servant, shall demolish or cause to be demolished any building, structure or part thereof without first obtaining a permit from the building inspector.

(2) Whenever a building or structure shall be demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun, and no material shall be placed in such manner as to overload any part of such building or structure in the course of demolition, and all brick, stone, timber and structural parts of each story shall be lowered to the ground immediately upon displacement, and all dry mortar, mortar, lime, brick dust or other flying material shall, before and during removal, be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property

and all sidewalks shall be protected by fences and scaffolds as required by this chapter for the protection of sidewalks during the erection of buildings or structures.

(3) The building site of any building or structure that has been demolished shall be properly cleared of all debris and rubbish and shall be properly graded and leveled off to conform with the adjoining grade of the neighborhood, or fenced in with one inch by six inch solid board fence post less than six feet in height.

(B) Razing of buildings or structures: The provisions of subsection (2) of section 66.0413 of the Wisconsin statutes are hereby adopted by reference. The building inspector, chief of the fire department and city attorney are hereby designated as the officers to carry out the provisions hereof.

4-1-23: Appeal from building inspector order: Any person aggrieved by a decision of the building inspector may appeal the decision to the council. A two-thirds vote of the alderpersons present shall be necessary to reverse the decision of the building inspector.

4-1-24: Fees: Fees for plan examination and for issuance of any permit required by this chapter shall be set by resolution of the council. All city departments and agencies shall be exempt from the payment of fees required by this chapter. Notwithstanding the forgoing fees required by this chapter shall be paid for plan examination and for issuance of any permit for work performed by the housing authority, water utility, storm water utility or wastewater treatment plant.

4-1-25: Penalty: Any person who violates any part of this chapter shall upon conviction be subject to a Class 2 forfeiture. A separate offense exists for each calendar day during which a violation occurs or continues.

Chap. 4-1 history: 4-1-1*: 2015-2-17; 2016 code; 2016 code;* ***4-1-2****: 2015-2-17; 2016 code; 2016 code;* ***4-1-3****: 2015-2-17; 2016 code; 2016 code;* ***4-1-4****: 2015-2-17; 2016 code; 2016 code;* ***4-1-5****: 2015-2-17; 2016 code;* ***4-1-6****: 2015-2-17; 2016 code;* ***4-1-7****: 2015-2-17; 2016 code;* ***4-1-8****: 2015-2-17; 2016 code;* ***4-1-9****: 2015-2-17; 2016 code;* ***4-1-10****: 2015-2-17; 2016 code;* ***4-1-11****: 2015-2-17; 2016 code;* ***4-1-12****: 2015-2-17; 2016 code;* ***4-1-13****: 2015-2-17; 2016 code;* ***4-1-14****: 2015-2-17; 2016 code;* ***4-1-15****: 2015-2-17; 2016 code;* ***4-1-16****: 2015-2-17; 2016 code;* ***4-1-17****: 2015-2-17; 2016 code;* ***4-1-18****: 2015-2-17; 2016 code;* ***4-1-19****: 2015-2-17; 2016 code;* ***4-1-20****: 2015-2-17; 2016 code;* ***4-1-21****: 2015-2-17; 2016 code;* ***4-1-22****: 2015-2-17; 2016 code;* ***4-1-23****: 2015-2-17; 2016 code;* ***4-1-24****: 2015-2-17; 2016 code;* ***4-1-25****: 2015-2-17; 2016 code*

TITLE 4: BUILDING REGULATIONS

Chapter 2: HOUSING AND PROPERTY MAINTENANCE CODE

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4-2-6 Safe and sanitary maintenance of property
4-2-7 Space requirements in residential buildings
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4-2-10 Lodging houses; permits
4-2-11 Designation of unfit buildings
4-2-12 Responsibility of agent of owner
4-2-13 Penalty

4-2-1: Title: This chapter shall be known as the HOUSING AND PROPERTY MAINTENANCE CODE OF THE CITY OF MONROE and shall be cited as such.

4-2-2: Purpose: This chapter is adopted to preserve and promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the people of the city and environs. This includes, among others, physical, aesthetic, spiritual and monetary values. It is recognized that residential or nonresidential buildings, structures, yards or vacant areas and combinations thereof which are or become so dilapidated, unsafe, dangerous, unhygienic, overcrowded, inadequately maintained or lacking in basic equipment or facilities, light, ventilation and heating, constitute a menace to the health, safety and general welfare of the people. The establishment and enforcement of minimum housing and property maintenance standards is necessary to preserve and promote the private and public interest.

4-2-3: Definitions: In this chapter:

“Approved” means approved by the building inspector under the regulations of this chapter or approved by an authority designated by law or this chapter.

Attractive appearance” means the exterior appearance of buildings, structures, stairs, porches and similar appurtenances and the improvement, planting and landscaping of yards and vacant areas. The determination of "attractive" shall be under the generally accepted reasonable meaning prevailing in the community of the term "attractive appearance" and shall take into consideration the appearance of the surrounding specific locality involved and the community as a whole.

“Basement” means a story whose floor line is below grade at any exterior entrance or exit and whose ceiling is not more than five feet above grade at any such exterior entrance or exit. For single-family and two-family detached dwellings a basement shall be designated as a story only when the floor line is below grade for less than 50 percent of the perimeter of the exterior wall or when the average ceiling height is more than five feet above such grade.

“Building” means any structure that is designed or used for sheltering people, animals or plants, for storing property or for working, office, parking, sales or display space, regardless of any contribution that the structure makes to the production process in it; that in physical appearance is annexed to that real property; that is covered by a roof or encloses space; that is not readily moved or disassembled; and that is commonly known to be a building because of its appearance and because of the materials of which it is constructed. For the purposes of this chapter a "mobile home" is a building.

“Capacity in persons” means when applied to a building the maximum number of persons that can occupy such building, as determined by the required floor space per person as established in the Wisconsin administrative code.

“Dwelling” means a building or portion thereof designed or used exclusively for human habitation, but not including hotels or motels.

“Dwelling unit” means one or more rooms in a dwelling which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete single kitchen facilities, permanently installed, shall always be included with each dwelling unit. Under this chapter a mobile home shall be considered a dwelling unit.

“Exterior property” means all of the real property of a lot or parcel except for real property underlying a building.

“Extermination” means the control or elimination of infestation by eliminating harboring places and removing or making inaccessible materials that may serve as food, and by poisoning, spraying, trapping, fumigation by a licensed fumigator or any

other effective elimination procedure.

“Family” means one or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

“Garbage” means all kinds of organic refuse resulting from the preparation of food, and all decayed or spoiled food products from any source whatever.

“Good working condition” means capable of performing the task for which it was designed and in the manner intended by this code.

“Habitable room” means any room in a residential building which is either a sleeping room or a living room.

“Impervious to water” means constructed of concrete, cement block, terrazzo, brick tile or other material approved by the building inspector, and having tight-fitting joints, and not having more than 4.5 percent absorption by test.

“Infestation” means the sustained presence of household pests, vermin or rodents.

“Inoperative vehicle” means any vehicle which cannot be lawfully operated on a public highway.

“Living room” means a room used for sitting, dining or cooking purposes, but shall not include a room designed or intended to be used for laundry, workshop, furnace, play, bathroom, water closet or storage purposes.

“Lodging house” means a residential building or portion thereof, containing lodging rooms which accommodate five or more persons who are not members of the keeper's family where lodging or meals, or both, or lodging and kitchen privileges are provided for compensation.

“Lodging room” means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom, including a room or rooms so rented in a single-family dwelling or dwelling unit.

“Mixed occupancy” means occupancy of a building in part for residential use and in part for some other use not accessory thereto.

“Mobile home” shall have the meaning set forth in section 5-2-1 of this code.

“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 motor vehicle, is licensed for highway use if registration is required and is designed primarily 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 model homes, are not mobile recreational vehicles.

“Motor vehicle” means a vehicle, including a combination of two or more vehicles, which is self-propelled, including, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power.

“Operator” means any person living, sleeping, cooking or eating in or having possession thereof in which dwelling units or lodging rooms are located or let.

“Paved or graveled surface” means a ground surface covered with compacted gravel, poured concrete with or without decorative surface materials, blacktop, pavers, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with stone or gravel intended only as a landscaping element shall not be considered a paved or graveled surface.

“Plumbing” means all piping and equipment for supply, use or drainage of liquid or gaseous material.

“Provided” means furnished, supplied, paid for or under control of the owner.

“Residential building” means building which is arranged, designed, used or intended to be used for residential occupancy or mixed occupancy by one or more families or lodgers, and which includes the following types:

Single-family detached dwellings.
Two-family detached dwellings.
Multiple-family dwellings (including apartment hotels).
Lodging houses.

"Rubbish" means all inorganic refuse matter such as tin or aluminum cans, wire or metal, glass, china, crockery, paper, cloth, stone, earth, wood, ashes and things of similar nature.

"Semitrailer" means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home or a mobile recreational vehicle. A vehicle used with a ready−mix motor truck to spread the load is considered a semitrailer.

"Sleeping room" means a room used for sleeping purposes.

"Supplied" means paid for, furnished or provided by or under the control of, the owner or operator.

"Trailer" means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including, without limitation, automobiles, trucks, snowmobiles, all-terrain vehicles, trailers, farm tractors and implements or trailers designed to be pulled by farm tractors.

4-2-4: Administration and enforcement:

(A) Housing and property maintenance administrator: The office of the housing and property maintenance administrator is hereby created to enforce this chapter. The building inspector shall exercise the powers and responsibilities of the housing and property maintenance administrator under this chapter.

(B) Right of entry: Upon presentation of proper credentials, the housing and property maintenance administrator or his or her authorized representative may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him or her by this code.

(C) Duties: The duties of the housing and property maintenance administrator shall be as follows:

(1) Provide and maintain a public information bureau relative to all matters arising out of this chapter.

(2) Maintain permanent and current records of all matters arising out of this chapter.

(3) Conduct a systematic inspection of buildings, structures and lands to determine compliance with the terms of this chapter and take such action as necessary to secure such compliance.

(4) Initiate, direct and review from time to time a study of the provisions of this chapter and make recommendations to the mayor and council.

(5) Coordinate such inspection and code compliance programs with inspection or improvement programs of other neighborhood groups whose purpose is neighborhood improvement.

(6) Whenever the housing and property maintenance administrator determines that there has been or is a violation, or that there are reasonable grounds to believe that there have been or is a violation of any provision of this code, he or she shall give notice of such violation or alleged violation to the person or persons responsible. Such notice shall:

A) Be in writing.
B) Include a description of the real estate sufficient for identification.
C) Specify the violations which exist and the remedial action required.
D) Allow a reasonable time for the performance of any act it requires.

(7) Whenever the housing and property maintenance administrator finds that an emergency exists which requires immediate action to protect the public health or safety, he or she may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she considers necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately.

(D) Authority of police officers: Any sworn officer of the Monroe police department shall have concurrent authority to enforce this chapter to the same extent and subject to the same rules and procedures as the housing and property maintenance administrator, provided however, that no such officer shall delegate authority under this chapter to a person who is not a sworn officer of the Monroe police department.

4-2-5: Minimum housing standards: The purpose of this section is to establish minimum standards for basic equipment, lighting, ventilation and electrical services for all residential buildings and parts thereof and to obtain the public and private

benefits accruing from the provision of such services. A suitable environment for safe and healthy living is encouraged by adequate water and sanitary facilities, proper storage and disposal of garbage and other refuse, safe means of egress, provision of light, air, heat and electrical service. No person shall occupy as owner or let to another for occupancy any space in a residential building to live, sleep, cook or eat, which does not comply with applicable local, state and federal codes and with the following requirements:

(A) Sanitary facilities requirements: Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin and bathtub or shower all in good working condition and properly connected to hot and cold water lines and to an approved water and sewer system. The flush water closet, lavatory and bathtub or shower shall be contained within a room or rooms so as to afford privacy to a person within said room. Each lodging house shall provide at least one flush water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, for each seven persons or fraction thereof residing in such lodging house, including members of the operator's family wherever they share the use of said facilities, except that the required number of bathtubs or showers may be reduced by the zoning board of appeals for lodging houses utilizing gang bathrooms containing multiple bathtubs or showers. All such facilities shall be located on the floor occupied by persons sharing such facilities and shall be accessible from a common hall or passageway. Basement bathroom facilities shall not be considered as fulfilling this requirement. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(B) Water heating facilities: Every residential building shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition and have a minimum withdrawal temperature capacity of 120 degrees Fahrenheit.

(1) Water heating units shall have a capacity equal to or greater than the following:

	Tank storage: 100 degrees Fahrenheit rise/gallon per hour.		Tankless type: 100 degrees Fahrenheit rise/gallon per minute.
Units served	Number of gallons	Heating capacity	Gallons per minute
1	20	20	2.75
2	30	30	5.00
3	40	35	7.75
4	50	40	10.00
5	60	45	12.75
6	70	50	15.00
7	80	55	17.75
8	90	65	20.00
9	100	70	22.75
10	110	80	25.00
11	120	95	27.75

(2) Every gas water heating unit shall be equipped with a pilot light and automatic gas shutoff.

(3) No water heating unit shall be allowed in any sleeping room.

(4) No gas or oil fired water heating unit shall be allowed in a bathroom, closet, under any stairway or in a confined space with access only to above locations.

(5) All fuel burning heaters shall be connected to a vent to the exterior.

(C) Garbage and rubbish storage: The owner of every residential building shall be responsible for supplying such building with garbage and rubbish storage facilities as follows:

(1) Rubbish storage and disposal:

A) If stored outdoors, rubbish shall be stored in flytight, rodentproof, nonflammable, reasonably waterproof box or container.

B) If stored in the basement or cellar of a building, rubbish shall be stored in nonflammable containers.

C) No loose rubbish is allowed.

(2) Garbage storage and disposal:

A) Garbage shall be disposed of in containers that conform to specifications established by the board of public works or in a garbage grinder that discharges into the sanitary sewer system.

B) Garbage may be disposed of in outside storage containers maintained and located so that no odors permeate any dwelling units.

C) Each container shall be cleaned at least weekly.

D) No loose garbage is allowed.

(D) Exits: Every dwelling unit and lodging room shall have direct access to at least two accessible unobstructed means of egress leading to safe and open public right of way at ground level as required by state and city codes.

(E) Windows, ventilation requirements: Every habitable room shall have outside windows having a total area enclosed by the sash of at least 8 percent of the floor area of the room, but not less than 12 square feet. The top of at least one such window shall be not less than 6 ½ feet above the floor, and at least 50 percent of the required window area must open. Windows in each habitable room, bathroom windows and all doors opening to the exterior of the dwelling shall be provided with screens of no less than no. 16 wire mesh which will effectively prevent the entrance of flies and mosquitoes. Provided, however, approved door closers may be used in lieu of screen doors on exterior hallway doors on apartment buildings. Every residential building having basement windows or exterior basement doors shall have screens of not less than no. 16 wire mesh on all doors and windows, when open. Such required outside windows shall open directly toward a street, alley or toward an unobstructed approved yard or court on the same lot with the building. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms set forth in this chapter, except interior bathrooms may be permitted when allowed by city and state codes.

(F) Electrical service requirements: Every room shall contain such electrical receptacles and fixtures as required by this code. Each lodging room offered for rent shall be provided with lamps or fixtures with bulbs having a total capacity of at least 150 watts incandescent or equivalent. Every such receptacle and fixture shall be connected to the source of electric power in a proper manner.

(G) Heating facilities: Every residential building shall have heating facilities which are properly installed, are maintained in good working condition, and are capable of adequately heating all habitable rooms to a temperature of 67 degrees Fahrenheit. All temperature readings shall be taken from 42 inches to 48 inches above the floor when there are no drafts or unusual wall conditions. All fuel burning heaters shall be effectively vented to assure proper draft. No unvented fuel burning space heaters shall be allowed in sleeping rooms. Appropriate clearances around all room or space heaters shall be provided and maintained, and the floor shall be protected in an acceptable manner.

(H) Lighting requirements: In every building that contains three or more dwelling units all passageways, stairways and exits required for emergency exiting shall be illuminated with lighting that conforms to minimum standards contained in applicable state or federal regulations.

4-2-6: Safe and sanitary maintenance of property:

(A) Purpose: The purpose of this section is to recognize the private and public benefits resulting from the safe, sanitary and attractive maintenance of residential and nonresidential buildings, structures, yards, and vacant areas. Attractive and well maintained property will enhance the neighborhood and city and provide a suitable environment for increasing physical and monetary values.

(B) Minimum requirements: Every owner and operator shall improve and maintain all property under its control to comply with the following minimum requirements:

(1) All improvements and other surfaces shall be constructed or graded in a manner that diverts water away from buildings.

(2) Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight, rodentproof, capable of affording privacy, and shall be kept in proper repair. Any sagging or bulging shall be properly repaired to a level or plumb position. Interior walls and ceilings shall provide a suitable base for decorative finish, and shall not have noticeable surface irregularities or cracking. Interior walls and ceilings shall have a hard, waterproof surface in spaces subject to moisture. Floor surfacing shall provide ease of maintenance and durability appropriate for the use of the room.

(3) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof, and shall be kept in proper working condition and repair.

(4) Every interior and exterior stair, porch, railing, and related accessory shall be constructed so as to be safe to use and capable of supporting the load that normal use may place on it. Each such item shall be kept in proper condition and repair, and shall present an attractive appearance.

(5) Every plumbing fixture and water and waste pipe shall be properly maintained in good working condition, free from defect, leaks and obstructions.

(6) The floor surface of every water closet and bathroom shall be properly maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(7) Every supplied facility, piece of equipment or utility which is required by this code shall be maintained in proper working condition.

(8) No owner, operator or occupant shall cause any service, facility, equipment or utility required by this code to be removed, shut off, or discontinued for any occupied dwelling, dwelling unit or lodging room, except for temporary interruption necessary while repairs are in process, or during emergencies when discontinuance of service is approved by an authorized inspector.

(9) All exterior property shall be kept free from weeds, and all grass areas shall be kept mowed to a height of not more than six inches.

(10) All exterior property shall be properly maintained in a clean and sanitary condition, free from brush, severed tree limbs, rubbish or garbage, physical hazards, rodent harborage and infestation and junked or discarded property, including, without limitation, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly material or debris.

(11) No person shall do the following on exterior property that is part of any lot in the A-1, A-2, R-1, R-2 or R-3 zoning districts:

A) Park or leave standing a vehicle on other than a paved or graveled surface.

B) Park or leave standing a semitrailer. This subsection shall not preclude placement of a semitrailer that has been expressly authorized in a permit issued by the city.

C) Occupy or allow to be occupied for a period exceeding 48 hours any space in a vehicle for living, sleeping, cooking or eating.

D) Park or leave standing a vehicle if any part of such vehicle is not located on or over a paved or graveled surface. This subsection shall not preclude placement of a vehicle that has been expressly authorized in a permit issued by the city.

E) Place or allow to be placed on such lot for more than 30 consecutive days a container that is designed or used for the disposal of solid or liquid waste, other than a container obtained from the city and used to contain solid waste that is picked up as part of a city-run solid waste disposal service. Notwithstanding the foregoing, a container used exclusively for disposal of materials related to the construction or demolition of a structure or other facility for which a building permit has been issued may remain on such lot for term of such permit.

F) Leave standing any vehicle parts.

G) Allow an inoperative motor vehicle to remain on such lot for more than 30 consecutive days.

(12) Fences, other minor construction, walks and paved or graveled surfaces shall be properly maintained in a safe, sanitary and substantial condition.

(13) Exterior surfaces of buildings that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance.

(14) Landscaping, plantings and other decorative surface treatments shall be installed as necessary and maintained to present an attractive appearance in all court and yard areas. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the neighborhood and the city.

(C) Investigation and access by housing and property maintenance administrator:

(1) The housing and property maintenance administrator shall investigate any report of property within the city which is suspected of being in violation of this section.

(2) The housing and property maintenance administrator may enter upon any lands at all reasonable times to carry out his or her duties under this section.

(3) The housing and property maintenance administrator shall not be liable, either personally or as an agent, independent contractor, or servant of the city, in an action in trespass or any other action for damages resulting from the performance of his or her duties under this section, so long as he or she exercises reasonable care in the performance of such duties.

(D) Maintenance by city; lien for maintenance or repair:

(1) If any person neglects to maintain or repair property as required by this section, the housing and property maintenance administrator may cause such property to be brought into compliance in the manner he or she considers most economical.

(2) The housing and property maintenance administrator shall establish procedures for the enforcement of this section. Such procedures shall be set forth in writing, and shall be available to the public upon request.

(3) The cost of bringing such property into compliance shall be charged to the owner or owners of such property. All such charges shall be due and payable 30 days from the date of billing. Such charges shall not be payable in installments.

(4) The city clerk shall bill the property owner or owners to recover the cost of any work or materials expended to bring the property into compliance with this section.

(5) If the charge is not paid when due, the charge shall become a lien upon the property. The charge shall be entered on the next tax roll in a column headed "for property maintenance", as a delinquent tax against the property on which the maintenance or repair was performed. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such charge, except as otherwise provided by statute.

4-2-7: Space requirements in residential buildings: The purpose of this section is to establish minimum standards for the quantity, location and use of space in residential building units so as to preserve and promote the public interest. A suitable environment for safe, healthy and desirable living can be enhanced by providing adequate space and privacy for occupants of all residential buildings. No person shall occupy or let to another for occupancy as living quarters any dwelling or dwelling unit which does not comply with the following requirements:

(A) Every detached single-family dwelling other than mobile homes shall be at least 500 square feet in floor area on the first floor level.

(B) Every dwelling unit shall contain at least 150 square feet of floor area for the first occupant thereof and at least 100 additional square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of habitable floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of habitable floor area for each occupant thereof.

(C) No dwelling unit containing two or more sleeping rooms shall have such room arrangements 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 room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(D) In all dwelling units the average ceiling height shall be not less than seven feet six inches and the minimum ceiling height shall be not less than seven feet in the entire first floor area. The minimum ceiling height shall be seven feet six inches for all floor areas above the first floor except undersloping roofs where the minimum shall be seven feet six inches for not less than 50 percent of the floor area, and where that portion of the floor area under the sloping roof having a ceiling height of less than five feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.

(E) No sleeping room shall have its floor level below the alley, court, yard or street grade immediately adjoining and abutting upon said habitable rooms except that in single-family dwellings it may be permitted when the following conditions are complied with:

(1) The exterior walls shall be damp-proofed.

(2) A refrigerant air-conditioner or dehumidifier shall be available for use when needed, which is designed to handle the square foot of the floor area on the sleeping or living lower level.

(3) Proper drainage away from exterior walls of the structure shall be provided.

(4) Sash area of windows shall be at least 10 percent of the floor area of the room. At least 50 percent of the required window sash area shall open, or in lieu thereof, mechanical ventilation shall be provided with a minimum capacity of two cubic feet per minute per square foot of floor area.

(F) Every lodging room occupied for sleeping purposes by one person shall contain at least 70 square feet of habitable floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of habitable floor area for each occupant thereof, but not more than seven square feet of closet space may be included per occupant.

4-2-8: Fire safety: The purpose of this section is to establish minimum standards for basic fire safety for all residential buildings and parts thereof and to obtain the public and private benefits accruing from the provisions of this section. No person shall occupy or let to another for occupancy any dwelling or dwelling unit as living quarters, which does not comply with the following requirements:

(A) No highly flammable or explosive material shall be stored in a residence, and no dwelling unit shall be allowed in a building containing liquids with a flash point below 110 degrees Fahrenheit.

(B) No materials shall be allowed to accumulate in locations that may block egress from fires or interfere with fire-fighting operations.

(C) Every electric wire shall have adequate insulation maintained in good condition.

(D) All switch and outlet plates shall be properly fastened in position.

(E) All short circuits or breaks shall be immediately corrected.

(F) No temporary wiring, except proper extension cords for temporary use of appliances.

(G) Maximum fuse sizes shall be conspicuously posted on fuse boxes.

4-2-9: Responsibility of owners and occupants: The responsibility of owners, operators and occupants of residential buildings is as follows:

(A) Every owner of a residential building containing two or more dwelling units shall be responsible for maintaining in a clean, proper and sanitary condition the shared or public areas of the residential building and premises thereof.

(B) Every occupant of a residential building shall keep in a clean, proper and sanitary condition that part of the residential building and premises thereof which he or she occupies and controls except the operator of every lodging house shall be responsible for the sanitary maintenance of all walls, floors, ceilings and every other part of the lodging house. Every occupant of a residential building shall dispose of all his or her refuse and garbage in the containers required by this code.

(C) Every owner of a residential building shall be responsible for hanging, installation and maintenance of all screens and double or storm doors and windows whenever the same are required under this code.

(D) Every occupant of a dwelling containing a single-dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in or on the premises and every occupant of a dwelling unit in a residential building shall be responsible for such extermination whenever his or her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a residential building in a reasonable condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units or lodging rooms in any residential building or in the shared or public parts of any residential building, extermination thereof shall be the responsibility of the owner.

(E) Every occupant of a dwelling unit shall keep all plumbing fixtures in such dwelling in a clean and sanitary condition and shall be responsible for exercise of reasonable care in the proper use and operation thereof.

(F) The owner or operator shall not occupy or let to another for occupancy any space in a residential building unless it is clean, sanitary, fit for human occupancy, complies with the requirements of this code and the occupancy is limited to the maximum permitted by this code.

(G) The owner of each residential building containing three or more separate dwelling units and an enclosed common area that is accessible to all dwelling units in such building shall neatly display in a conspicuous accessible place within such common area a list of not less than two alternate agents and their phone numbers who may be called to arrange for emergency work required when the owner or operator is not readily available.

(H) The owner of each residential building that is not subject to the requirements of subparagraph (G) of this section and that contains one or more rental dwelling units shall notify in writing each lessee of a dwelling unit in such building, or include in the lease for the dwelling unit, not less than two alternate agents and their phone numbers who may be called to arrange for emergency work required when the owner or operator is not readily available.

(I) The operator of every lodging house shall change supplied linen and towels before the letting of any room to any occupant and at least once during each week such room is occupied. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary condition.

4-2-10: Lodging houses; permits: The purpose of this section is to provide permits for lodging houses other than those licensed by the state of Wisconsin.

(A) Permit required: The owner or operator of a lodging house located within the city shall obtain a permit from the housing and property maintenance administrator for such premises in the name of the owner and operator. The permit may be issued by the housing and property maintenance administrator after inspection and shall remain in force unless an objection is filed with the housing and property maintenance administrator by the health, fire or police department. This objection shall include a written statement concerning the specific correctable violation of any city regulation. The permit shall be displayed in a conspicuous place in a public area of the building. No permit shall be transferred from one address to another. Permits shall be transferred to a new owner upon proper application.

(B) Application for permit: The owner or operator of every lodging house shall make proper application for a permit to the housing and property maintenance administrator before the issuance of a certificate of occupancy for a new building, or within seven days after the acquisition of an occupied building.

(C) Inspection, suspension of permit: Whenever, upon inspection of any such premises, the inspector finds that conditions or practices exist which are in violation of any provision of this code, the inspector shall give notice in writing to the owner or operator of such premises, that unless such conditions or practices are corrected within a reasonable period, to be determined by the inspector but in any event not less than 15 nor more than 30 days, the permit therefor will be suspended. At the end of such period the inspector shall reinspect such premises and if he or she finds that such conditions or practices have not been corrected, he or she shall give notice in writing to the owner or operator that the latter's permit has been suspended. The housing and property maintenance administrator shall, without unnecessary delay, forward each written suspension to the zoning board of appeals for a hearing and a decision within the same time period as provided for appeals in title 2, chapter 11 of this code. Permits may be revoked after an opportunity has been provided for a hearing before the zoning board of appeals. After a permit has been revoked, each day of operation of the lodging house shall be considered a separate offense.

4-2-11: Designation of unfit buildings: The purpose of this section is to provide for the designation and repair or razing of those buildings which are so dilapidated, unsafe, dangerous, unhygienic, inadequately maintained or lacking in basic equipment, facilities, light, ventilation and heating so as to constitute a menace to the occupants or public.

(A) Defects; notice: Any building which shall be found to have any of the following defects may be designated as unfit for human habitation and in need of repairs or razing and so placarded by an authorized inspector. Legal notice shall be served upon the owner and on the operator of any building:

(1) Which is so damaged, decayed, dilapidated, dangerous, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) Which lacks illumination, ventilation, heating, basic equipment or sanitary facilities adequate to protect the health, safety or general welfare of the occupants or of the public.

(3) Which because of its general condition, location or appearance is a blighting influence or causes decreasing physical or monetary value of property in the neighborhood.

(B) Placarding unfit building: Any building or part thereof designated and placarded by the inspector as unfit for human habitation and in need of repairs or razing shall be vacated within a reasonable time as ordered by the inspector.

(1) No building or part thereof which has been designated and placarded as unfit for human habitation and in need of repairs or razing shall again be used for human habitation until written approval is secured from, and such placard is removed by the inspector. The inspector shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.

(2) No person shall deface or remove the placard from any building or part thereof which has been condemned as unfit for human habitation and placarded as such.

(C) Razing required: Any building or part thereof designated as unfit for human habitation and in need of repairs or razing by the inspector, which in the opinion of the inspector, would be unreasonable to repair shall be razed or removed upon legal written service of the order of the inspector. If the owner shall fail or refuse to comply with the order, the inspector shall cause such building to be razed or removed under the procedures provided for unsafe buildings in this code.

4-2-12: Responsibility of agent of owner: Any person acting as the agent of the owner shall not be construed to be the owner within the terms of this chapter, but shall immediately notify the owner of any order or notice issued by the building inspector relating to the property of the owner.

4-2-13: Penalty: A person who violates any provision of this chapter or fails to comply with any of its requirements shall upon conviction be subject to a Class 3 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

Chap. 4-2 history: 4-2-1*: 2015-2-17; 2016 code;* ***4-2-2****: 2015-2-17; 2016 code;* ***4-2-3****: 2015-2-17; 2016 code;* ***4-2-4****: 2015-2-17; 2016 code;* ***4-2-5****: 2015-2-17; 2016 code;* ***4-2-6****: 2015-2-17; 2016 code;* ***4-2-7****: 2015-2-17; 2016 code;* ***4-2-8****: 2015-2-17; 2016 code;* ***4-2-9****: 2015-2-17; 2016 code;* ***4-2-10****: 2015-2-17; 2016 code;* ***4-2-11****: 2015-2-17; 2016 code;* ***4-2-12****: 2015-2-17; 2016 code;* ***4-2-13****: 2015-2-17; 2016 code*

TITLE 4: BUILDING REGULATIONS

Chapter 3: SWIMMING POOLS

4-3-1 Definition:
4-3-2 Approval
4-3-3 Fence requirements, compliance
4-3-4 Fees
4-3-5 Penalty

4-3-1: Definition: "Swimming pool" as used in this chapter means any artificial body of water over 18 inches deep used or intended to be used for wading or swimming, constructed, installed or maintained in or above the ground on private property within the city, but does not include any such body of water that is located within a residential building.

4-3-2: Approval: Every person who constructs a swimming pool shall, before commencing construction, furnish plans and specifications to the building inspector for approval and pay building permit fees as required by this title.

4-3-3: Fence requirements, compliance:

(A) Every person in possession of land within the city upon which a swimming pool is being constructed shall maintain a temporary fence or solid structure completely enclosing such construction.

(1) The temporary fence or structure shall be placed immediately upon commencement of construction.

(2) The temporary fence or structure shall be subject to approval by the building inspector.

(3) The temporary fence or structure shall remain in place until replaced by a permanent fence or structure as set forth in subsection (B) of this section.

(B) Every person in possession of land within the city upon which a swimming pool is located shall maintain a permanent fence or solid structure completely enclosing such swimming pool.

(1) The permanent fence or structure shall be placed within 10 days after the completion of construction.

(2) The permanent fence or structure shall be not less than four feet in height.

(3) Except for gates and doors, no opening in such fence or structure shall be larger than six inches square.

(4) Each gate and door opening through the fence or structure shall be equipped with a self-closing and self-latching device that is capable of keeping the door or gate securely closed at all times when not in actual use.

(C) All gates or doors opening through the temporary or permanent fence or structure shall be kept securely closed at all times when not in actual use.

4-3-4: Fees: Fees for plan examination and for issuance of any permit required by this chapter shall be set by resolution of the council. All city departments and agencies shall be exempt from the payment of fees required by this chapter. Notwithstanding the forgoing fees required by this chapter shall be paid for plan examination and for issuance of any permit for work performed by the housing authority, water utility, storm water utility or wastewater treatment plant.

4-3-5: Penalty: A person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

Chap. 4-3 history: 4-3-1*: 2015-2-17; 2016 code;* ***4-3-2****: 2015-2-17; 2016 code;* ***4-3-3****: 2015-2-17; 2016 code;* ***4-3-4****: 2015-2-17; 2016 code;* ***4-3-5****: 2015-2-17; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 1	GENERAL ZONING PROVISIONS
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TITLE 5: ZONING REGULATIONS

Chapter 1: GENERAL ZONING PROVISIONS

5-1-1 Interpretation, purpose and conflict
5-1-2 Enforcement, penalty
5-1-3 Zoning districts established:
5-1-4 Zoning map
5-1-5 District boundaries
5-1-6 Annexed territory
5-1-7 Vacated streets or alleys
5-1-8 Restrictions
5-1-9 Fees

5-1-1: Interpretation, purpose and conflict: The provisions of this title shall be the minimum requirements for the promotion of public health, safety, convenience, prosperity or general welfare. This title is not intended to interfere with or annul any easements, covenants or other agreements between parties, or with rules, regulations or permits previously adopted or issued pursuant to law. However, where this title imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other sections of this code, rules, regulations, or by easements, covenants or agreements, the provisions of this title shall govern.

5-1-2: Enforcement, penalty: The building inspector of the city is hereby authorized and it shall be his or her duty to enforce the provisions of this title. Except where a different penalty is expressly prescribed, any person who violates any of the provisions of this title shall upon conviction be subject to a Class 3 forfeiture. Each day that a violation continues to exist shall constitute a separate offense.

5-1-3: Zoning districts established: The city is divided into 11 zoning districts to facilitate the restriction of various activities and various types of construction to specific areas of the city to promote the general welfare. The 11 districts are:

R-1: Single-family residence district
R-2: Medium density residential district
R-3: Multiple-family residence district
A-1: Mobile home parks district
A-2: Mobile home subdivision district
B-1: Central business district
B-2: General business district
M-1: Light industrial district
M-2: Heavy industrial district
M-3: Industrial park district
PUD: Planned unit development district

5-1-4: Zoning map: The city shall identify the zoning districts it adopts and note the boundaries of each district upon a zoning map which shall be made a part of this chapter. The Map shall be identified as zoning map of the city of Monroe, Wisconsin, and shall be filed with the city clerk. The map and all notations, references and other information shown upon the map shall be as much a part of this title as if the matters and information set forth on the map were fully described in this title. The map may be amended as required from time to time by resolution of the council.

5-1-5: District boundaries: Where uncertainty exists as to the boundaries of a district as shown on the official zoning map, the following rules shall apply:

(A) Boundaries shown as approximately following the center line of streets, highways or alleys shall be construed to follow such center lines.

(B) Boundaries shown as approximately following platted lot lines shall be construed as following the platted lot lines.

(C) Boundaries shown as approximately following city limits shall be construed as following city limits.

(D) Boundaries shown as following railroad lines shall be construed to be midway between the main tracks.

(E) Boundaries shown as parallel to, or extensions of, lines as shown in subsections (A) through (D) of this section shall be so construed. Distances not specifically shown on the official zoning map shall be determined by the dimensions of the map.

(F) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections (A) through (E) of this section, the zoning board of appeals shall interpret

the district boundaries.

5-1-6: Annexed territory: An annexation ordinance may place the annexed territory in one or more zoning districts under this title. If such ordinance fails to place all or any part of the annexed territory into one or more zoning districts the territory not placed in any zoning district shall become part of the R-1 district.

5-1-7: Vacated streets or alleys: Whenever any street, alley or other public way is vacated by official action, the zoning districts abutting each side of the former public way shall automatically be extended to the centerline of the former public way.

5-1-8: Restrictions: The following restrictions shall apply throughout this title and apply in all instances:

(A) General Restrictions: No construction or land use be permitted in any district unless the regulations pertaining to that district expressly permit the desired construction or land use. Each detail of the desired construction or land use shall comply fully with all provisions of the regulations governing the particular zoning district.

(B) Yards: No lot shall be so reduced that the yard space or other open space prescribed by this title is violated. No yard or open space provided about any building with the purpose of complying with the provisions of this title shall be considered as providing a yard or open space on a lot for any other building. In no case shall there be more than one building on one lot except as otherwise provided in this title.

(C) Construction adjacent to dead end street: No construction is permitted in the area encompassed by the extended right of way line between the end of the dead end street or avenue and the corporate limits of the city.

5-1-9: Fees: Fees for processing an application to rezone property or an application for a conditional use permit shall be set by resolution of the council.

Chap. 5-1 history: 5-1-1*: 1986-10-21; 2016 code;* ***5-1-2****: 1986-10-21; 2016 code;* ***5-1-3****: 1993-2-17; 2016 code;* ***5-1-4****: 1986-10-21; 2016 code;* ***5-1-5****: 1986-10-21; 2016 code;* ***5-1-6****: 1996-6-4; 2016 code;* ***5-1-7****: 1986-10-21; 2016 code;* ***5-1-8****: 1986-10-21; 2004-3-2; 2016 code;* ***5-1-9****: 2015-2-17; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 2: DEFINITIONS, GENERAL REGULATIONS, AND ACCESSORY BUILDING REGULATIONS

5-2-1 Definitions
5-2-2 General regulations
5-2-3 Accessory building regulations
5-2-4 Home occupation regulations
5-2-5 Accessory dwelling regulations
5-2-6 Adult oriented business regulations

5-2-1: Definitions:

(A) The meanings of the words "used" and "occupied" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", and "intended to be used or occupied."

(B) In this title:

“Accessory building or structure” means a building or structure, other than a fence: a) which is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; b) which is subordinate in area, extent and purpose to the principal building or use; c) which contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and d) which is located on the same zoning lot as the principal structure or principal use served.

“Accessory dwelling” means on-site dwelling unit that is attached to and architecturally integrated into a principal building and used solely by the owner of a business located in such building and the owner's immediate family or by an employee of the owner of a business located in such building and the employee’s immediate family, provided the following conditions are met: a) the floor area of the living quarters does not exceed 2,000 square feet in area; and b) the special and unusual nature of the use or special and unusual security requirements of the business make it reasonably necessary for persons to be on the premises on a 24 hour basis.

“Accessory use” means a use which is incidental to the principal use of a property.

“Adult oriented entertainment business” means an adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health or sport club, adult steam room or bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse.

“Alley” means a public thoroughfare which affords only a secondary means of access to abutting property.

“Arterial street” means any state trunk highway within the corporate limits of the city.

“Automobile service station or filling station” means a place where motor fuels, lubricating oil or grease, tires, parts, or minor repairs for motor vehicles are offered for sale to the public and deliveries are made directly into or onto motor vehicles.

“Basement” means that portion of a building or dwelling below the first floor or ground floor level with its entire floor below grade.

“Bed and breakfast establishment” means any place of lodging that: a) provides eight or fewer rooms for rent to no more than 20 tourists or transients; b) provides no meals other than breakfast and provides the breakfast only to renters of the place; c) is occupied by the owner as his or her personal residence; and d) was originally built and occupied as a single-family residence, or was converted to be used and occupied as a single-family residence; and

“Billboard” means a sign with an area of at least 40 square feet, or a structure designed to support a sign with an area of at least 40 square feet.

“Board” means the zoning board of appeals of the city.

“Boarding house” means a building other than a hotel or motel in which sleeping rooms and accessory rooms are available for use by the occupants, by prearrangement for definite periods, where meals or lodging and meals are served for compensation to not more than eight individuals who are not members of the same family.

“Brewery” means a facility for the production of fermented malt beverages operated by a person who is licensed by the state of Wisconsin as a brewer.

"Brewpub" means a facility for which a class "B" fermented malt beverage license has been issued by the city and a brewpub permit has been issued by the state of Wisconsin.

"Building" means any structure having a roof supported by posts, columns, or walls and its appendages, including balconies and porches, used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials, and which is permanently affixed to the land.

"Building height" means the vertical distance from the average curb level in front of the lot or the finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

"Business sign" means a sign for identification of a particular business or company.

"Charitable or philanthropic institutions" means those structures or facilities operated by a nonprofit organization that are devoted to the betterment of community life, including but not limited to such institutions as a YMCA, YWCA or an educational or charitable foundation.

"City structure" means a structure owned by the city and used exclusively for operations of the city, any of its departments, or any city owned or operated utility or enterprise.

"Clinic" means an establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as out-patients by physicians, dentists, optometrists or other members of a human health care profession.

"Commercial stable" means a stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis.

"Commercial animal establishment" means an establishment that bathes, clips, plucks, or otherwise grooms animals, not their own; breeds, boards, buys, sells or donates animals; trains animals; or displays or exhibits animals.

"Communication tower" means a structure, whether free-standing or attached to a building or structure that is designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

"Community living arrangements" means any of the following facilities licensed or operated, or permitted under the authority of the department of health and social services: child welfare agencies under section 48.60 of the Wisconsin statutes; group foster homes for children under section 48.02(7) of the Wisconsin statutes; residential care apartment complexes and community based residential facilities under section 50.01 of the Wisconsin statutes; but does not include daycare centers, nursing homes, general hospitals, special hospitals, prisons or jails.

"Conditional use" means a use at a property not permitted in a zone except by ruling of the plan commission of the city of Monroe.

"Construction sign: means a sign advertising the identity or contact information, or both, for a contractor actually performing construction activities upon a lot.

"Corner lot" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees Fahrenheit.

"Daycare center" means any place, other than a dwelling unit in which residential living is the primary usage, where a person, other than a parent, relative, or guardian, provides care and supervision for compensation of four or more children under the age of seven years, for less than 24 hours a day for more than 10 days a month.

"Daycare parent cooperative-nonresidential" means any place, other than a dwelling unit in which residential living is the primary usage, where a group of persons, including parents, relatives, or guardians of some children cared for, provide care and supervision of more than eight children for less than 24 hours a day for more than 10 days a month.

"Daycare parent cooperative-residential" means any dwelling unit in which residential living is the primary usage, where a group of persons, including parents, relatives, or guardians of some children cared for, provide care and supervision of four to eight children under the age of seven years, for less than 24 hours a day for more than 10 days a month.

"Detached residential garage" means a one-story accessory building used or intended for the storage of motor vehicles, boats, or trailers.

"Distillery" means a facility for the production of distilled spirits by any process that separates alcoholic spirits from any fermented substance.

"District" means an area within the city within which certain uniform regulations and requirements apply under this title.

"Electronic display screen" means a sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including without limitation, television screens, plasma screens, digital screens, flat screens, LED screens and video boards.

"Family" means one or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

"Family daycare home" means any dwelling unit in which residential living is the primary usage, where a person, other than a parent, relative, or guardian, provides care and supervision for compensation of four to eight children under the age of seven years, for less than 24 hours a day for more than 10 days a month.

"Fence" means a barrier consisting of vegetation, wood, stone, metal or other material intended to prevent ingress or egress.

"Flag lot" means any lot which connects to a street, road or other right of way by a narrow appendage.

"Freestanding business sign" means a business sign that is not attached to any building or structure, other than a structure erected solely to support the business sign.

"Front lot line" means the boundary of a lot which abuts a developed or dedicated street.

"Front yard" means an open unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the front lot line and the front line of the building projected to the side lot lines.

"Frontage" means all the property abutting on one side of a street: a) between intercepting or intersecting streets; b) between a street and a right of way or waterway; c) on the end of a dead end street; d) around a cul-de-sac; e) between a street and a city boundary measured along a street line.

"Garden shed" means a structure with a maximum gross area of 80 square feet and a maximum height of 12 feet, which structure is used or designed primarily for the storage of lawn and garden equipment.

"Half story" means the space under any roof, except a flat roof. The space under a flat roof, if occupied for residential purposes, shall be counted as a full story rather than a "half story".

"Home occupation" means any activity operated for pecuniary gain in, or directed from, a dwelling by one or more persons residing within such dwelling.

"Hotel or motel" means a building, portion of a building or group of buildings where sleeping accommodations for more than eight persons are offered to the public for a consideration, including, but not limited to, inns, hotels, motels, summer camps, apartment hotels, resort, lodges and cabins, and other similar buildings or groups of buildings in which accommodations are available to the public. The terms "hotel" and "motel" do not include boarding houses, lodging houses or accommodations in mobile homes.

"Informational sign" means a sign incidental to a lawful use of the property that is necessary to provide information to the public, such as direction to parking lots, location of restrooms, or the existence of any danger or hazard on or adjacent to the property.

"Interior lot" means a lot other than a corner lot.

"Junkyard" means a place where waste, discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards and places or yards for storage of scrap metal, paper, rags, glass, scrap lumber or other scrap materials.

"Land use plan" means the long range plan for the desirable use of land in the city as officially adopted and as periodically amended by the city plan commission to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs in the subdividing and use of undeveloped land and in the acquisition of rights of way or sites for public purposes such as streets, parks, schools and public buildings.

"Large scale retail development" means an area of land comprising one or more contiguous parcels or building sites for multiple enterprises engaged primarily in retail sales and which area is subject to a coordinated plan of building placement

where the cumulative size of the building or buildings housing enterprises that are or will be engaged in retail sales exceeds 50,000 square feet of gross floor area, including both display and enclosed storage areas, and where one or both of the following conditions exist: a) the area is or will be served by an integrated system of off-street vehicular parking benefiting all or substantially all improvements within such area; b) the area is or will be subject to reciprocal access rights benefiting all or substantially all improvements within such area.

“Large scale retail store” means a single building in which 50,000 square feet or more of gross floor area, including enclosed storage areas, is or will be used primarily for retail sales.

“Lodging house” means a building, other than a hotel or motel, in which sleeping accommodations and accessory rooms for use by the occupants are provided for compensation for not more than eight persons, and in which no meals are provided.

“Lot” means a piece or parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings,and such open spaces as are required by this title, and having frontage on a platted street.

“Lot depth” means the average horizontal distance between the front lot line and rear lot line of a particular lot, measured at right angles to the front lot line.

“Lot line” means any line bounding a lot.

“Lot width” means the average distance between the side lot lines, measured parallel to the front lot line.

“Major collector street” means the following segments of streets lying within the corporate limits of the city:

That part of 6th street that lies east of the intersection with 16th avenue and west of the intersection with 6 1/2 street;
That part of W. 8th street that lies east of the corporate limits of the city and west of the intersection with 1st avenue;
That part of 8th street that lies east of the intersection with 1st avenue and west of the intersection with 11th avenue;
That part of 9th street that lies east of the intersection with 11th avenue and west of the intersection with 20th avenue;
That part of 11th street that lies east of the intersection with state trunk highway 69 and west of the intersection with 20th avenue;
That part of 13th street that lies east of the intersection with 16th avenue and west of the intersection with 17th avenue;
That part of 13th street that lies east of the intersection with 20th avenue and west of the corporate limits of the city;
That part of 16th street that lies east of the intersection with 16th avenue and west of the intersection with 20th avenue;
That part of 19th street that lies east of the intersection with 11th avenue and west of the intersection with 16th avenue;
That part of 21st street that lies east of the corporate limits of the city and west of the intersection with 11th avenue;
That part of 4th avenue west that lies south of the intersection with west 17th street and north of the intersection with 21st street;
That part of 11th avenue that lies south of the intersection with 19th street and north of the intersection with 21st street;
That part of 16th avenue that lies south of the intersection with 16th street and north of the intersection with 19th street;
That part of 16th avenue that lies south of the intersection with 6th street and north of the intersection with 11th street;
That part of 17th avenue that lies south of the intersection with 9th street and north of the intersection with 13th street;
That part of 17th avenue that lies south of the intersection with 17th street and north of the intersection with 30th street;
That part of 18th avenue that lies south of the intersection with 1st street and north of the intersection with 6th street;
That part of 20th avenue that lies south of the intersection with 6th street and north of the intersection with 16th street.

“Medical health center” means a facility under single management and control having as its purpose the provision of general healthcare service to inpatients or outpatients for medical and surgical care of sick or injured, diagnosis, treatment and therapeutic care and with related facilities and intended to include laboratory, x-ray and related departments as an integral part of such related facilities as training facilities, central service facilities, staff offices, which need not but may include a drug prescription counter (not a drugstore) for the dispensing of drugs and pharmaceutical products to the patients of the said organization and may include the space for the practice of dentistry. A "medical health center" shall not include nor be considered a residential healthcare facility.

“Microbrewery” means a brewery that is operated for the production of not more than 60,000 barrels of fermented malt beverages annually, including the sale of said beverages for onsite consumption or in sealed containers for consumption offsite.

“Mixed-use development” means a single building containing more than one type of land use, or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to use shared vehicular and pedestrian access and parking areas.

“Mobile home” means a structure, transportable in one or more sections, which in the traveling mode, is more than eight feet in width or more than 32 feet in length, or when erected on site is 256 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 utilities, and

includes the plumbing, heating, air conditioning and electrical systems.

“Monument business sign” means a freestanding business sign, the lowest point of which is one foot or less above grade and the width of which does not at any point exceed the width at the lowest point.

“Multiple-family dwelling” means a building or portion thereof used or designed as a residence for three or more families living independently of each other, including apartments, apartment hotels and group houses.

“Nonconforming structure” means any structure, temporary or permanent, that does not conform to the building regulations governing the zoning district in which it is located.

“Nonconforming lot” means any lot or parcel of land that does not conform to the lot regulations governing the zoning district in which it is located.

“Nonconforming use” means a building or land occupied by a use that does not conform with the use regulations of the district in which it is situated.

“Nudity” means the showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state or the showing of bare buttocks, anus, or female breast.

“Off-premises business sign” means a monument business sign, a pylon business sign or a wall business sign that is located on a parcel of property with a real estate tax parcel number different from the real estate tax parcel number assigned to the property on which the business identified on the business sign is located. If such business sign is located on a parcel that shares a common boundary with the parcel on which the business identified on the business sign is located, such business sign shall not be considered an off-premises business sign if it is located less than 150 feet from the main entrance to the business identified on such business sign.

“Off street parking space” means an unobstructed piece of ground or floor space, located off the public street, sufficient for the temporary storage of one automobile.

“One-family dwelling” means a detached building designed for or occupied exclusively by one family.

“Paved or graveled surface” means a ground surface covered with compacted gravel, poured concrete with or without decorative surface materials, blacktop, pavers, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with stone or gravel as a landscaping element shall not be considered a paved or graveled surface.

“Principal building” means a non-accessory building in which is conducted the principal use of the lot on which it is located.

“Principal use” means the main use of land or buildings as distinguished from an accessory use.

“Private garage” means; a) a structure, including a carport, attached to a one-family dwelling or two-family dwelling and capable of being used for storage of not more than three vehicles, one of which may be a commercial vehicle of no more than 3/4 ton capacity, a trailer, or a motor home; or b) a structure designed to house one motor vehicle for each family housed in an apartment.

“Public garage” means a structure, other than a private garage, designed, used, or intended to be used for parking and storage of self-propelled vehicles for remuneration.

“Pylon business sign” means a freestanding business sign, the lowest point of which is greater than eight feet above grade.

“Real estate sign” means a sign advertising the availability for sale or rent of one or more lots or improvements thereto.

“Rear lot line” means that lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for determining depth of rear yard. Where none of these definitions applies, the zoning administrator shall designate the rear lot line.

“Rear yard” means an open space on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lot lines.

“Rectifier” means a facility operated by any one of the following: a) A person that rectifies, purifies or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort or wash, through continuous closed vessels or pipes, until the manufacture thereof is complete; b) A person who possesses any still or leach tub or keeps any

other apparatus for refining distilled spirits; c) A person who after rectifying and purifying distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale; d) A distiller or any person under substantially the same control as a distiller who, without rectifying, purifying or refining distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name; e) A person who places intoxicating liquor in bottles or other containers.

“Recyclable materials” means the items listed in section 287.07(1m) to (4) of the Wisconsin statutes.

“Recycling facility” means a facility where recyclable materials are recycled and may include a facility where recyclable materials have been generated.

“Retail sale” means the transfer of title to tangible personal property in the ordinary course of business to the purchaser for consumption or use other than resale or further processing or manufacturing, but not including transfers in response to orders placed by mail, telephone, internet or similar means where the tangible personal property is shipped to the purchaser.

“Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

“Reversed frontage lot” means a corner lot, the rear lot line of which coincides with any part of the side lot line of an abutting interior lot.

“Sadomasochistic abuse” means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained by one so clothed.

“Self-service storage facility” means a structure, group of structures having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the structure or facility owner or operator has limited access to the units.

“Setback” means the minimum distance required between any portion of a building or structure and a boundary of a lot.

“Sexual conduct” means acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.

“Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

“Sheltered facilities for battered women” means a facility or private home that provides care, treatment and services for victims of domestic abuse (as defined in section 46.95(1)(a) of the Wisconsin statutes) and their children only.

“Shoreland setback” means the minimum distance required between the ordinary high-water mark of a stream or other body of water and any portion of a building or structure.

“Side lot line” means any lot line not a front lot line or a rear lot line.

“Side yard” means an open unoccupied space on the same lot with a main building, situated between the side of the building and the adjacent side lot line and extending from the rear line of the front yard to the front line of the rear yard. If there is no front yard, the front boundary of the side yard shall be the front lot line, and if there is no rear yard, the rear boundary of the side yard shall be the rear lot line. The street side yard on corner lots shall extend from the rear of the front yard to the rear lot line.

“Sign” means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, by which anything is made known and which is used to advertise or promote an individual, firm, association, company, profession, business, commodity, event or product, including any of the foregoing that is mounted upon or affixed to a frame, vehicle chassis, trailer or other structure that is designed to be readily moved from location to location.

“Sign permit” means a type of building permit issued by the zoning administrator authorizing the erection, construction, reconstruction, alteration or moving of a sign.

“Small winery” means a structure operated by a person who has been certified by the state of Wisconsin as a small winery and used for the commercial processing grapes, other fruit products or vegetables, to produce wine or similar spirits, including crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the small winery, warehousing and wholesale or retail sales and tasting facilities of wine and related promotional items.

“Smoky row sub-district” means all property lying within the area bounded by 13th Avenue, 16½ Street; 14th Avenue and 17th

Street.

"Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under chapter 283 of the Wisconsin statutes, or source material, as defined in section 254.31(10) of the Wisconsin statutes, special nuclear material, as defined in section 254.31(11) of the Wisconsin statutes, or by-product material, as defined in section 254.31(1) of the Wisconsin statutes.

"Solid waste facility" means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.

"Solid waste transfer facility" means a solid waste facility at which transferring of solid waste from one vehicle or container to another, generally of larger capacity, occurs before transporting to the point of processing or disposal.

"Solid waste transfer and recycling facility" means a facility that functions as both a recycling facility and a solid waste transfer facility.

"Standard performance" means a criterion established to protect the public safety by the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses.

"Story" means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

"Street" means a public or private thoroughfare which affords the principal means of access to abutting property.

"Structural alterations" means any change in the supporting members of a building, including, but not limited to, changes in bearing walls, columns, joists, beams or girders.

"Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground.

"Temporary sign" means any sign, handbill, or poster that is placed for a limited period of time to advertise or announce a specific event or occurrence, or that pertains to a specific event or occurrence. Examples of temporary signs include, but are not limited to signs, handbills or posters relating to civic or athletic events, concerts, special events or products or services offered for sale at a reduced price or on special terms.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets.

"Trade or business school" means a private or public school that provides occupational education, training, and retraining, including the training of apprentices, that enable students to obtain the knowledge and skills necessary for employment at a technical, paraprofessional, skilled or semiskilled occupation.

"Two-family dwelling" means a building designed for or occupied exclusively by two families living independently of each other.

"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 in light of the purposes of the title.

"Variance" means a departure from the terms of this title as applied to a specific building, structure or parcel of land, permitted by the board of appeals.

"Wall business sign" means a business sign, other than a freestanding business sign, that is attached to a building or structure.

5-2-2: General regulations:

(A) A basement shall be counted as a story for height measurements if the vertical distance between the ceiling and mean

level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

(B) The owner of a corner lot shall have the privilege of electing any street lot line for the front lot line providing it is the lot line from which the principal entrance and exit provides direct unobstructed means to a street.

(C) Paved or graveled surfaces: No paved or graveled surface shall be located closer than four feet from a side lot line, closer than four feet from the rear lot line, or closer than two feet from the front lot line. This subsection shall not apply to a paved or graveled surface that lies within the foregoing setback if such surface is that part of a driveway that is necessary to provide ingress and egress from and to an abutting street or alley, serves only as a pedestrian sidewalk or serves only as a drainage system for storm water.

(D) The depth of the front yard shall be the shortest distance between the front line of the building and the front lot line, measured at right angles to the front lot line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building.

(E) A half story shall be counted as a full story for height measurements if it is used for residential or commercial purposes.

(F) Any addition to a building shall be subject to the zoning and building regulations applicable to such building.

(G) No loading space shall be counted as an off street parking space.

(H) The rear yard shall be unoccupied except as otherwise permitted in this title. The rear yard shall extend the full width of the lot and shall be situated between the rear lot line and the rear line of the building projected to the side lot lines. The depth of the rear yard shall be the shortest distance between the rear lot line and the rear line of the building, measured at right angles to the rear lot line.

(I) As used in this title, the word "shall" is mandatory; the word "may" is permissive.

5-2-3: Accessory building regulations:

(A) Where an accessory building is structurally attached to a principal building, it must conform to all building regulations applicable to the principal building.

(B) No accessory building shall be constructed on a lot unless upon such lot there exists a principal building or a building permit has been issued for construction of a principal building. No accessory building shall remain on a lot beyond the expiration of a building permit issued for construction of a principal building unless such principal building has been constructed.

(C) No accessory building in a commercial or industrial district shall exceed the height of the principal building unless by conditional use.

(D) No accessory building in a commercial or industrial district shall be located closer to the front lot line than the principal building on such lot.

(E) No accessory building to a multi-family dwelling shall exceed the height of the multi-family dwelling.

(F) All accessory buildings shall have a foundation or concrete slab if over 80 square feet in area.

(G) Accessory buildings and garden sheds shall not be erected in any yard except a rear yard, and shall be at least six feet from the rear lot line, two feet from any interior lot line, and 10 feet from any principal building.

(H) No accessory building shall be used as a dwelling.

(I) A private garage shall not exceed 864 square feet of gross area, shall not exceed 18 feet in height and shall be located at least six feet from the rear lot line, four feet from interior lot lines and 25 feet from the front lot line.

(J) A private garage shall be placed at least 25 feet from the side lot line if the lot is a corner lot and is adjacent to a road right of way, unless the property owner can demonstrate that physical conditions of the lot require the private garage to be placed in a different location. Such alternate placement may be allowed as a conditional use if a private garage is a permitted accessory use in the applicable district and written approval of adjacent property owners is submitted with a request for issuance of a conditional use permit.

(K) No accessory building or combination of accessory buildings shall occupy more than 30 percent of the gross area of any lot.

5-2-4: Home occupation regulations.

(A) The following regulations shall apply to home occupations whether allowed as a permitted or conditional use:

(1) The home occupation shall be compatible with the residential use of the property and surrounding residential uses;

(2) The home occupation enterprise shall employ no more than two employees other than family members residing in the dwelling unit;

(3) There shall be no outside appearance of a home occupation including, but not limited to, parking, signs or lights;

(4) One unlighted sign no greater than six square feet in area shall be permitted outside of the dwelling unit. The location and configuration of any such sign shall be approved by the plan commission.

(5) The volume of deliveries of merchandise or supplies or by truck and other to or from the home occupation shall not exceed five per day;

(6) The home occupation shall use no equipment or processes that create noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, that is disturbing to a reasonable person in an adjoining dwelling unit;

(7) The home occupation shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood; and

(8) The home occupation shall not involve any illegal activity.

(B) The provisions of this section shall not supersede any covenant, agreement or other document which prohibits a home occupation within a dwelling unit.

(C) This section shall not supersede or limit the application of any other provision of the this code, including the investigation and elimination of nuisances.

5-2-5: Accessory dwelling regulations:

(A) An accessory dwelling associated with a permitted use in any zoning district shall be a permitted use in such district.

(B) An accessory dwelling associated with a conditional use in any zoning district shall be a conditional use in such district.

5-2-6: Adult oriented business regulations:

(A) Findings. The council hereby finds as follows:

(1) The location, siting, design, construction and use of adult oriented entertainment businesses can have adverse impacts on the surrounding area.

(2) Adult oriented entertainment businesses can exert a dehumanizing influence on persons attending places of worship, children attending licensed daycare homes, persons using public parks, and children and other persons attending public schools.

(3) Adult oriented entertainment businesses can contribute to an increase in criminal activity in the area where such businesses are located, taxing local law enforcement services.

(4) Adult oriented entertainment businesses can significantly contribute to the deterioration of residential neighborhoods and can impair the value of the residential housing in the area in which such businesses are located.

(5) The concentration of adult oriented entertainment businesses in one area can have a substantially detrimental effect on the area in which such businesses are concentrated and on the overall quality of urban life.

(6) A cycle of decay can result from the influx and concentration of adult oriented entertainment businesses. The presence of such businesses is perceived by others as an indication that the area is deteriorating and the result can be devastating as other businesses and residences move out of the vicinity. Declining real estate values, which can result from the concentration of such business, erode the city's tax base.

(7) The city may enact zoning regulations to promote the public health, safety and general welfare of the citizens of the city as provided under section 62.23 of the Wisconsin statutes.

(B) Purpose.

(1) The purpose of these regulations is to control through zoning the location and operational characteristics of Adult Oriented Entertainment Businesses so as to minimize the detrimental effect on the character of the city's residential neighborhoods and commercial areas.

(2) These regulations are intended to establish a reasonable balance between the legitimate public purpose of protecting the health, safety and welfare of residents and businesses in the city and the legally recognized rights of owners, operators and employees of Adult Oriented Entertainment Businesses by allowing such businesses to operate in locations and under circumstances that minimize the adverse effects of such businesses.

(3) These regulations shall not impose a limitation on the content of any communication materials, including sexually oriented materials as protected by the First Amendment to the United States Constitution.

(C) Applicability. The provisions of this chapter shall apply to all adult oriented entertainment businesses.

(D) General requirements.

(1) Distance limitations. No adult oriented entertainment business shall:

A) Be operated or maintained within 300 feet of the boundary of any of the following zoning districts:

R-1 Single-family residence district
R-2 Medium density residential district
R-3 Multiple-family residence district
A-1 Mobile home parks and A-2 subdivisions district
B-1 Central business district

B) Be operated or maintained within 300 feet of a church, licensed daycare facility, public library, public park, public or private educational facility which serves persons age 17 or younger, elementary school, high school or community living arrangement.

C) Distance limitations set forth in this section shall be measured in a straight line from the main public entrance of the Adult Oriented Entertainment Business to the main public entrance to the named use or, in the case of the named zoning districts from the main public entrance of the adult oriented entertainment business to the nearest boundary of the named zoning district.

(E) Same Use Restrictions. No adult oriented entertainment business shall be located in the same building or upon the same property as another such use.

(F) Sign Limitations. Notwithstanding any other provision of this chapter, an adult oriented entertainment business shall not be permitted more than one business sign. Signs advertising or promoting an adult oriented entertainment business shall meet the following criteria:

(1) No sign shall display merchandise or pictures of the products or entertainment on the premises in any area which can be viewed from the sidewalk, street or other public way, adjacent to the building.

(2) No sign shall be placed in any window. In addition to the business sign, a one square foot informational sign may be placed on the door to state hours of operation and admittance to adults only.

(3) No sign shall contain any flashing lights, moving elements, or mechanically changing messages.

(4) No sign shall contain any depiction of the human form, or any part thereof, nor shall it contain sexually explicit language.

(5) No adult oriented entertainment business may have any off-premise business sign.

(G) Operating standards. All adult oriented entertainment businesses shall operate under the following:

(1) No employee shall solicit business outside the building in which the business is located.

(2) No male or female person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited.

(3) No person on the premises shall engage in sexual conduct or sadomasochistic abuse.

(4) Nudity is prohibited for any employee of an adult oriented entertainment business where such person is in direct, personal contact with another person.

(H) Building's exterior appearance. The building's exterior shall meet the following criteria:

(1) Colors shall be earth or neutral tones and primary accent colors shall be within the same color family.

(2) Stripes and geometric patterns are prohibited.

(3) A color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this section may be reviewed and approved by the plan commission.

(4) The exterior shall be adequately maintained in good condition.

(I) Severability. If any subsection, sentence, clause or phrase of this section 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.

Chap. 5-2 history: 5-2-1*: 1992-4-21; 1992-5-19; 1993-5-18; 1995-12-5; 1997-8-5; 1997-9-2; 2000-7-18; 2001-9-18; 2004-3-2; 2004-10-5; 2004-12-7; 2005-6-28; 2005-11-1; 2006-6-6; 2009-12-15; 2011-6-21; 2013-3-19; 2013-10-15; 2014-11-5; 2015-1-6; 2015-2-17; 2015-3-3; 2015-4-8; 2015-9-1; 2015-9-15; 2016 code;* ***5-2-2****: 1992-4-21; 1996-1-2; 2015-2-17; 2016 code;* ***5-2-3****: 200-2-15; 2016 code;* ***5-2-4****: 2004-12-7; 2010-2-2; 2016 code;* ***5-2-5****: 2005-3-1; 2010-2-2; 2016 code;* ***5-2-6****: 2005-6-28; 2009-12-15; 2010-2-2; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 3: R-1 SINGLE-FAMILY RESIDENCE DISTRICT

5-3-1 Permitted and conditional uses
5-3-2 Height regulations
5-3-3 Area regulations
5-3-4 Parking requirements
5-3-5 Fences

5-3-1: Permitted and conditional uses:

(A) Permitted uses: The following uses are permitted in this district:

(1) One-family dwellings.

(2) Churches and convents.

(3) Charitable or philanthropic institutions.

(4) Public and parochial schools.

(5) Electric power substations and branch telephone substations, subject to the following restrictions:

A) No service garage or storage yard shall be located within the premises of substations.

B) The substation shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.

(6) Family daycare home.

(7) Accessory buildings, subject to the following restrictions:

A) Such buildings shall not exceed 18 feet or one story in height.

B) Such buildings shall have a side yard of not less than two feet, and a rear yard of not less than six feet. Such buildings shall be located not less than 60 feet from the front lot line and not less than 10 feet behind the principal building.

C) Such buildings, when on a corner lot, shall be placed behind the front yard line applying to adjoining lots.

D) Notwithstanding the restrictions set forth in subsections A), B) and C) of this subsection (7), where a block has corner lots back to back with front yards on parallel streets, the setbacks of an accessory building shall be in line with the building lines of the principal building.

E) Notwithstanding the restrictions set forth in subsections A), B) and C) of this subsection (7), an accessory building not to exceed 15 feet in height may be built in any area of a lot if it is placed in such a manner as to comply with the minimum side yard, rear yard, and front yard requirements governing the construction of the principal building.

(8) Parks and playgrounds.

(9) Community living arrangements of eight or fewer persons authorized by section 62.23(7)(i)3 of the Wisconsin statutes.

(10) Home occupation.

(11) City structure.

(B) Conditional uses: The following uses are permitted as conditional uses in this district:

(1) An office of a teacher who provides tutorial services or lessons to students.

(2) Commercial art studios, including photographic studios, dancing, radio and television studios and the like.

(3) Florist shop.

(4) Jewelry store, optical store, watch repair shop.

(5) Photographer.

(6) Tailor shop.

(7) Insurance agency.

(8) Massage therapist.

(9) Bed and breakfast establishments.

(10) Cemeteries, historic sites, and museums.

(11) Community living arrangements of nine to 15 persons or 16 or more persons as authorized by sections 62.23(7)(i)4 and (i)5 of the Wisconsin statutes, respectively.

(12) Daycare parent cooperative -residential.

(13) Municipal buildings, except sewage treatment plants, incinerators, warehouses, garages, shops and storage yards.

(14) Sheltered facilities for battered women.

(15) Daycare center.

(16) Billboards.

(17) Clinic.

(C) Restrictions applicable to certain conditional uses: in addition to other restrictions which may be required by the plan commission, the conditional uses in subsections (B)(1) through (B)9 of this section shall meet the following requirements:

(1) Not more than one-half of the floor area of any one floor dwelling may be devoted to such accessory use, and not more than one person who is not a resident on the premises may be employed in that accessory use.

(2) No structural alterations or construction features not customary in dwellings shall be permitted for the accessory use.

(3) The entrance to an office or studio shall be from within the dwelling.

(4) One unlighted sign no greater than 12 square feet in area shall be permitted outside of the dwelling. The location and configuration of any such sign shall be approved by the plan commission.

5-3-2: Height regulations: In the R-1 single-family residence district, no buildings shall be erected or structurally altered to exceed 40 feet or three stories in height except churches, hospitals, public and parochial schools.

(A) Churches, hospitals, public and parochial schools may be erected to a height not exceeding 75 feet but the side yard required shall be increased one foot for each one foot the building exceeds 40 feet in height.

(B) Chimneys, cooling towers, elevator bulkheads, scenery lofts, monuments, domes, spires, parapet walls, and similar structures or necessary mechanical appurtenances shall not be considered in determining the height of the structure under this section. The height of a building may be measured from the mean elevation of the finished grade along the front of the building. Buildings constructed on through lots may be measured considering either end facing a street as the front of the building.

5-3-3: Area regulations:

(A) Front Yards: On every lot in the R-1 single-family residence district t there shall be a front yard having a depth of not less than 25 feet; provided, however, as follows:

(1) Where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings having an average front yard depth of more than 25 feet but less than 31 feet, no building may be erected or structurally altered to project beyond the average front yard line so established on that block. Under no circumstances shall this regulation be interpreted so as to require a front yard depth of more than 40 feet.

(2) No front yard depth need exceed the greater provided for the two adjoining buildings, one on either side of the subject lot, if the two adjoining buildings are less than 100 feet apart.

(B) Side yards:

(1) On every lot in a residence district there shall be two side yards, one on each side of the principal building. Neither of the side yards shall be less than six feet in width, and the total of the two side yards shall not be less than 14 feet. Under no circumstances shall there be less than 14 feet between principal buildings on adjoining lots. Buildings exceeding 2 ½ stories in height shall have two side yards each of which is at least 10 feet in width.

(2) The side yard regulations in this subsection shall apply to all lots including corner lots, except that a reversed corner lot which faces an intersecting street shall have a side yard on the street side of the reversed corner lot having a depth of not less than 50 percent of the front yard depth required on the lot in the rear of the reversed corner lot. No accessory building on a reversed corner lot shall project beyond the front building line of the lots in the rear of the reversed corner lot; provided, however, that this regulation for a reversed corner lot shall not have the effect of reducing the buildable width for the main building to less than 26 feet, or for an accessory building to less than 20 feet.

(C) Rear yards: On every lot in R-1 single-family residence district there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided such rear yard need not exceed 30 feet in depth and shall not in any case be less than 15 feet in depth.

(D) Lot area: Every lot in R-1 single-family residence district shall have an area of not less than 7,200 square feet. Lots of record as of April 20, 1976, shall have a lot area of not less than 5,000 square feet.

5-3-4: Parking requirements: Adequate off street parking is required for all uses in R-1 single-family residence district, as more fully set forth in chapter 11 of this title.

5-3-5: Fences: Fences may be located on lots in R-1 single-family residence district, subject to the following:

(A) No fence shall be located closer than two feet to any public right-of-way.

(B) No fence located on a rear yard or on a lot line abutting a rear yard shall exceed six feet in height, except pursuant to a conditional use permit.

(C) No fence located on any part of a lot other than a rear yard or upon any lot line, or part, thereof that does not abut a rear yard shall exceed four feet in height.

(D) All fences shall be constructed, maintained and kept in a state of good repair.

(E) The side of a fence facing away from the lot upon, or for the benefit of which, the fence is placed shall be constructed and finished in a way that presents a reasonably attractive view from adjoining properties or public ways.

(F) No fence shall be constructed or decorated in a way that presents a safety hazard for persons on adjoining properties or persons traveling on any sidewalk or other public way.

Chap. 5-3 history: 5-3-1*: 1992-4-21; 1997-8-5; 1998-6-16; 2004-12-7; 2011-6-21; 2013-3-19; 2015-1-6; 2016 code;* ***5-3-2****: 1986-10-21; 2016 code;* ***5-3-3****: 1986-10-21; 2016 code;* ***5-3-4****: 1986-10-21; 2016 code;* ***5-3-5****: 2004-3-2; 2004-10-5; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 4: R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

5-4-1 Permitted uses
5-4-2 Conditional uses
5-4-3 Building height and yard requirements
5-4-4 Lot area per family
5-4-5 Parking requirements
5-4-6 Fences

5-4-1: Permitted uses: The following uses are permitted in this district:

City Structure.

Community living arrangements of eight or fewer persons.

One-family dwellings.

Permitted uses in the R-1 single-family residence district.

Two-family dwellings.

5-4-2: Conditional uses: The uses permitted as conditional uses in this district shall be the same as those in the R-1 zoning district except as provided in subsection 5-3-1(C)(1) of this title, with the following additional conditional uses:

Billboards.

Boarding houses.

Community living arrangements of nine to 15 persons or of 16 or more persons.

Daycare center.

Daycare parent cooperative -nonresidential.

Daycare parent cooperative -residential.

Lodging houses.

5-4-3: Building height and yard requirements: Building height and yard requirements are the same as those set forth for the R-1 residence district.

5-4-4: Lot area per family: Every lot in the R-2 district shall have an area of not less than 7,200 square feet except for lots of record as of April 20, 1976, which shall have a lot area of not less than 5,000 square feet.

5-4-5: Parking requirements: Adequate off street parking is required for all uses in this residence district, as more fully set forth in chapter 11 of this title.

5-4-6: Fences: Height restrictions, construction and maintenance of fences shall be the same as those set forth for the R-1 residence district.

Chap. 5-4 history: 5-4-1*: 1992-1-7; 1992-4-21; 1996-1-2; 1998-6-16; 2013-3-19; 2016 code;* ***5-4-2****: 1993-9-7; 1997-8-5; 1998-6-16; 2004-12-7; 2011-6-21; 2016 code;* ***5-4-3****: 1986-10-21; 1997-8-5; 2016 code;* ***5-4-4****: 1986-10-21; 1997-8-5; 2016 code;* ***5-4-5****: 1986-10-21; 1997-8-5; 2016 code;* ***5-4-6****: 2004-3-2; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 5: R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT

5-5-1 Permitted uses
5-5-2 Conditional uses
5-5-3 Building height and yard requirements
5-5-4 Lot area per family
5-5-5 Parking requirements
5-5-6 Fences

5-5-1: Permitted uses: The following uses are permitted in this district:

City structure.

Community living arrangements of eight or fewer or of nine to 15 persons.

Multiple-family dwellings.

Museums, libraries, parks, playgrounds or community centers not conducted for profit.

5-5-2: Conditional uses: The following uses are permitted as conditional uses in this district:

Accessory buildings.

Boarding houses.

Charitable and philanthropic institutions.

Churches and convents.

Community living arrangements of more than 16 persons.

Daycare centers.

Daycare parent cooperative -nonresidential.

Daycare parent cooperative -residential.

Home occupation.

Lodging houses.

Medical health center.

Mixed-use development.

Parks and playgrounds.

Public and parochial schools.

Sheltered facilities for battered women.

Two-family dwellings.

5-5-3: Building height and yard requirements: Building height and yard requirements are the same as those set forth for the R-1 residence district.

5-5-4: Lot area per family: Every lot in the R-3 multiple-family residence district shall have an area of not less than the greater of 7,200 square feet or 1,500 square feet per family or dwelling unit, except for lots of record as of April 20, 1976, which shall have an area of not less than the greater of 5,000 square feet or 1,500 square feet per family or dwelling unit. The requirements of this subparagraph shall not apply to hotels or boarding houses where no cooking is done in any individual rooms or a suite.

5-5-5: Parking requirements: Each use made of a lot or parcel of land in the R-3 multiple-family residence district shall have adequate parking, as specified in chapter 11 of this title, associated with that use. The parking area is included in any required lot size, and is not in addition to a required lot size.

5-5-6: Fences: Height restrictions, construction and maintenance of fences shall be the same as those set forth in the R-1 residence district.

Chap. 5-5 history: 5-5-1*: 1992-1-7; 1992-4-21; 1998-6-16; 2013-3-19; 2016 code;* ***5-5-2****: 1992-1-7; 1992-4-21; 1992-7-7; 2000-10-21; 2004-12-7; 2008-7-15; 2016 code;* ***5-5-3****: 1986-10-21; 2016 code;* ***5-5-4****: 1986-10-21; 2016 code;* ***5-5-5****: 1986-10-21; 2016 code;* ***5-5-6****: 2004-3-2; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 6: A-1 MOBILE HOME PARKS AND A-2 SUBDIVISIONS

5-6-1 Introduction, authority, purpose and interpretation
5-6-2 Definitions
5-6-3 Mobile homes or travel trailers on public and private property:
5-6-4 Mobile home parks
5-6-5 Miscellaneous requirements for mobile home parks
5-6-6 Mobile home subdivision
5-6-7 Permits
5-6-8 Licenses
5-6-9 Inspection of mobile home parks
5-6-10 Notices, hearings and orders
5-6-11 Exemptions
5-6-12 Forfeitures

5-6-1: Introduction, authority, purpose and interpretation: The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the city. This chapter shall not repeal, impair or modify private covenants, except that it shall apply whenever it imposes more severe restrictions. This chapter shall be construed to complement and be harmonious with the zoning regulations of the city. Any portion of this chapter which is in conflict with those zoning regulations shall be null and void.

5-6-2: Definitions: In this chapter:

“Attached accessory structure” means any structure or appurtenance on a mobile home lot which is attached to or is in direct contact with the basic mobile home unit, including, but not limited to, awnings, carports, garages, porches, windbreaks, etc., which are so attached.

“Common area” means any area or space designed for joint use of tenants occupying a mobile home park.

“Dependent mobile home” means a mobile home which does not have a lavatory or water closet.

“Detached accessory structure” means any structure on a mobile home lot which is not attached to or in direct contact with the basic mobile home unit, including, but not limited to, a detached garage or storage shed.

“Driveway” means a private way of less than 24 feet used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.

“License” means a written license issued by the city allowing a person to operate and maintain a mobile home park or travel trailer park under this chapter and regulations issued hereunder.

“Lot area” means the total area reserved for exclusive use of the occupants of a mobile home.

“Mobile home” means a structure, transportable in one or more sections, which in the traveling mode, is more than eight feet in width or more than 32 feet in length, or when erected on site is 256 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 utilities, and includes the plumbing, heating, and electrical systems.

“Mobile home lot” means a parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

“Mobile home park” means a parcel of land owned by a single person, firm or corporation which has been planned and improved for placement of mobile homes for dwelling purposes, shall have a minimum area of two acres, including rights of way and utility easements and access to a dedicated street or highway, and must have at least 10 mobile home sites available at first occupancy.

“Mobile home stand” means that part of an individual lot which has been reserved for the placement of one mobile home unit.

“Mobile home subdivision” means a subdivision designed or intended for residential use, within which each lot is in separate ownership as in a conventional subdivision, and within which residence is in mobile homes exclusively.

“Nondependent mobile home” means a mobile home which has complete bathroom facilities.

"Park management" means the person who owns or has charge, care or control of a mobile home park or travel trailer park.

"Park street" means a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

Permit" means a written certification issued by the city permitting the construction, alteration and extension of a mobile home park or travel trailer park under this chapter and regulations issued hereunder.

"Service building" means any building owned and maintained or controlled by the owner of a mobile home park for conducting the business of operating the park, or for providing amenities for the tenants or guests, such as offices, gate houses, laundry buildings and community halls.

"Tenant storage area" means an enclosed space designed to provide auxiliary general storage space for an individual mobile home.

"Travel trailer" means a vehicular, portable unit, other than a mobile home, designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 32 feet; b) a unit designed to be mounted on a truck chassis; or c) a canvas, folding unit on wheels.

"Travel trailer park" means a parcel of land with access to a dedicated street or highway which is a minimum area of two acres in size, including rights of way and utility easements, and which has a minimum of 10 travel trailer lots available at first occupancy, is owned by a single person, firm or corporation and has been planned and improved for placement of travel trailers.

"Travel trailer space" means a parcel of land in a travel trailer park for the placement of a single trailer and the exclusive use of its occupants.

5-6-3: Mobile homes or travel trailers on public and private property:

(A) Parking on public property: It shall be unlawful to place, locate or park any mobile home or travel trailer on any street, alley or highway, or other publicly owned land, except for the following purposes:

(1) Emergency or temporary stopping or parking of a mobile home or travel trailer is permitted on any street, alley or highway for not longer than 24 hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations of the city pertaining to that street, alley or highway.

(2) Special permission extending emergency or temporary stopping or parking of a mobile home or travel trailer may be granted by the chief of police, or his or her designees. This permission may be granted for a period not to exceed five days, if the issuing official finds that such parking will not interfere with the orderly flow of traffic or be otherwise injurious to the safety or welfare of the city or its inhabitants. Such permission shall be in written form, and shall state the name of the applicant, the owner or lessee of the mobile home or travel trailer, the dates and hours of the extension of permission, the reasons for the extension, and such other information or stipulations as may be appropriate.

(B) Parking on private property: It shall be unlawful to place, locate or park any mobile home on any privately owned parcel of land, except as provided hereunder or on the Green County fairgrounds.

(1) One mobile home only may be placed on each parcel of land within the A-1 mobile home park district or A-2 mobile home subdivision district.

(2) Multiple mobile homes may be placed on a parcel of land in an A-1 mobile home park district, if such parcel is a licensed mobile home park.

(3) Mobile homes may be placed on the premises of business establishments which are engaged in the sale, rental, leasing, manufacture or repair of mobile homes or travel trailers.

(C) Temporary parking permit: The council may grant or approve a special written permit allowing the location and occupancy of a mobile home outside of a mobile home park or a mobile home subdivision upon a showing of immediate necessity by the applicant. The permit shall be issued for a period not to exceed 90 days and for no more than one mobile home on any one premises. The special permit shall only be granted upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the special permit is issued.

(D) Application for permit: Application for the permit shall be made to the city clerk and shall be accompanied by an inspection fee of $10.00. The application shall contain the following information:

(1) Name and permanent address of the occupants of the mobile home;

(2) License number of the mobile home and towing vehicle;

(3) Intended purpose of stay at requested location;

(4) Exact location of the premises;

(5) Documentation of the owner's or occupant's permission to locate on the premises;

(6) Statement of the nature and location of sanitary facilities;

(7) Written permission from the occupant of the dwelling house for use of sanitary facilities;

(8) A statement that all wastes from mobile home occupancy will be disposed of under the provisions of this code.

(9) If the location is a vacant lot or parcel of land, a statement indicating the nature and location of sanitary facilities and source of water supply, that these facilities are within 200 feet of the mobile home and that the owner has given permission for their use.

5-6-4: Mobile home parks:

(A) General provisions:

(1) Construction, alteration or extension of a mobile home park shall be subject to the issuance of a permit as set forth in sections 5-6-7 and 5-6-8 of this chapter.

(2) Operation of a mobile home park shall be subject to the issuance of a license as set forth in section 5-6-8 of this chapter.

(3) All mobile home parks established in the city shall comply with the design, system and other requirements set forth in this chapter.

(B) Environmental requirements:

(1) Density: The maximum allowable density in a mobile home park development shall be seven units, or lots, per gross acre.

(2) Minimum lot size: Individual lots within the mobile home park must contain an area of not less than 5,000 square feet.

(3) Required separation between mobile homes: Mobile homes shall be separated from each other and from other buildings and structures by at least 15 feet. An accessory structure such as an awning, storage cabinet, carport, wind break or porch attached to the mobile home shall, for purposes of separation requirements, be considered a part of the mobile home. Detached accessory structures shall be allowed only if included and approved as part of the original or revised mobile home park plan.

(4) Setback and buffer strips:

A) Each mobile home shall be located at least 10 feet from any mobile home lot line.

B) There shall be a minimum distance of 20 feet between the mobile home stand and abutting park street right of way.

C) All mobile homes shall be located at least 15 feet from any park property boundary line, except where the adjoining property is also a mobile home park.

(5) Recreational areas: In all mobile home parks there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation areas shall be a minimum of 200 square feet for each lot. No such outdoor recreation area shall contain less than 2,500 square feet. Recreation areas shall be located so as to be free of traffic hazards and, where the topography permits, shall be centrally located.

(6) Permitted uses:

Single-family mobile homes as defined by this section, and any accessory structures included in the original plans and

specifications, or revisions thereof. Dependent mobile homes are prohibited within mobile home parks.

Home occupation

Parks, playgrounds and open space

The following commercial uses when they are for the exclusive use of park residents:

Mobile home park office.

Laundromat.

Clubhouse and facilities for private social or recreation clubs.

Signs pertaining to the lease, hire or sale of individual mobile homes, not more than two square feet in area, as well as one mobile home park identification sign not more than 50 square feet in area, to be located in proximity to the park entrance.

(C) Access requirements:

(1) General requirements: In all mobile home parks, safe and convenient vehicular access shall be provided by streets or roads; except that in those mobile home parks in which grouping or clustering of parking spaces or other such design features are used in the layout, direct access need not be provided to every lot; provided further, however, that in all cases direct access adequate for fire protection vehicles and other emergency vehicles shall be provided.

(2) Park entrance: Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

(3) Internal streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

A) Roadway width, all streets: 24 feet

B) Right of way width: 40 feet

C) Dead end streets (cul-de-sacs) shall be limited in length to 1,000 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 85 feet.

(4) Street construction and design standards:

A) Pavements: All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base.

B) Grades: Grades of all streets shall be sufficient to ensure adequate drainage, but shall not be more than eight percent.

C) Intersections: Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between centerlines of offset intersecting streets. Intersections of more than two streets at one point shall not be permitted.

(5) Parking requirements: Notwithstanding subsection (C)(5)C) of this section, on street parking or parking in the street right of way shall be allowed on one side of the street in mobile home parks, if the street is 30 feet or greater in width.

A) Occupant parking: A minimum of 1 1/2 parking spaces per mobile home shall be provided for occupant parking purposes. Such spaces shall be located within150 feet of the mobile home lot to be served.

B) Parking space: Each parking space shall contain a minimum of 200 square feet. The space shall be paved with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions.

C) Use of right of way for parking: In no instance shall the required street pavement width be used for parking purposes. The remaining right of way on either side of the street pavement may be used for parking purposes.

D) Parking restrictions: Parking of boats, trailers, campers, snowmobiles or other motorized vehicles shall be restricted to an area (or areas) provided by the park management specifically for that purpose and in the event no such area is

provided by park management, the boats, trailers and camper-mobiles shall not be parked in a mobile home park or subdivision.

(6) Walkways: All parks shall be provided with safe, convenient, all season, pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall not be permitted.

A) Common walk system: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of 2 ½ feet.

B) Individual walks: All mobile home stands shall be connected to common walks and to paved streets or roadways. Such individual walks shall have a minimum width of two feet.

(D) Mobile home stand: The dimensions of every mobile home stand shall be not less than 15 feet by 70 feet. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

(1) The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure.

(2) The mobile home stand shall be provided with anchors and tie downs such as cast in place concrete "dead men" eyelets embedded in a concrete foundation or runways screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.

(3) Anchors and tie downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

(E) Site suitability and storm water drainage: A mobile home park shall be located only upon a site where the condition of soil ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.

(1) Soil and ground cover requirements: Exposed ground surfaces in all parts of the mobile home park that are not paved, covered with stone screenings, or other solid material shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(2) Site drainage requirements: The ground surfaces in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

(F) Water supply and distribution system: An adequate, safe and potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively.

(G) Sewage disposal system: An adequate and safe sewer system shall be provided within all mobile home parks for conveying all sewage. The mobile home park sewer system shall make connection to the public sewerage system.

(H) Refuse storage and collection system: Shall conform to the provisions of this code.

(I) Public utility systems: All utility service systems shall be installed and maintained under applicable codes and regulations governing such systems.

(1) Public utility service outlets shall be provided at each mobile home stand for electric, telephone and gas (if provided).

(2) All utility service lines shall be located underground within the mobile home park or subdivision.

(J) Street and public walkway illumination requirements: All parks shall be adequately lighted.

(K) Fire protection: Mobile home parks and subdivisions shall be kept free of litter, rubbish and other flammable materials.

5-6-5: Miscellaneous requirements for mobile home parks:

(A) Responsibilities of the park management:

(1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park management shall provide park occupants with copies of all applicable provisions of this chapter and shall inform them of their duties and responsibilities under this chapter.

(3) The park management shall supervise the placement of each mobile home on its mobile home stand, including securing the mobile home's stability and installing all utility connections.

(4) The park management shall maintain a register containing the names of all owners of the mobile homes, park occupants identified by lot number or street address, and motor vehicle license numbers. A copy of that register, listing all of that information, and all monthly changes as of the first day of each month, shall be made available upon request to the city clerk.

(5) The park management shall furnish information to the local assessor and city clerk within five days, on forms prescribed by the Wisconsin department of revenue, of any new mobile homes added to the park, change of ownership of mobile homes, or mobile homes removed from the park.

(6) The park management shall place an office for the attendant or person in charge of the park in every mobile home park. A copy of the park license and this section shall be posted, and the park register shall at all times be kept, in the office.

(7) The park management shall collect the monthly parking fee provided for in subsection 5-6-8(D) of this chapter. An account shall be kept showing the names of persons paying the service charges and the amount paid.

(B) Responsibilities of park occupants:

(1) The park occupant shall comply with all applicable requirements of this chapter and shall maintain his or her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(2) The park occupant shall be responsible for proper placement of his or her mobile home on its mobile home stand and proper installation of all utility connections pursuant to the instructions of the park management.

(3) Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of any adjacent mobile home lot.

(4) The undercarriage, supports and stabilizing devices of the mobile home shall be skirted to maintain an attractive community appearance.

(5) Porches, awnings and other additions shall be installed subject to uniform standards established by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home may be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

A) The storage area shall be provided with a base of impervious material.

B) Stored items shall be located so as not to interfere with inspection of the underside of the mobile home.

C) The storage area shall be enclosed by skirting.

(6) The park occupant shall store and dispose of all his or her rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof and watertight.

5-6-6: Mobile home subdivision:

(A) In general: Parcels of land within an area designated A-2 as a mobile home subdivision shall be used for single-family residential housing on individual lots, with residence in mobile homes exclusively. The subdivision of land and the use of land within an area designated as a mobile home subdivision shall be subject to the subdivision control regulations of this code, the sanitary regulations of this code and all other codes or regulations of the city applying to subdivision use and occupancy of land. Specifically, the development standards of the A-2 mobile home subdivision district shall be identical to the zoning regulations of the city, except for yard setbacks, average lot width and lot area per family.

(B) A-2 mobile home subdivision zoning regulations:

(1) Use regulations:

A) Single-family dwellings in mobile homes exclusively.

B) General (all principal uses permitted and regulated in the R-1 district).

C) Home occupations.

(2) Parking requirements: Parking requirements shall be as set forth in chapter 11 of this title.

(3) Yard requirements: Same as A-1 district.

(4) Lot area per family: Each mobile home parked in a mobile home subdivision shall be provided with a minimum of 7,200 square feet. Each lot or portion thereof on which a mobile home shall be parked shall contain a minimum of 200 square feet of parking area per family, and sufficient area for proper access thereto, the parking area to be included in the required lot area and not in addition thereto.

5-6-7: Permits:

(A) It shall be unlawful for any person to construct, alter or extend any mobile home park or subdivision within the limits of the city, unless he or she holds a valid permit issued by the city in the name of such person for the specific construction, alteration or extension proposed.

(B) All applications to the council for permits shall be filed with the city clerk, reviewed by the plan commission, and shall contain the following:

(1) Name and address of applicant;

(2) Location and legal description of the mobile home park or travel trailer park or mobile home subdivision.

(3) Complete engineering plans and specifications of the proposed park or subdivision showing:

A) The area and dimensions of the tract of land;

B) The number, location and size of all mobile home lots and the location of common areas;

C) The location and width of roadways and walkways;

D) The location of the mobile home stand within each mobile home lot;

E) Plans and specifications of all utilities including: sewage collection and disposal, storm water drainage, water distribution and supply, refuse storage and collection, lighting, electrical, telephone, and TV antenna systems;

F) Landscaping plans for the entire park;

G) Plans and specifications of all buildings to be located within the park or subdivision;

H) Such other plans and specifications and information as may reasonably be required by the council.

(C) No permit shall be issued for the construction of a mobile home park unless the development shall contain a minimum number of 10 mobile home lots, except in the case of an addition to, or extension of, a contiguous mobile home park in which case the minimum requirements shall be five lots.

(D) All applications for a permit shall be accompanied by a fee set by resolution of the council plus normal construction permit fees for any buildings to be included in the park.

(E) When, upon review of the application, the council is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued.

(F) Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter before the council under the procedure provided by section 5-6-10 of this chapter.

5-6-8: Licenses:

(A) Issuance: It shall be unlawful for any person to operate any mobile home park within the city, unless such person holds a valid license issued annually by the city in the name of the person. A separate license shall be required for each mobile home park. All applications for licenses shall be made to the city clerk who shall issue a license upon compliance by the applicant with provisions of this chapter. No license shall be issued to operate and occupy the mobile home park unless there has been

developed an adequate mobile home stand for each mobile home lot to be occupied.

(B) Transfer, fee: Every person holding a license shall give notice in writing to the city clerk within three days after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and payment of a fee set by resolution of the council, the license shall be transferred if the mobile home park is in compliance with all applicable provisions of this section.

(C) Application for license, fee:

(1) Application for original licenses shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the payment of a fee set by resolution of the council, and shall contain the following information:

A) The name and address of the applicant;

B) The location and legal description of the mobile home park or travel trailer park; and

C) A site plan of the park showing all mobile home lots or structures, roads, walkways and other service facilities as required by subsection 5-6-7(B) of this chapter.

(2) Renewals of licenses shall be made upon payment of a fee set by resolution of the council.

(D) Parking permit fee: In addition to the license fee, the licensee of every mobile home park shall pay, and be jointly and severally liable for the payment of a monthly parking permit fee to the city. Such monthly parking permit fee shall be collected by the licensee, who shall be primarily liable for the payment thereof to the city. The determination of the amount, review, enforcement of the payment and disposition of the fee shall be under the mobile home park provisions of the Wisconsin statutes.

(E) Bond: After approval of the application under this section and before issuance of such license, the applicant shall file a surety bond for $5,000.00 if the park contains more than 100 units. The bond shall guarantee the collection of the monthly parking fee provided for in subsection (D) of this section, and the payment of such fees to the city treasurer.

(F) Hearing: Any person whose application for a license under this section has been denied may request and shall be granted a hearing on the matter before the council under the procedure provided by section 5-6-10 of this chapter.

(G) Violation; suspension: Whenever, upon inspection of any mobile home park, the council, or its authorized agents, finds that conditions or practices exist which are in violation of any provision of this chapter, the council shall give notice in writing under subsection 5-6-10(A) of this chapter to the person to whom the license was issued that unless such conditions or practices are corrected, the council shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, the person shall stop operation of the park except as provided in section 5-6-10 of this chapter.

5-6-9: Inspection of mobile home parks:

(A) The council is hereby authorized and directed to make such inspections as are necessary in its opinion to determine satisfactory compliance with this chapter.

(B) The council and its authorized agents shall have the power to enter at reasonable times upon any private or public property to inspect and investigate conditions relating to the enforcement of this chapter.

(C) The council and its authorized agents shall have the power to inspect the register containing a record of all residents of each mobile home park.

(D) It shall be the duty of the park management to give the council and its authorized agents free access to all areas at reasonable times for inspection.

(E) It shall be the duty of every occupant of a mobile home park to give the owner thereof, or his or her agent or employee, access to any part of the park at reasonable times for making such repairs or alterations as are necessary to effect compliance with this chapter.

5-6-10: Notices, hearings and orders:

(A) Whenever the council determines that there are reasonable grounds to believe that there has been a violation of any

provision of this chapter, the council may order the discontinuance of such violation and shall give notice of such alleged violation to the person to whom the permit or license was issued. Such notice shall be in writing, include a statement for the reasons of its issuance, allow a reasonable time for the performance of the act it requires and contain an outline of remedial action, which if taken, will effect compliance with the provisions of this chapter. Such notice and order shall have been properly served when a copy thereof has been sent by registered U.S. mail to the last registered post office of the permittee or licensee as registered with the city clerk, or when the same has been personally served upon the attorney in fact of such permittee or licensee, or when the same shall have been served in any other manner as provided by the Wisconsin statutes for the service of process.

(B) Any person affected by any notice which has been issued under this chapter may request and shall be granted a hearing on the matter before the council; provided, that such person shall file in the office of the council a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day such notice or order was served.

(C) The filing of the request for a hearing shall operate as a stay of the notice and of the order except in the case of an order issued under subsection (E) of this section. Upon receipt of such a petition, the council shall set a time and place for a hearing, and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the notice and order should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided, that upon application of the petitioner, the council may postpone the date of the hearing for a reasonable time beyond the 10 day period when, in its judgment, the petitioner has submitted good and sufficient reasons for the postponement.

(D) Upon the expiration of the time required in a notice or order under this section, or after such a hearing, as the case may be, the council shall make findings as to the compliance with the provisions of this section and shall issue an order in writing sustaining, modifying, or withdrawing the notice and order which shall be served as provided in subsection (A) of this section. Upon failure to comply with such an order, either as sustained or modified, the license of the mobile home park affected by the order may be suspended or revoked.

(E) Whenever the council finds that an emergency exists which requires immediate action to protect the public health, welfare, or morals, it may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the council may consider necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this section, such an order shall be effective immediately. Any person to whom such an order is directed shall comply immediately but upon petition to the council shall be given a hearing as soon as possible.

5-6-11: Exemptions:

(A) When the council finds that compliance with provisions of this chapter would result in undue hardship, an exemption may be granted by the council without impairing the intent and purpose of this chapter. Deviations from design, construction, and installation provisions shall be brought into compliance with this chapter within a reasonable period based on economic feasibility of improvement; nature, significance, and extent of deviation; depreciation of material, improvement, layout in use, and other similar factors.

(B) The grace period shall begin after the council has given notice of a certain and specific deviation from this chapter to the person to whom the permit or certification was issued.

(C) Gradual improvement to a higher degree of conformity may be permitted at the discretion of the council.

5-6-12: Forfeitures: A person who violates any provision of this chapter shall upon conviction be subject to a Class 4 forfeiture.

***Chap. 5-6 history: 5-6-1**: 2003-6-3; 2016 code; **5-6-2**: 1986-10-21; 2016 code; 1988-7-19; 1992-4-21; 2002-6-3; 2016 code; **5-6-3**: 1986-10-21; 2003-6-3; 2014-10-21; 2016 code; **5-6-4**: 1986-10-21; 2004-12-7; 2016 code; **5-6-5**: 1986-10-21; 2016 code; **5-6-6**: 1986-10-21; 2016 code; **5-6-7**: 1986-10-21; 2003-6-3; 2016 code; **5-6-8**: 1986-10-21; 2003-6-3; 2016 code; **5-6-9**: 1986-10-21; 2016 code; **5-6-10**: 1986-10-21; 2016 code; **5-6-11**: 1986-10-21; 2016 code; **5-6-12**: 1991-12-17; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 7: B-1 CENTRAL BUSINESS DISTRICT

5-7-1 Permitted uses
5-7-2 Conditional uses
5-7-3 Exceptions to permitted and conditional uses
5-7-4 Height restrictions
5-7-5 Area regulations

5-7-1: Permitted uses: The following uses are permitted in this district:

Appliance sales and service.

Auto accessory and parts, entirely in building, no servicing.

Bakery having not more than 2,000 square feet of manufacturing area on the premises.

Bank, including drive-in bank.

Barbershop, beauty parlor.

Business and professional offices.

Cafe, caterer, barbecue stand, sale and consumption of alcoholic beverages, cafeteria, tavern.

Carpet, rug and floor covering stores.

Churches and schools.

City structure.

Clinic (medical and dental).

Clothing store, dress shop, hosiery shop, millinery shop, shoe store, shoe repair store.

Commercial art studios, including photographic studios, dancing, radio and television studios and the like.

Drug store, pharmacy, soda fountain.

Eating and drinking places: bars, restaurants, cocktail lounges.

Entertainment: nightclubs, theaters, billiard parlors, pool halls, bowling alleys, dance halls and similar enterprises.

Family daycare centers. Florists shop.

Food and dairy products establishment (sales only), candy or confectionery store, delicatessen, fruit and vegetable store, grocery store, ice cream shop, meat and fish market, soft drink stand.

Funeral homes and mortuaries.

Furniture, upholstery, picture framing, interior decorating.

Governmental offices, municipal buildings.

Hotel, including motels and motor hotels.

Jewelry store, optical store, watch repair shop.

Pet shop.

Photographer, photographer's supplies.

Printing and related trades: publishing, including newspaper publishing, job printing, lithographing, blueprinting, etc.

Retail and services: art or antique shops, artists' supplies stores, self-service laundries, dry cleaning shops, interior decorating and paper hanging shops, department stores, mail order houses and the like.

Sheltered facilities for battered women.

Tailor shop, clothes pressing shop.

Tobacco store.

Trade and business schools.

Variety store, notion shop.

Other uses: Any other retail business or service establishment or use, which shall be determined by the board to be of the same general character as the permitted uses, but not including any use which is permitted or which is not permitted in the industrial districts only.

5-7-2: Conditional Uses: The following uses are permitted as conditional uses in this district:

Accessory buildings and structures.

Any permitted or conditional use listed in chapter 5 of this title except a permitted use listed in this chapter.

Automotive services: automotive display, hire, sales and minor repair, public garage, not including major repair, provided all operations other than display for sale and sales shall be conducted wholly within a completely enclosed building, and provided further that buildings used for repair of automobiles or public garages shall be at least 50 feet from any R district and shall have no openings adjoining the R district other than stationary windows and fire escapes.

Boarding houses.

Brewpub.

Buildings and related trades: carpenter shops, electrical, plumbing, heating shops, interior decorating and paper hanging shops, furniture upholstering and similar enterprises not including contractor's yards, provided such establishments shall be at least 100 feet distant from any R district.

Community living arrangements of any number.

Communication tower.

Daycare centers.

Daycare parent cooperative -nonresidential.

Daycare parent cooperative -residential.

Dwelling units, provided that no part of the living quarters of any dwelling unit shall occupy any part of the first floor of a building in any of the following locations:

The east side of 15th Avenue between 9th Street and 12th Street.
Either side of 16th Avenue between 9th Street and 12th Street.
Either side of 17th Avenue between 9th Street and 12th Street.
The west side of 18th Avenue between 9th Street and 12th Street.
The south side of 9th Street between 15th Avenue and 18th Avenue.
Either side of 10th Street between 15th Avenue and 18th Avenue.
Either side of 11th Street between 15th Avenue and 18th Avenue.
The north side of 12th Street between 15th Avenue and 18th Avenue.

Home Occupation in any dwelling unit granted a conditional use.

Lodging houses.

Microbrewery.

Motor fuel station.

Off street parking.

Temporary buildings placed on property in which to conduct related business for a period not exceeding 90 days. No permit for such a use shall be reissued for the same location until the expiration of a 30 day period following the expiration of any prior permit.

Other uses similar in character to those specifically set forth in this chapter, giving due consideration to any anticipated effects of noise, odor, pollution, traffic, parking, safety and hours of operation associated with such use.

5-7-3: Exceptions to permitted and conditional uses:

(A) A use listed in section 5-7-1 of this chapter shall not be a permitted use in this district if it is a large scale retail store or part of a large scale retail development.

(B) A use listed in section 5-7-2 of this chapter shall not be a conditional use in this district if it is a large scale retail store or part of a large scale retail development.

5-7-4: Height restrictions:

(A) No building erected or structurally altered shall exceed 100 feet in height.

(B) No building used in any part for dwelling purposes shall be erected or structurally altered to exceed three stories in height.

5-7-5: Area Regulations: In the B-1 district no side yard or rear yard shall be required except where a lot abuts upon the side of a lot in the residence district; then there shall be a side yard of not less than 10 feet in width.

Chap. 5-7 history: 5-7-1*: 1986-10-21; 1992-1-7; 2016 code;* ***5-7-2****: 1986-10-21; 1992-4-21; 1999-1-5; 2003-6-3; 2004-3-2; 2004-12-7; 2012-3-12; 2015-9-15; 2016 code;* ***5-7-3****: 2006-6-6; 2016 code;* ***5-7-4****: 1986-10-21; 2016 code;* ***5-7-5****: 1986-10-21; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 8: B-2 GENERAL BUSINESS DISTRICT

5-8-1 General business district
5-8-2 Permitted uses
5-8-3 Conditional uses
5-8-4 Exceptions to permitted and conditional uses
5-8-5 Lot, yard, and building requirements

5-8-1: General business district: The B-2 general business district is established to provide for the establishment of principally motor vehicle oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off street parking.

5-8-2: Permitted uses: The following uses are permitted in this district:

Accessory buildings.

Automotive parts sales, including incidental service and repair of operational vehicles.

Automotive and light truck sales, servicing and repair.

Bars.

Business offices.

City structure.

Department stores.

Discount stores.

Drive-in banks.

Drive-in establishments serving food or beverages for consumption outside the structure.

Funeral homes and mortuaries.

Gift stores.

Laundromats.

Medical health center.

Motels.

Outlet stores.

Places of entertainment.

Recreational establishments.

Restaurants.

Service stations and washing and repair stations, where all gas pumps are not less than 30 feet from any existing or proposed street line.

Sheltered facilities for battered women.

Shopping centers.

Supermarkets.

Tourist information and hospitality centers.

Trade or business schools.

5-8-3: Conditional uses: The following uses are permitted as conditional uses in this district:

Boarding houses.

Billboards.

Building trades shops.

Cheese slicing and packaging plants, where no manufacturing or processing occurs on site.

Churches and convents.

Cleaning, dyeing, pressing and related trades.

Catalog merchandising centers.

Community living arrangements of any number.

Communication tower.

Daycare centers.

Daycare parent cooperative -nonresidential.

Daycare parent cooperative -residential.

Farm machinery and equipment sales, repair and storage.

Feed and seed storage.

Food locker plants.

Greenhouses.

Home occupation in any dwelling unit granted a conditional use.

Lodging houses.

Lumber and contractors yards.

Mixed-use development.

Motor vehicle parts recycling center.

Public and parochial schools.

Publishing, including newspaper publishing, job printing, lithographing, and blueprinting.

Self-service storage facility.

Two family dwellings and multiple family dwellings located within the smoky row sub-district.

Other uses similar in character to those specifically set forth in this chapter, giving due consideration to any anticipated effects of noise, odor, pollution, traffic, parking, safety and hours of operation associated with such use.

5-8-4: Exceptions to permitted and conditional uses:

(A) A use listed in section 5-8-2 of this chapter shall not be a permitted use in this district if it is a large scale retail store or part of a large scale retail development.

(B) A use listed in section 5-8-3 of this chapter shall not be a conditional use in this district if it is a large scale retail store or

part of a large scale retail development.

5-8-5: Lot, yard, and building requirements:

(A) Minimum lot area: No minimum lot area is required, except that the lot area shall be adequate to meet all yard and parking requirements.

(B) Abut public street: All lots must abut a public street.

(C) Yard requirements: The following minimum yards shall be provided and maintained:

(1) The front yard shall be not less than 40 feet, with the front 10 feet, measured from the property line, devoted to open landscaping (trees, shrubs, grass).

(2) Side yards shall not be less than 20 feet adjacent to any residential use district.

A) The side yard on a corner lot shall not be less than 20 feet.

B) Notwithstanding the previous rules, principal structures on adjoining lots may share common walls.

(3) Rear yards shall not be less than 15 feet.

(D) Smoky row sub-district exemption. All lots lying within the smoky row sub-district shall be exempt from the provisions of subsection (C) of this section unless compliance with such provisions, or any part thereof, is required by a conditional use permit.

(E) Parking requirements: Parking requirements applicable to this district are set forth in chapter 11 of this title.

Chap. 5-8 history: 5-8-1*: 1986-10-21; 2016 code;* ***5-8-2****: 1992-1-7; 1992-4-21; 1992-7-7; 1998-6-16; 200-2-15; 2013-3-19; 2013-4-3; 2015-1-6; 2016 code;* ***5-8-3****: 1992-1-7; 1992-4-21; 1996-1-2; 1999-1-5; 2000-11-8; 2008-7-15; 2011-6-21; 2012-3-12; 2013-4-3; 2015-4-8; 2016 code;* ***5-8-4****: 1987-1-6; 2004-9-7; 2006-6-6; 2016 code;* ***5-8-5****: 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 9: M-1 LIGHT INDUSTRIAL DISTRICT

5-9-1 Permitted uses
5-9-2 Conditional uses
5-9-3 Height regulations
5-9-4 Area regulations
5-9-5 Signs

5-9-1: Permitted uses: The following uses are permitted in this district:

Adult oriented entertainment business.

Blacksmithing, tinsmithing, sheet metal working and plumbing shops.

Brewery.

Bulk station.

Carbon dioxide processing facilities designed to receive and process carbon dioxide generated by a dry mill ethanol plant with a design capacity less than or equal to 100,000,000 gallons of ethanol per year.

City structure.

Cleaning, dyeing, and pressing establishments and laundries.

Dry mill ethanol plant with a design capacity less than or equal to 100,000,000 gallons of ethanol per year and which is designed and constructed with the best available control technology to substantially eliminate offensive odors and to achieve not less than a 95% reduction of emissions of substances that are regulated by the United States Environmental Protection Agency, or its successor agency.

Electric motors, generators, transformers and control, assembly, repair or salvage.

Enameling and painting.

Flour milling.

Knitting mills and the manufacture of products from finished fabrics.

Laboratories.

Manufacture and bottling of nonalcoholic beverages.

Manufacture of cigars, cigarettes and smoking tobacco.

Manufacture of goods from leather, but not tanning of hides or manufacture of leather.

Manufacture of goods from plastics.

Manufacture of jewelry and cosmetics.

Manufacture of products from paper, but not the manufacture of paper or pulp.

Manufacture of products from wood, except the manufacture of paper, pulp and plastics.

Manufacture of sporting goods, home and office appliances and supplies.

Manufacturing, processing and packing of food products, or components of food products, and the byproducts thereof, except meat and meat products, fish and fish products, sauerkraut and cabbage byproducts or the vining of peas.

Repair and service of heavy equipment, whether or not self-propelled, such as large trucks, road construction equipment, or semitrailers, and other items of similar size or weight; including the repair and storage of automotive accessories, but not including the wrecking or salvage of motor propelled vehicles.

Self-service storage facility.

5-9-2: Conditional uses: The following uses are permitted as conditional uses in this district:

Accessory buildings.

Carbon dioxide processing facilities designed to receive and process carbon dioxide generated by a dry mill ethanol plant with a design capacity exceeding 100,000,000 gallons of ethanol per year.

Community living arrangements of any number.

Commercial animal establishment.

Communication tower.

Concrete batch plant.

Daycare centers.

Daycare parent cooperative -nonresidential.

Dry mill ethanol plant with a design capacity exceeding 100,000,000 gallons of ethanol per year and which is designed and constructed with the best available control technology to substantially eliminate offensive odors and to achieve not less than a 95% reduction of emissions of substances that are regulated by the United States environmental protection agency, or its successor agency.

Home occupation in any dwelling unit granted a conditional use.

Manufacturing, processing and packing of meat and meat products, fish and fish products, sauerkraut and cabbage and the vining of peas, and the components and byproducts thereof.

Recycling facility that is licensed by the state of Wisconsin if such license authorizes not more than 100 tons of recyclable materials to be processed through such facility in any single day.

Residential structures for security personnel only when related to a permitted principal use.

Retail sales of products manufactured or assembled on the premises, and products incidental thereto.

Solid waste transfer facility that is licensed by the state of Wisconsin if such license authorizes not more than 100 tons of solid waste to be processed through such facility in any single day.

Solid waste transfer and recycling facility that is licensed by the state of Wisconsin if such license authorizes not more than a combined total 100 tons of solid waste and recyclable materials to be processed through such facility in any single day.

Wholesale businesses.

Other uses similar in character to those specifically set forth as permitted or conditional uses in this chapter.

5-9-3: Height regulations:

(A) No building erected or structurally altered shall exceed 75 feet in height.

(B) No building used in any part for dwelling purposes shall be erected or structurally altered to exceed three stories in height.

5-9-4: Area regulations:

(A) Minimum lot area: Every lot shall have a minimum area of one acre.

(B) Minimum street frontage: Every lot shall abut a street for a minimum continual distance of 100 feet.

(C) Minimum yard requirements: All structures shall be set back at least 30 feet from public rights of way. All structures except fences shall be set back at least 10 feet from all other property lines, and at least 50 feet from a property line at a boundary with a residential district. Pavement areas shall be no closer than 10 feet from a property line.

(D) Parking requirements: See chapter 11 of this title.

5-9-5: Signs: No signs, other than off-premises business signs, pylon business signs, monument business signs, wall business signs or informational signs, shall be allowed.

(A) Sign restrictions. Signs shall conform to the following:

(1) Maximum number. No lot shall contain more than three business signs or more than two freestanding business signs. There may be placed on a lot as many informational signs as are reasonably necessary for the safe and convenient use of the lot.

(2) Size and height restrictions. Signs shall conform to the following size and height restrictions:

A) Pylon business signs. No pylon business sign shall exceed 50 feet in height above grade at its highest point or exceed 300 square feet in area, exclusive of its support structure.

B) Monument business signs. No monument business sign shall exceed eight feet in height above grade at its highest point or exceed 300 square feet in area, exclusive of its support structure.

C) Wall business signs. No wall business sign shall exceed 300 square feet in area, or have any surface that protrudes beyond the top of the exterior surface to which it is attached or beyond the plane of any vertical exterior surface that intersects with the exterior surface to which it is attached.

D) Informational signs. No informational sign shall be larger than is reasonably necessary to convey the information contained on the sign.

(3) Front setback. No freestanding business sign shall be located less than 20 feet from the front lot line.

(4) Traffic visibility. No business sign or informational sign shall be erected so as to obstruct traffic visibility, be of such intensity or brilliance as to adversely impact the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.

(B) Conditional use. A business sign or informational sign that includes an electronic display screen or is constructed so as to rotate, gyrate, blink or move in any animated fashion shall not be permitted, except as a conditional use.

Chap. 5-9 history: 5-9-1*: 1986-10-21; 1999-5-19; 2000-11-8; 2005-6-28; 2005-7-5; 2013-3-19; 2015-3-3; 2016 code;* ***5-9-2****: 1992-1-7; 1992-4-21; 1992-5-19; 1999-1-5; 2000-2-15; 2000-11-8; 2004-12-7; 2005-7-5; 2010-12-7; 2012-3-12; 2014-11-5; 2016 code;* ***5-9-3****: 1986-10-21; 2016 code;* ***5-9-4****: 1986-10-21; 2004-3-2; 2016 code;* ***5-9-5****: 2009-12-15; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 10: M-2 HEAVY INDUSTRIAL DISTRICT

5-10-1 Use regulations
5-10-2 Conditional uses
5-10-3 Lot, yard, and building requirements
5-10-4 Signs

5-10-1: Use regulations: In this district, buildings and land may be used for any use permitted in the light industrial district and for any purposes whatsoever not in conflict with this code; and further provided that no certificate of occupancy shall be issued for any extremely dangerous, nauseating, obnoxious, offensive or unwholesome uses until and unless the location of such use shall be approved by the plan commission after a public hearing held thereon, and any decision by the plan commission shall be consistent with the purpose, spirit, and intent of this title. A city structure shall not be considered to be an extremely dangerous, nauseating, obnoxious, offensive or unwholesome use.

5-10-2: Conditional uses: The following uses are permitted as conditional uses in this district:

Accessory buildings.

Acid manufacture.

Adult oriented entertainment business.

Automobile or machinery wrecking, salvaging or rebuilding.

Cement, lime, gypsum or plaster of paris manufacture.

Communication tower.

Distillation of bones.

Explosives manufacture or storage.

Fat rendering.

Fertilizer manufacture.

Forage plant.

Garbage, offal or dead animal reduction or dumping.

Glue manufacture.

Junkyard or salvage yard.

Petroleum refining.

Recycling facility that is licensed by the state of Wisconsin if such license authorizes not more than 100 tons of recyclable materials to be processed through such facility in any single day.

Smelting of tin, iron, copper or zinc.

Solid waste transfer facility that is licensed by the state of Wisconsin if such license authorizes not more than 100 tons of solid waste to be processed through such facility in any single day.

Solid waste transfer and recycling facility that is licensed by the state of Wisconsin if such license authorizes not more than a combined total 100 tons of solid waste and recyclable materials to be processed through such facility in any single day.

Stockyard, stock loading yard or chute or slaughterhouse.

5-10-3: Lot, yard, and building requirements:

(A) Minimum lot area: Every lot shall have a minimum area of five acres.

(B) Minimum street frontage: Every lot shall abut a street for a minimum continual distance of 100 feet.

(C) Minimum yard requirements: All structures shall be set back at least 30 feet from public rights of way. All structures except fences shall be set back at least 10 feet from all other property lines, and at least 50 feet from a property line at a boundary with a residential district. Pavement areas shall be no closer than 10 feet to a property line.

5-10-4: Signs: No signs, other than off-premises business signs, pylon business signs, monument business signs, wall business signs or informational signs, shall be allowed.

(A) Sign restrictions. Signs shall conform to the following:

(1) Maximum number. No lot shall contain more than three business signs or more than two freestanding business signs. There may be placed on a lot as many informational signs as are reasonably necessary for the safe and convenient use of the lot.

(2) Size and height restrictions. Signs shall conform to the following size and height restrictions:

A) Pylon business signs. No pylon business sign shall exceed 50 feet in height above grade at its highest point or exceed 300 square feet in area, exclusive of its support structure.

B) Monument business signs. No monument business sign shall exceed eight feet in height above grade at its highest point or exceed 300 square feet in area, exclusive of its support structure.

C) Wall business signs. No wall business sign shall exceed 300 square feet in area, or have any surface that protrudes beyond the top of the exterior surface to which it is attached or beyond the plane of any vertical exterior surface that intersects with the exterior surface to which it is attached.

D) Informational signs. No informational sign shall be larger than is reasonably necessary to convey the information contained on the sign.

(3) Front setback. No freestanding business sign shall be located less than 20 feet from the front lot line.

(4) Traffic visibility. No business sign or informational sign shall be erected so as to obstruct traffic visibility, be of such intensity or brilliance as to adversely impact the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.

(B) Conditional use. A business sign or informational sign that includes an electronic display screen or is constructed so as to rotate, gyrate, blink or move in any animated fashion shall not be permitted, except as a conditional use.

Chap. 5-10 history: 5-10-1*: 2013-3-19; 2016 code;* ***5-10-2****: 2000-2-15; 2005-6-28; 2012-3-12; 2014-11-5; 2016 code;* ***5-10-3****: 1986-10-21; 2004-3-2; 2016 code;* ***5-10-4****: 2009-12-15; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 11: M-3 INDUSTRIAL PARK DISTRICT

5-11-1 Scope
5-11-2 Statement of purpose
5-11-3 Design review and plan approval
5-11-4 Lot size and setbacks
5-11-5 Permitted and conditional uses
5-11-6 Architectural control and appearance
5-11-7 Landscaping
5-11-8 Off street parking and loading
5-11-9 Signs
5-11-10 Storage areas
5-11-11 Maintenance
5-11-12 Drainage
5-11-13 Burning
5-11-14 Vibration
5-11-15 Smoke and particulate matter
5-11-16 Toxic substances
5-11-17 Noxious and odorous substances
5-11-18 Unused land

5-11-1: Statement of purpose: It is in the interests of the citizens of the city that a plan for the improvement and development of industrial parks within the city be established. Therefore, this chapter is enacted to preserve and enhance the value of lots contained within such industrial parks as well as all lands located in the general vicinity of such industrial parks. It is the intention of the city that industrial parks be developed to enhance the future economic growth of the city in a planned development for a general mix of industry distribution, wholesaling and limited intensive commercial operations if the latter are an integral part of the manufacturing or distribution process. It is intended that the provisions of this chapter be construed to provide for aesthetically pleasing design and harmonious overall development of industrial parks in the city.

5-11-2: Definitions: In this chapter:

"Design review" means a process of a review intended to address the aesthetic aspects of proposed buildings, signs and related projects within the district. Design review does not entail review of structural or engineering aspects of the construction of buildings and related projects within the district.

"Noxious" means hurtful, offensive or that which causes or tends to cause injury, especially to the health.

"Odorous" means having an odor or fragrance whether pleasant or unpleasant.

"Toxic substance" means any substance or mixture containing a substance regulated by the federal occupational safety and health administration under title 28 of the code of federal regulations, part 1910, subpart (z), or its successor or as amended, which is introduced by an employer to be used, studied or produced in the work place.

5-11-3: Design review and plan approval:

(A) Design review is implemented to promote the public health, safety and welfare by the use of municipal zoning authority. Requirements for design review and approval apply to uses and developments regardless of the characterization of the use or development within this chapter as a permitted use or conditional use.

(B) No building, sign or other improvement shall be erected, placed or altered on any building site in the district until the plans and design for such building, sign or improvement, including site plan, landscape, building plan and specifications have been reviewed and approved by the plan commission.

(1) Design review shall be completed before the commencement of any construction.

(2) The building inspector, zoning administrator or their designees shall provide checklists, application forms and timetables to property owners at the request of such owners. These documents shall have prior plan commission approval as to format and content.

(3) Following review of plans and designs, discussions with applicants and agents and discussion within the plan commission, the plan commission shall make a decision of approval, conditional approval, rejection or other action.

(4) Decisions shall be in writing and shall identify those elements of the approved design which the plan commission intends to be mandatory.

(5) The building inspector and the zoning administrator shall have applicants sign acknowledgements of receipts of written plan commission design review decisions before issuance of a building permit.

(C) A project that has had design review and that has a building permit is approved for execution only in accord with the directives included in the design review approval. Construction or execution that deviates from requirements of this chapter may not occur without prior plan commission approval.

5-11-4: Lot size and setbacks:

(A) Each lot size shall consist of a minimum of one acre.

(B) All structures other than signs shall be set back at least 30 feet from public rights of way.

(C) All structures except fences shall be set back at least 10 feet from all other property lines, and at least 50 feet from a property line at a boundary with a residential district and must comply with chapter 14 of this title establishing buffer yard requirements.

(D) Pavement areas shall be no closer than 10 feet from a property line.

5-11-5: Permitted and conditional uses:

(A) The following uses are permitted in this district:

Automotive and light truck sales, servicing and repair.

Distilleries, rectifiers, breweries and small wineries.

Carbon dioxide processing facilities designed to receive and process carbon dioxide generated by a dry mill ethanol plant with a design capacity less than or equal to 100,000,000 gallons of ethanol per year.

City structure.

Cleaning, dyeing and pressing establishments and laundries.

Construction firm offices, shops, storage areas and display rooms.

Dry mill ethanol plant with a design capacity less than or equal to 100,000,000 gallons of ethanol per year and which is designed and constructed with the best available control technology to substantially eliminate offensive odors and to achieve not less than a 95% reduction of emissions of substances that are regulated by the United States environmental protection agency, or its successor agency.

Electronic assembly and manufacture of electronic goods.

Enameling and painting operations.

Knitting mills and the manufacture of products from finished fabrics.

Laboratories, research, development and testing and manufacturing and fabrication in conjunction with such research and development and operations.

Manufacture and bottling of nonalcoholic beverages.

Manufacture of goods from leather, but not tanning of hides or manufacture of leather.

Manufacture of goods from plastics.

Manufacture of jewelry and cosmetics.

Manufacture of products from paper, but not the manufacture of paper or pulp.

Manufacture of products from wood, except the manufacture of paper, pulp and plastics.

Manufacture of sporting goods, home and office appliances and supplies.

Manufacture, repair and salvage of electric motors, generators, transformers and controls.

Printing, publishing, bookbinding, blueprinting, duplicating.

Repair and service of heavy equipment, whether or not self-propelled, such as large trucks, road construction equipment or semitrailers, and other items of similar size or weight; including the repair and storage of automotive accessories, but not including the wrecking or salvage of motor propelled vehicles.

Sheet metal working and plumbing shops.

Telecommunications facilities.

Trucking operations, including truck terminals, transfer facilities, vehicle maintenance, cleaning and repairing as a component of trucking operations.

Warehousing or distribution operations.

(B) The following uses are permitted as conditional uses in this district::

Accessory buildings.

Carbon dioxide processing facilities designed to receive and process carbon dioxide generated by a dry mill ethanol plant with a design capacity exceeding 100,000,000 gallons of ethanol per year.

Commercial animal establishment.

Communication tower.

Dry mill ethanol plant with a design capacity exceeding 100,000,000 gallons of ethanol per year and which is designed and constructed with the best available control technology to substantially eliminate offensive odors and to achieve not less than a 95% reduction of emissions of substances that are regulated by the United States environmental protection agency, or its successor agency.

Except as expressly permitted in subsection (A) of this section, manufacturing, processing and packing of food products, or components of food products, and the byproducts thereof.

Except as otherwise set forth in subsection (A) of this section, permitted uses in the M-2 district.

Other uses similar in character to those specifically set forth as permitted or conditional uses in this chapter.

Recycling facility that is licensed by the state of Wisconsin if such license authorizes not more than 100 tons of recyclable materials to be processed through such facility in any single day.

Retail sales of products manufactured or assembled on the premises, and products incidental thereto.

Solid waste transfer facility that is licensed by the state of Wisconsin if such license authorizes not more than 100 tons of solid waste to be processed through such facility in any single day.

Solid waste transfer and recycling facility that is licensed by the state of Wisconsin if such license authorizes not more than a combined total 100 tons of solid waste and recyclable materials to be processed through such facility in any single day.

5-11-6: Architectural control and appearance:

(A) The side of a building facing the street on which the building faces shall constitute the "front" of the building.

(B) At least 25 percent of the front of all buildings shall be faced with brick masonry, stone or other material approved by the city plan commission.

(C) That portion of any building facing a street other than the street on which the building fronts shall be finished in an attractive manner in keeping with accepted standards used for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. Side and rear walls shall be completed in a manner complementary to the

rest of the building.

(D) All exterior walls of all buildings shall be kept in good repair and appearance.

(E) Building masses and long, straight building fronts and sides (relative to the overall length of the building) that are visually accessible shall be broken up and made more variegated with staggerings and offsets, with landscaping or surface features or with accumulation of mass in the form of smaller, related units. This is a directive standard as to structures that are visually accessible to larger volumes of traffic and a recommendatory standard to structures within the center core of the district.

(F) Garbage or refuse shall be in containers and the containers shall be screened by walls, fences, berms or effective landscaping, or combinations thereof.

(G) All developments subject to design review shall plan and construct so that surface drainage positively drains from structures and so that the drainage plan for the district is complied with.

(H) Storage of materials, fuel, scrap, inoperative vehicles and similar objects in places that are readily visible from major public rights of way or parts of neighboring properties where a significant amount of viewing is expected shall be minimized and, where necessary, shall be reasonably screened. Where other portions of this code establish more stringent standards, such other portions shall govern.

(I) Exterior lighting, when used, shall be established, directed and maintained so as not to be cast directly on public rights of way or occupied structures or neighboring properties or be lighted in intensity or colors seriously disturbing to neighboring properties.

(J) The plan commission shall promulgate such additional guidelines as are considered necessary to develop the district in the spirit of the statement of intent set out in this chapter. All such guidelines shall be approved by the council before their application to the district.

5-11-7: Landscaping: Where appropriate, each lot shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.

5-11-8: Off street parking and loading:

(A) Parking lot drives shall be of minimum 24 feet wide for two-way traffic and at least 12 feet wide for one-way traffic.

(B) At least one parking space is required on each property for every 1,000 square feet of building area or for every two employees per maximum working shift, whichever amount constitutes the greater number of stalls. Variances may be granted by the board of appeals for warehouse or other uses upon proof that such parking restrictions are not realistic.

(C) All off-street parking shall comply with the requirements of section 5-13-5 of this title.

(D) Front yard setback area shall be restricted, allowing only visitor and handicap parking, and shall be located no closer than 15 feet from the public right-of-way line.

(E) Vehicle parking on city streets is prohibited in an M-3 industrial park district.

(F) All walks, driveways, parking lots and loading areas shall be surfaced with asphaltic or Portland cement pavement extending to the public street pavement.

(G) Truck loading or unloading on city streets is prohibited within the M-3 industrial park district.

5-11-9: Signs: No signs, other than off-premises business signs, pylon business signs, monument business signs, wall business signs or informational signs, shall be allowed.

(A) Sign restrictions. Signs shall conform to the following:

(1) Maximum number. No lot shall contain more than three business signs or more than two freestanding business signs. There may be placed on a lot as many informational signs as are reasonably necessary for the safe and convenient use of the lot.

(2) Size and height restrictions. Signs shall conform to the following size and height restrictions:

A) Pylon business signs. No pylon business sign shall exceed 50 feet in height above grade at its highest point or exceed 300 square feet in area, exclusive of its support structure.

B) Monument business signs. No monument business sign shall exceed eight feet in height above grade at its highest point or exceed 300 square feet in area, exclusive of its support structure.

C) Wall business signs. No wall business sign shall exceed 300 square feet in area, or have any surface that protrudes beyond the top of the exterior surface to which it is attached or beyond the plane of any vertical exterior surface that intersects with the exterior surface to which it is attached.

D) Informational signs. No informational sign shall be larger than is reasonably necessary to convey the information contained on the sign.

(3) Front setback. No freestanding business sign shall be located less than 20 feet from the front lot line.

(4) Traffic visibility. No business sign or informational sign shall be erected so as to obstruct traffic visibility, be of such intensity or brilliance as to adversely impact the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.

(B) Conditional use. A business sign or informational sign that includes an electronic display screen or is constructed so as to rotate, gyrate, blink or move in any animated fashion shall not be permitted, except as a conditional use.

(C) Design review. The type, location, size and placement of business signs shall require design review under this chapter. The initial design review shall be performed by the building inspector and the zoning administrator with final approval by the plan commission.

5-11-10: Storage areas:

(A) All material or products stored outside buildings must be behind the building setback lines from the front and side streets and must be screened from view from said streets. Screening shall form a complete opaque screen up to a point eight feet in vertical height but need not be opaque above that point.

(B) All fences or screening materials shall contain an exterior finish which is acceptable for good appearance.

(C) All storage tanks shall be painted in such a manner as to blend in with the general structure of the building with which the tank is associated.

5-11-11: Maintenance:

(A) Each lot owner shall keep his or her premises, buildings, improvements and appurtenances in a safe, clean, neat and sanitary condition and shall keep all grass, trees and shrubbery in good appearance. Each lot owner shall provide for the removal of trash and rubbish from his or her premises.

(B) During construction, it shall be the responsibility of each lot owner to insure that construction sites are kept free of unsightly accumulations of rubbish and scrap materials, and that construction materials, trailers, shacks and the like are kept in a neat and orderly manner.

(C) The lot owner and prime contractor shall control soil and water loss so as to prevent damage to other properties and structures.

5-11-12: Drainage: No building lots shall be developed and no use shall be permitted that results in storm water runoff, flooding or erosion on said lot or adjacent properties except through approved ditches, retention or detention basins or storm sewers. Such runoff shall be properly channeled into ditches, watercourses, retention or detention basins, storm drains or other public facilities under the city's storm water management plan for the district. All such facilities shall be approved by the plan commission.

5-11-13: Vibration: No industrial operation or activity under the direct control of the manufacturer shall cause at any time ground transmitted vibrations that exceed the limits set forth in this section. Vibration (the periodic displacement, measured in inches, of earth) shall be measured at any point along the exterior boundary of the subject lot with a three component measuring instrument approved by the city zoning administrator and shall be expressed as displacement in inches.

Frequency Cycles per Second	Maximum Permitted Displacement Along Industrial Park Boundaries (in inches)
1 to 10	.0008

10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

5-11-14: Smoke and particulate matter:

(A) The emission of smoke or particulate matter in such manner or quality as to endanger or to be detrimental to the public health, safety, comfort or welfare is declared to be a public nuisance.

(B) For grading the density of the smoke, the Ringelmann chart, published and used by the United States bureau of mines, shall be used. The emission of smoke or particulate matter of a density greater than no. 2 on the Ringelmann chart is prohibited at all times except as otherwise provided in this subsection.

(C) The emission from all sources, within any lot, of particulate matter containing more than 10 percent by weight or particles having a particle diameter larger than 44 microns is prohibited.

(D) Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, liquid asphalt, fencing or acceptable means. Emission of particulate matter from such sources, exceeding the weight limitations enforced by federal and state regulations is prohibited.

5-11-15: Toxic substances: No use shall, for any period, discharge across the boundaries of the parcel where it is located, toxic matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.

5-11-16: Noxious and odorous substances: No activity or operation shall cause at any time, the discharge of substances across lot lines in such concentrations as to be noxious. The emission of odorous substances in such quantities as to be readily detectable without the use of instruments at any point along lot lines is prohibited.

5-11-17: Unused land: All unused land areas shall be maintained and kept free of unsightly plant growth, noxious weeds, stored material, rubbish, refuse and debris by the owner of that property.

Chap. 5-11 history: 5-11-1*: 1992-7-21; 2016 code;* ***5-11-2****: 1992-7-21; 2016 code;* ***5-11-3****: 1992-7-21; 2000-7-18; 2006-1-3; 2016 code;* ***5-11-4****: 1992-7-21; 1996-9-17; 2016 code;* ***5-11-5****: 2003-11-18; 2005-7-5; 2008-7-15; 2010-5-18; 2012-3-12; 2014-16-17; 2014-11-5; 2015-9-15; 2016 code;* ***5-11-6****: 1992-7-21; 2016 code;* ***5-11-7****: 1992-7-21; 2016 code;* ***5-11-8****: 1992-7-21; 2008-9-2; 2016 code;* ***5-11-9****: 1992-7-21; 2009-12-15; 2016 code;* ***5-11-10****: 1992-7-21; 2016 code;* ***5-11-11****: 1992-7-21; 2016 code;* ***5-11-12****: 1992-7-21; 2016 code;* ***5-11-13****: 1992-7-21; 2016 code;* ***5-11-14****: 1992-7-21; 2016 code;* ***5-11-15****: 1992-7-21; 2016 code;* ***5-11-16****: 1992-7-21; 2016 code;* ***5-11-17****: 1992-7-21; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 12: PUD PLANNED UNIT DEVELOPMENT DISTRICT

5-12-1 Statement of purpose
5-12-2 Permitted uses
5-12-3 Area, height, lot area per family and parking requirements
5-12-4 Criteria for approval
5-12-5 Procedure
5-12-6 Approval of general development plan
5-12-7 Phase approval
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5-12-1: Statement of Purpose: The PUD planned unit development district is established to encourage and promote improved environmental and aesthetic design in the city by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of this title and the general plan for community development. To this intent, it allows variation in the relationship of uses, structures and open spaces in developments conceived and implemented as comprehensive and cohesive unified plans and projects. It is further intended to encourage more rational and economic development with relationship to public services, energy efficiency and community appearance consistent with the overall intent of this title and the general plan for community development.

5-12-2: Permitted uses:

(A) Subject to the criteria listed in this chapter, the following shall be permitted uses in the planned unit development district:

(1) A permitted or conditional use in any of the other districts of this title.

(2) A large scale retail store.

(3) A large scale retail development.

(B) Each use in the planned unit development district shall be developed, and remain, in full compliance with such requirements as are made a part of an approved general development plan and such general development plan shall be enforced as a part of this chapter.

5-12-3: Area, height, lot area per family and parking requirements: Except as provided in this chapter, in the planned unit development district there shall be no predetermined specific area, height, lot area per family and parking requirements, but such requirements as are made a part of an approved general development plan shall be construed to be and enforced as a part of this chapter.

5-12-4: Criteria for approval: As a basis for determining the acceptability of an application for zoning to the planned unit development district, the following criteria should be applied to the proposed general development plan:

(A) The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation and topography.

(B) The proposed development shall adequately provide for the improvement and continuing preservation and maintenance of attractive open space.

(C) The proposed development shall be an asset to the community aesthetically. The buildings and uses shall be compatible with the surrounding neighborhood.

(D) The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, drives, other paving and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to ensure public safety as proposed by the city.

(E) The proposed development shall not adversely affect the anticipated provision for school or other Municipal services. The proposed development shall offer proof as to the name of the school district or districts in which the planned unit development is located and verify that all plans have been submitted to the school district.

(F) The proposed development shall not adversely affect the economic prosperity of the city or of surrounding properties.

(G) The proposed development shall include suitable assurances that each phase could be completed in a manner which

would not result in an adverse effect upon the community as a result of termination at that point.

(H) If the proposed development is either a large scale retail store or a large scale retail development the general development plan shall comply with all requirements set forth in section 5-12-5(C) of this chapter.

(I) The council may establish additional criteria to be applied or guidelines to be followed in the consideration of the proposed development. Such criteria or guidelines shall be in writing and shall be available for inspection by the applicant.

5-12-5: Procedure: The procedure for rezoning to a planned unit development district shall be as required for any other zoning district change in this title, except that in addition thereto the rezoning may only be considered in conjunction with a general development plan, and said plan shall be subject to the following requirements:

(A) Pre-application conference. Before submitting a completed planned unit development application, the applicant shall meet with city staff to discuss the planned unit development process and any issues that may affect the proposed planned unit development. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the applicant or the city staff during such conference shall be regarded as binding or authoritative for purposes of this chapter.

(B) Planned unit development application. Following the pre-application conference the proponent of a planned unit development shall file with the city plan commission a completed planned unit development application on a form provided by the city. The following shall be included in or as attachments to such application:

(1) Project description. A statement describing the general character of the intended development.

(2) Map. An accurate map of the project area showing sufficient detail to make possible the evaluation of the criteria for approval as set forth in section 5-12-4 of this chapter, including:

A) The relationship to the surrounding properties and topography and key features.

B) The pattern of public and private roads, driveways and parking facilities.

C) A description of land uses and building types, size and arrangements.

D) A utility feasibility analysis.

(3) Organizational structure. A general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

(4) Phased development plan. A plan for phasing such development or a statement that the development will not occur in phases.

(5) Other. Any other data required by the city plan commission or the council.

(C) Large scale retail planned unit developments. In addition to any other requirements of this chapter, no application for zoning property as a planned unit development that includes a large scale retail store or a large scale retail development shall be approved unless the following requirements are satisfied:

(1) Size limitation. A large scale retail store may exceed 150,000 square feet in size only if the general development plan includes the following written findings:

A) That the proposed large scale retail store exceeding 150,000 square feet in size is reasonably necessary to accomplish the applicant’s business plan.

B) That the proposed large scale retail store includes features in its design that mitigate, to the extent reasonably possible, adverse impacts resulting from its size and a summary of the particular design features that will be used to mitigate such adverse impacts.

C) That the proposed large scale retail store can reasonably be expected to produce economic benefits for the city and its citizens which exceed the benefits that can be expected to accrue if the large scale retail store is less than 150,000 square feet in size.

(2) Impact analysis. The applicant has filed with the city plan commission before final action on the planned unit development application written analysis of the following:

A) Economic impact. An analysis of the economic impact of the proposed large scale retail store or large scale retail development funded by the applicant and prepared by a qualified professional. At a minimum the economic impact analysis shall contain:

1) A comprehensive list of assumptions used in completing the study. A draft of such assumptions shall be presented to the planning commission for review and the planning commission may direct that modifications be made to the assumptions and redirect the focus of the study.

2) A description of the market area for the proposed large scale retail store or large scale retail development.

3) An evaluation of the potential economic impacts of the proposed large scale retail store or large scale retail development on the city's business districts.

4) The anticipated change in sales tax and property tax revenues within the city resulting from development of the large scale retail store or a large scale retail development. If as a result of the large scale retail store or large scale retail development it is anticipated that a reduction in sales tax or property tax revenues generated from any other properties or businesses in the city will occur the anticipated reductions shall be identified and separately analyzed.

5) The projected net costs and long term benefits to the city related to necessary improvements to public services and infrastructure.

B) Traffic impact. A traffic impact analysis of the proposed large scale retail store or large scale retail development funded by the applicant and prepared by a licensed traffic engineer following Wisconsin department of transportation district one guidelines. The traffic impact analysis shall include weekend traffic generation and impact analysis and recommendations for mitigating potential impacts to the city's traffic circulation system. If the traffic impact analysis suggests that the project will have significant adverse impacts on the city's traffic circulation system the plan commission may require as a condition for approval that the applicant pay for required offsite improvements.

C) Municipal services impact. A municipal services impact analysis of the proposed large scale retail store or large scale retail development funded by the applicant and prepared by a qualified professional that identifies and analyzes each anticipated impact of the large scale retail store or large scale retail development on municipal services, including sanitary sewer, storm sewer, water, fire protection and police protection services.

D) Neighborhood impact. A neighborhood impact analysis of the proposed large scale retail store or large scale retail development funded by the applicant and prepared by a qualified professional containing sufficient documentation for the plan commission to evaluate the impact of the development on the immediate neighborhood surrounding the planned unit development. The following criteria shall be used by the plan commission in evaluating the project's impact on the neighborhood:

1) Whether the development is compatible with existing uses in the general vicinity.

2) Whether the architecture and site design of the development blends harmoniously with the architectural design and site characteristics of adjoining properties.

3) The relationship of the development to abutting zoning districts or anticipated land uses abutting the planned unit development as identified in the city's land use plan.

E) Independent review of impacts. The plan commission shall have authority to accept or reject any impact analysis presented by the applicant. If determined necessary by the plan commission and authorized by the council, the applicant shall provide adequate funding to the city to hire one or more consultants, selected by the plan commission, having appropriate education, training and experience to complete and present any impact study and analysis required by this section or to review the analysis presented by the applicant.

(3) Comparative site analysis. If a planned unit development that includes a large scale retail store or a large scale retail development is proposed for a site that is not located entirely within the city limits or that has been annexed to the city in whole or in part within three years before a request for rezoning to planned unit development then the applicant shall provide to the plan commission a written analysis documenting that sites located wholly within the city other than the proposed site were seriously considered for the planned unit development and explaining the reasons why such site or sites were not selected. The plan commission may direct that the municipal services impact analysis include the cost of providing municipal services to the selected site compared to the cost of providing municipal services to any reasonably suitable site located within the city that was not selected.

(4) Analysis of vacated large scale retail store. If the applicant knows or has reason to believe that an occupant of the large scale retail store or large scale retail development will relocate from an existing large scale retail store in the city then the

applicant shall provide to the plan commission an analysis of the anticipated short and long term reuses of the large scale retail store that will be vacated. An applicant shall be considered to have reason to believe that an anticipated occupant of the large scale retail store or large scale retail development will relocate from an existing large scale retail store if before final action on the planned unit development application by the plan commission a written or oral commitment to relocate to such large scale retail store or large scale retail development has been made by such anticipated occupant even if there remains one or more unsatisfied contingencies related to such commitment. Approval of the planned unit development may be conditioned on one or more of the following:

A) Reuse. Reasonable assurances that a productive use of a vacated site will be made within a reasonable period and that such reuse will continue for an extended period.

B) Redevelopment. If a vacated site is not capable of productive reuse reasonable assurances that such site will be redeveloped within a reasonable period.

(5) Site plan. File with the city plan commission before final action on the planned unit development application a detailed site plan drawn to scale showing the following:

A) Physical features. The location of setbacks, easements, all existing and proposed buildings and structures, access points, buffering, vehicular and pedestrian circulation patterns, parking, loading, storage and delivery areas, merchandise display areas, mechanical equipment, drainage, landscaping, and the specific location of the use or uses of the planned unit development.

B) Elevations. Elevation plans of all proposed structures.

C) Other. Other information necessary to establish that the requirements of this chapter will be met.

(6) Development agreement. Before action by the plan commission recommending rezoning to the planned unit development district of a parcel on which there exists or is proposed to be developed a large scale retail store or large scale retail development the applicant shall file with the plan commission a proposed development agreement that incorporates terms not materially inconsistent with the following:

A) Aesthetic character.

1) Facades and exterior walls:

A. Facades greater than 100 feet in length. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.

B. Ground floor facades. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other similar features along no less than 60 percent of their horizontal length.

2) Detail features.

A. Horizontal detail. Building facades must include a repeating pattern that includes no less than three of the following elements in the horizontal plane:

1. Color change;
2. Texture change;
3. Material module change;
4. An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.

B. Vertical detail. Building facades must include a repeating pattern that includes at least one of the following elements in the vertical plane:

1. Color change;
2. Texture change;
3. Material module change;

C. Repeat of detail features. All detail features shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

3) Roofs. Roofs shall have no less than two of the following features:

A. Parapets. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view.

B. Eaves. Overhanging eaves, extending no less than three feet past the supporting walls.

C. Sloping roofs. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.

D. Roof slope planes. Three or more roof slope planes.

4) Materials and colors.

A. Building exterior. Predominant exterior building materials shall be of high quality, including, but not limited to, brick, sandstone or other native stone or tinted or textured concrete masonry.

B. Façade. Facade colors shall be low reflectance, subtle, neutral or earth tone colors.

C. Trim. Building trim and accent areas may feature brighter colors, including primary colors.

B) Entryways. Each large scale retail store shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

1) Canopies or porticos;
2) Overhangs;
3) Recesses or projections;
4) Arcades;
5) Raised corniced parapets over the door;
6) Peaked roof forms;
7) Arches;
8) Outdoor patios;
9) Display windows;
10) Architectural details such as tile work and moldings which are integrated into the building structure and design;
11) Integral planters or wing walls that incorporate landscaped areas or places for sitting.

C) Site design.

1) Building entrances. All building entrances shall be architecturally prominent and clearly visible from the abutting public street.

2) Parking facilities. The preferred location for parking is within the side or rear building yards. If parking is provided in the front yard, then additional landscaping may be required between the parking area and the street right-of-way.

3) Back sides. The minimum setback for any building facade shall be 40 feet from the nearest property line. Where the facade faces abutting residential uses an earthen berm, no less than six feet in height and appropriate plantings or other landscaping elements shall be provided.

4) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses.

5) Natural features. The site design shall use the natural features and topography of the site to the maximum extent possible.

D) Pedestrian circulation.

1) Sidewalks. Sidewalks on site shall:

A. Link the site to existing public sidewalks and pedestrian trails.

B. Be provided along the full length of any structure where it abuts a parking lot and along the full length of any part of the site that abuts a public street.

C. Be located at least six feet from the facade of any building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

2) On-site pedestrian walkways. On site pedestrian walkways shall:

A. Connect focal points of pedestrian activity such as, but not limited to, public sidewalks, street crossings and building entrances. Where considered appropriate by the plan commission to enhance their attractiveness such walkways shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other suitable landscaping elements.

B. Include weather protection features such as awnings or arcades at all customer entrances.

C. Be distinguished from driving surfaces through the use of durable low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the walkways.

E) Bicycle parking facilities.

1) Number of bicycle parking spaces. A minimum of one bicycle parking space shall be provided for every 50 automobile parking spaces unless characteristics of the development dictate otherwise in which case the plan commission may require a greater or lesser number. Each bicycle parking space shall include a facility for securing the bicycle by chain, cable or other means. Bicycle parking spaces shall be provided in a location or locations that are reasonably convenient to building entrances.

2) Location of bicycle parking spaces. Bicycle parking spaces or related facilities shall not impede free pedestrian circulation on any sidewalk or pedestrian walkway.

F) Outdoor display areas. Outdoor display of merchandise shall be permitted only as follows:

1) Exterior display merchandise areas shall be permitted only where clearly depicted on the site plan.

2) Exterior display areas located other than on a building apron should be separated from motor vehicle routes, sidewalks and pedestrian walkways by a physical barrier visible to drivers and pedestrians.

3) Exterior display areas located on a building apron shall maintain a minimum unobstructed walkway width of 10 feet between the display items and any vehicle drives.

G) Outdoor storage, loading or unloading equipment and facilities. Outdoor storage, loading or unloading equipment and facilities, including loading docks, service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables shall be permitted only where clearly depicted and labeled on the site plan. Such facilities shall be appropriately screened or located so as to minimize any unsightly esthetic effects. No delivery, loading, unloading, trash removal or compaction activity shall be permitted between the hours of 10:00 PM and 7:00 AM unless sound barriers are provided that effectively reduce noise emissions from such operations to a level of 45 db or lower, as measured at the lot line of any adjoining property.

H) Central features and community space. Each large scale retail store or large scale retail development shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following, each of which shall have direct access to the public sidewalk network, and such features shall be constructed of materials that are not inferior to the principal materials of the building and landscape:

1) Patio or seating area;
2) Pedestrian plaza with benches;
3) Transportation center;
4) Window shopping walkway;
5) Outdoor playground area;
6) Kiosk area, water feature;
7) Clock tower;
8) Such deliberately shaped area or a focal feature or amenity that, in the judgment of the plan commission, adequately enhances such community and public spaces.

I) Parking. Parking lots and parking structures should not visually dominate the large scale retail store or large scale retail development setting and should enhance the city's aesthetic qualities and natural surroundings. Parking facilities should be designed and landscaped with increased emphasis on pedestrian ways that provide public connectivity to and through the site. The visual impacts of parking lots shall be mitigated through measures such as landscaping, screening, or situating

parking areas away from the front of buildings. Where practical parking areas should be separated into smaller delineated groupings of spaces separated by landscaping or other design elements. All parking areas of five or more vehicles shall be paved and graded according to a drainage plan designed and installed under accepted engineering practice. All drainage plans shall be reviewed and approved by the appropriate city staff.

J) Outdoor lighting. Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. The applicant must provide to the city information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses. The applicant shall submit to the city sufficient information, in the form of an overall exterior lighting plan, to enable the city to determine that the requirements of this section will be satisfied. The exterior lighting plan shall include at least the following:

1) Manufacturer specification sheets, cut-sheets or other information provided by the manufacturer for all proposed lighting fixtures.

2) The proposed location, mounting height, and aiming point of all exterior lighting fixtures.

3) If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance levels of the elevations, and the aiming point for any remote light fixture.

4) A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting and a computer generated photometric grid showing foot-candle readings every 10 feet within the property or site, and 10 feet beyond the property lines at a scale specified by city staff. Iso-footcandle contour line style plans are also acceptable.

K) Landscaping. A detailed landscape plan drawn to scale showing the following:

1) General design elements. General design elements in the following areas:

A. Screening of parking, storage areas, and unsightly objects such as public utilities and substations.

B. Creating buffer zones between residential, commercial and industrial areas.

C. Erosion control.

D. Wind and noise barriers.

E. Streetscape enhancement.

F. Improving the relationship of site to structure through the use of shade, screening, accent, and foundation plantings.

2) Locations. One or more of the general design elements in each of the following locations:

A. Along building foundations.

B. Along circulation drives.

C. Along the perimeter of the site.

D. Within parking lots.

3) Use of plantings. If plantings are used for landscaping the variety and species shall be disclosed on the landscape plan and shall be attractive, appropriate for the design objectives to be achieved and selected so as to minimize adverse impacts on underground utilities, generation of organic waste and street and sidewalk maintenance.

L) Signs. Exterior signage should provide for modest, coordinated, and complimentary exterior sign locations, configurations, and color throughout the site and should not be visually dominating. All freestanding signage within the development should complement signage affixed to structures within the site. The plan commission may require that signs for multiple businesses within the planned unit development be integrated and consolidated into one or more sign structures.

M) Reuse of site. The development agreement shall address in detail how the applicant intends to assure reuse of the site in the case that the applicant abandons the large scale retail store or large scale retail development. The plan

commission may require that the large scale retail store or large scale retail development be designed and developed to include features that enhance the flexibility of the site and structures (such as partitions or multiple entryways) so as to facilitate reuse by multiple tenants if the building or development is abandoned.

N) Adverse impacts. The development agreement shall address in detail how the adverse impacts identified in any impact analysis required by this chapter will be addressed in the development.

O) Deferred selection of options. If development will occur in phases the development agreement may provide that selection of certain options permitted by this chapter may be deferred until approval of the specific implementation plan for any phase, provided however, that any options selected in one phase shall be applied consistently in all other phases unless otherwise expressly provided in the development agreement.

P) Incorporation in general development plan. The development agreement shall be adopted by reference and made a part of the general development plan. The city may at its option enforce the development agreement as a part of the general development plan. Remedies shall be cumulative and the choice of one remedy by the city shall not preclude another remedy.

Q) Authority of plan commission to waive requirements. The plan commission may waive any one or more of the required terms of the development agreement if the plan commission makes an affirmative finding that a literal enforcement of this section would result in unnecessary hardship or would not further the interests of the city.

(D) Existing large scale retail store or large scale retail development. A large scale retail store or large scale retail development lawfully existing on the effective date of this section that by virtue of enactment of this section becomes a non-conforming use may be rezoned to a planned unit development without complying with the procedures set forth in paragraphs (A) and (C) of this section. The applicant shall comply with the requirements of paragraph (B) of this section, provided however, the criteria set forth in section 5-12-4 of this chapter shall not be applied to deny an application where the characteristics and impacts of such development will not be materially different following approval than the characteristics and impacts existing on the effective date of this section.

5-12-6: Approval of general development plan:

(A) Approval of the rezoning and related general development plan shall establish the basic right of use for the area when in conformity with the plan as approved.

(B) Upon final approval of and adoption of the zoning change to the planned unit development district, all plans submitted as well as other commitments, restrictions and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the zoning administrator and shall be referred to in regard to enforcement or modification of the development plans.

5-12-7: Phase approval: Detailed plans are not required to be completed when zoning is approved. However, before commencement of any phase, the city plan commission shall review and approve a specific implementation plan. This approval may be granted administratively by the city plan commission and is contingent upon:

(A) Filing of the specific implementation plan with the city plan commission by the applicant. Said plan shall include the following:

(1) A final plat of the phase area showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways, and parking facilities.

(2) The location and treatment of open spaces areas.

(3) The arrangement of building groups other than single-family residences and all final landscape plans.

(4) Architectural drawings and sketches illustrating the design of proposed structures.

(5) A utility plan locating all utility installations.

(6) A storm water drainage and erosion control plan.

(7) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned unit development.

(B) At the option of the city plan commission, the applicant shall provide for the development of park lands, playgrounds and other public spaces. At the option of the city plan commission, the applicant shall provide one of the following:

(1) Dedication of area equal in amount to at least five percent of the area of the planned unit development district exclusive of streets and alleys. The city plan commission shall have the option of dictating the lands to be used to fulfill this requirement; or

(2) Payment of monies to a nonlapsing fund for park land development. The city plan commission may require the applicant to pay to the city a sum of money, on a per unit basis in the case of a planned unit development, for the development of park lands or playgrounds. All monies paid thereunder shall be paid to a nonlapsing fund maintained by the city and administered by the council, to purchase and develop park lands or playgrounds. The sum of money to be paid by the applicant shall be $100.00 for each unit to be developed for single-family residential use. If more than one family unit is allowed, an additional $50.00 per unit shall be assessed. If payment of a fee is required by the city plan commission, such fee shall be assessed as a condition for, city plan commission approval of the specific implementation plan. Such fee shall be due and payable in cash upon approval of the specific implementation plan.

(C) At a regular meeting, the city plan commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the specific implementation plans, said plans shall be filed with the zoning administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions or contractual agreements with the city which have not been previously recorded shall be recorded with the Green County register of deeds office before final issuance of building permits for the phase.

5-12-8: Modifications: Any change of use of any parcel of land or addition to or modification of any approved development plans shall be submitted to the city plan commission for approval. Minor changes can be granted administratively. If, in the opinion of the city plan commission, the modification constitutes a major change of the original development plan, a new application shall be required to be submitted to the council for approval under the procedures provided in this chapter.

5-12-9: Fees: Fees for processing an application to zone property to the planned unit development district or for processing changes or additions to an approved general development plan or specific implementation plan shall be set by resolution of the council.

Chap. 5-12 history: 5-12-1*: 1993-2-17; 2016 code;* ***5-12-2****: 1993-2-17; 2006-6-6; 2016 code;* ***5-12-3****: 1993-2-17; 2006-6-6; 2016 code;* ***5-12-4****: 1993-2-17; 2006-6-6; 2016 code;* ***5-12-5****: 1993-2-17; 2006-6-6; 2016 code;* ***5-12-6****: 1993-2-17; 2016 code;* ***5-12-7****: 1993-2-17; 2016 code;* ***5-12-8****: 1993-2-17; 2016 code;* ***5-12-9****: 2015-2-17; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 13: TRAFFIC, PARKING AND ACCESS

5-13-1 Traffic, parking and access
5-13-2 Loading requirements
5-13-3 Parking requirements
5-13-4 Number of parking spaces required
5-13-5 Parking area specification

5-13-1: Traffic, parking and access:

(A) No obstructions, such as structures, fences, signs, parking, or vegetation, shall be permitted between the heights of 2 ½ feet and 10 feet above the plane through mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley property lines and a line joining points on such lands located a minimum of 20 feet from their intersection.

(B) At any intersection at which an arterial street or a major collector street intersects with another arterial street, major collector street or railway, no obstructions, such as structures, fences, signs, parking, or vegetation, shall be permitted between the heights of 2 ½ feet and 10 feet above the plane through mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley property lines and a line joining points on such lands located a minimum of 30 feet from their intersection.

5-13-2: Loading requirements: In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways so that no vehicle need back onto any public way.

5-13-3: Parking requirements: In all districts and, there shall be provided off street parking stalls for all vehicles as follows:

(A) When required: In all districts, there shall be provided when any building is erected, enlarged, extended, increased or has a change of use, off street parking spaces for automobiles as set forth in this chapter. The number of required parking spaces be waived when a building is enlarged on a lot located within 600 feet of an adequate public parking facility.

(B) Minimum size: Each required off street parking space shall be at least 9 ½ feet wide and 18 feet long, exclusive of access ways and aisles, and shall have at least seven feet of vertical clearance. A lesser width or length, or both width and length, of any off street parking space or group of spaces shall be a conditional use in the applicable zoning district and may be allowed only upon completion of all procedures required for issuance of a conditional use permit. Every space shall be situated so that no part of any parked vehicle overhangs the public right of way. Markings shall be laid and restored as often as necessary to clearly delineate each parking space.

(C) Accessway: The right of ingress to and egress from a parking space is through an access aisle and will be limited to driveway entrances and exits specified in the approved parking area plan.

(1) No accessway to any parking area shall be closer than 30 feet from any lot line corner on a 60 foot wide or less right of way and for a right of way greater than 60 feet, said distance shall be increased one foot for every one foot increase in the right of way width up to a maximum distance of 50 feet. A corner is formed by the intersection of the right of way of two or more streets. At intersections where traffic control devices are installed, the board of public works may increase this requirement as necessary to prevent hazards. The requirements of this paragraph shall apply to new off street parking areas and parking areas in the city on May 1, 1988, at such time as they are resurfaced by the application of a new coat of paving material other than a sealer, or the removal of paving and replacement with new pavement, or when the street upon which they abut undergoes any replacement of curb and gutter on the entire lot by the city. Curb cuts and entrances to parking and loading areas shall be approved by the board of public works.

(2) Parking area accessways (including residential driveway) and public streets shall be aligned to form right angles, as closely as feasible. The access drive width for a residential district parking area shall be by either a single drive, 10 feet wide, one 2-way drive at least 20 feet wide or by two 1-way drives, each at least 10 feet wide.

(3) The accessway to every parking or loading space located in any business district or in the industrial district shall be at least 16 feet wide unless two 1-way drives, each 12 feet wide, are provided.

(D) Interior aisles: Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles' designed dimensions shall be according to parking lot table of dimensions.

5-13-4: Number of parking spaces required:

(A) Floor area defined: When used in this section "floor area", in the case of offices, merchandising or service types of uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for nonpublic purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or restrooms, for utilities, or for dressing rooms, fitting or alteration rooms.

(B) The number of off street parking spaces required shall be as follows:

Automobile or machinery sales and service garages:	1 for each 800 sq. ft. floor area
Banks, business and professional offices:	1 for each 600 sq. ft. of floor area
Churches and schools:	1 for each 10 seats in an auditorium or 1 for each17 classroom seats, whichever is greater
Dance halls and assembly halls without fixed seats, exhibition halls except assembly rooms in conjunction with auditorium:	1 for each 100 sq. ft. of floor area used for assembly or dancing
Dwellings	
(single-family):	1 for each dwelling unit.
(multi-family):	1 for each family dwelling unit,
Funeral homes, mortuaries:	10 for each parlor
Furniture and appliances stores, household equipment or furniture repair shop of over 1,000 sq. ft. floor area:	1 for each 600 sq. ft. of floor area
Hospitals:	1 for each 2 beds
Hotels, lodging houses:	1 for each 2 bedrooms
Manufacturing plant, research or testing laboratories, bottling plants of over 1,000 sq. ft. in area:	1 for each 2 employees in the maximum working shift, or for each 1,200 sq. ft. of floor area, whichever is greater
Medical or dental clinics:	1 for each 200 sq. ft. of floor area
Motels and motor hotels:	1 space for each living or sleeping unit
Restaurants, taverns and night clubs, of over 1,000 sq. ft. in area:	1 for each 200 sq. ft. of floor area
Retail stores, shops, etc. of over 2,000 sq. ft. floor area:	1 for each 200 sq. ft. of floor area
Sanitariums, convalescent homes, children's homes:	1 for each 6 beds
Sports arenas, auditoriums, theaters, assembly halls other than schools:	1 for each 6 seats
Wholesale establishments or warehouses:	1 for each 3 employees on maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater

5-13-5: Parking area specifications: Every parcel of land used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained under the following requirements:

(A) Screening and landscaping: Off-street parking areas which abut an adjacent residential district lot or lots, shall be provided with a masonry wall, solid screen planting of appropriate shrubs or an opaque wooden fence of a height of not less than four feet along the entire boundary, common to both the residential district lot or lots and the parking area. Lights used to illuminate such parking lots shall be so arranged as to reflect lighting away from the adjoining premises in a residential district.

(B) Minimum distance and setback: No part of any parking area for more than five vehicles shall be closer than 10 feet to any dwelling located on an adjoining lot, unless screened by an unpierced masonry wall.

(C) Surfacing: Any off-street parking area for more than five vehicles shall be surfaced with an asphaltic or Portland cement binder pavement within one year of construction of the main use so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading and unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an "M" District if more than 200 feet distant from any residential district, except that a dustless surface shall be provided in any case.

(D) Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.

(E) Green area: Every off-street parking area except those required to comply with subsection (A) of this section, or with more than one traffic aisle, shall contain within the boundaries of the parking area a raised buffer strip/island green space or spaces equal to no less than five percent of the area within the boundaries of the parking area. Green spaces shall run parallel with the length of interior aisles and between the front lines of two adjacent parking spaces, unless parking spaces are

along the perimeter of the parking area, which is not adjacent to parking space on an adjacent lot, then no green space is required. The green space shall contain grass, or evergreen shrubs or evergreen plantings and other landscaping, and shall be maintained in good condition for aesthetics and to aid in the safe direction of traffic flow.

(1) The requirements of this subsection shall not apply to any parking ramp.

(2) The requirements of this subsection shall apply to off-street parking areas existing in the city on January 2, 1985 when they are re-surfaced by the application of a new coat of paving material other than a sealer, or the removal of paving and replacement with new pavement.

Chap. 5-13 history: 5-13-1*: 2004-3-2; 2016 code;* ***5-13-2****: 1986-10-21; 2016 code;* ***5-13-3****: 1988-3-15; 1996-1-2; 2008-9-2; 2016 code;* ***5-13-4****: 2016 code;* ***5-13-5****: 1986-10-21; 1988-3-15; 1988-7-19; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 14: NONCONFORMING USES

5-14-1 Existing nonconforming uses
5-14-2 Existing nonconforming structures
5-14-3 Changes and substitutions
5-14-4 Substandard lots

5-14-1: Existing nonconforming uses:

(A) Continuation: The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this title may be continued, although the use does not conform with the provisions of this title, provided, however:

(1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required by law or order or so as to comply with the provisions of this title.

(2) The total lifetime structural repairs or alterations shall not exceed 50 percent of the assessed value of the structure when it becomes a nonconforming use unless it is permanently changed to conform to the use provisions of this title.

(3) Substitution of new equipment may be permitted by the council if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(B) Abolishment or replacement of nonconforming use: If a nonconforming use is discontinued or terminated for 12 months, any future use of the structure, land or water shall conform to the provisions of this title. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 60 percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this title. From the date of adoption of this chapter a current file of all nonconforming uses discovered shall be maintained by the zoning administrator, listing the following:

(1) Owner's name and address.

(2) Use of the structure, land or water.

(3) Assessed value when it becomes a nonconforming use.

(C) Approved changes to nonconforming uses: A structure, land or water existing at the time of the adoption or amendment of this title, the use of which was nonconforming at the time of the adoption or amendment of this title, which was changed following action by the plan commission approving such change, shall for all purposes be considered, as of the date of such change, to be a lawful nonconforming use under this title.

5-14-1: Existing nonconforming structures:

(A) Any lawful nonconforming structure existing at the time of the adoption or amendment of this title may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this title. However, any such nonconforming structure shall not be extended, enlarged, reconstructed, moved or structurally altered except when required by law or order or so as to comply with the provisions of this title.

(B) Notwithstanding subsection (A) of this section, a lawful nonconforming structure may be extended or enlarged where:

(1) The structure's nonconformance with the provisions of this title is limited to nonconformance with the applicable regulations governing the depth of front yards, width of side yards, or depth of rear yards; and

(2) The extension or enlargement of the structure does not substantially alter that part of the structure that existed immediately before such extension or enlargement; and

(3) The total lifetime extensions or enlargements do not increase the size of the structure by more than 50 percent of the size when it became a nonconforming use; and

(4) The extension or enlargement of the structure does not further violate any other regulations established by this code.

5-14-3: Changes and substitutions: Once a nonconforming use or structure has been changed to conform, it shall not revert

back to a nonconforming use or structure. Once the council has permitted the substitution of a more restrictive nonconforming use for a nonconforming use, the less restrictive use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the council.

5-14-4: Substandard lots: In any residential district, structures may be erected on any lot which was a legal lot of record before April 20, 1976, provided that the area, the width and the depth of such lot shall be no less than 80 percent of the required minimum set forth in section 5-3-3 of this title.

Chap. 5-14 history: 5-14-1*: 2001-9-18; 2016 code;* ***5-14-2****: 2000-2-15; 2016 code;* ***5-14-3****: 1986-10-21; 2016 code;* ***5-14-4****: 1986-10-21; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 15: CHANGES AND AMENDMENTS

5-15-1 Authority
5-15-2 Initiation:
5-15-3 Petitions
5-15-4 Recommendations
5-15-5 Hearings
5-15-6 Council's action:
5-15-7 Protest

5-15-1: Authority: Whenever the public necessity, convenience, general welfare or good zoning practice require, the council may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this title or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the plan commission.

5-15-2: Initiation: A change or amendment may be initiated by the council, the city plan commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

5-15-3: Petitions: Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the city clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and zoning and have attached the following:

(A) Plot plan drawn to a scale of not greater than one inch equals 200 feet showing the area proposed to be rezoned, its location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(B) Owner's names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

5-15-4: Recommendations: The city plan commission shall review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified or denied.

5-15-5: Hearings: The council shall hold a public hearing upon each recommendation giving public notice as required by law.

5-15-6: Council's action: Following the hearing required by section 5-15-5 of this chapter and after consideration of the city plan commission's recommendations, the council shall vote on the passage of the proposed change or amendment. Changes to district boundaries must be shown on the zoning map on the effective date of the change.

5-15-7: Protest: In the event of a protest against a district or amendment to the regulations of this title, signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in a proposed change, or by the owners of 20 percent or more of the land within 100 feet of any boundary of the land included in a proposed change, such changes or amendments shall not become effective except by the favorable vote of three-fourths of the full council membership.

Chap. 5-15 history: 5-15-1*: 1986-10-21; 2016 code;* ***5-15-2****: 1986-10-21; 2016 code;* ***5-15-3****: 1986-10-21; 2016 code;* ***5-15-4****: 1986-10-21; 2016 code;* ***5-15-5****: 1993-1-5; 2016 code;* ***5-15-6****: 1986-10-21; 2016 code;* ***5-15-7****: 1986-10-21; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 16: BUFFERYARDS

5-16-1 Purpose
5-16-2 Location of bufferyards
5-16-3 Determination of bufferyard requirements
5-16-4 Bufferyard requirements
5-16-5 Use of bufferyards
5-16-6 Ownership of bufferyards
5-16-7 Excess bufferyard
5-16-8 Contractual reduction of bufferyard abutting vacant land
5-16-9 Minimum plant size
5-16-10 Table and illustrations

5-16-1: Purpose: The bufferyard is a unit of yard and the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this chapter are designed to reduce incompatibilities between adjacent land uses or between a land use and a public road. Bufferyards are intended to separate different land uses from each other and thereby eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts and noise, odor, or danger from fires or explosions.

5-16-2: Location of bufferyards: Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right of way.

5-16-3: Determination of bufferyard requirements:

(A) The bufferyard required in a particular case shall be determined from the table and illustrations in section 5-16-10 of this chapter.

(B) Responsibility for bufferyard:

(1) When a use is the first to develop on two adjacent vacant parcels, this first use shall provide the buffer which is required next to vacant land.

(2) The second use to develop shall, when it develops, provide all additional plant material and land necessary to provide the total bufferyard required between those two uses.

(C) Plant material and land located on the pre-existing (first developed) land use which meets the requirements of this Chapter may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

5-16-4: Bufferyard requirements:

(A) The illustrations in section 5-16-10 of this chapter graphically show the specifications of each bufferyard. Each illustration depicts the total bufferyard located between two uses. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options illustrated. The "plant and multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in this section. A list of acceptable plant materials shall be kept on file in the city engineer's office.

(B) Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structure required" in the illustrations, and their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity use. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use to provide maximum sound absorption.

(C) The following plant material substitutions shall satisfy the requirements of this section.
defgk

(1) In bufferyards D and E, evergreen canopy or evergreen understory trees may be substituted for deciduous canopy forest trees without limitation.

(2) In bufferyards A, B and C, evergreen canopy or evergreen understory trees may be substituted as follows:

A) In the case of deciduous canopy forest trees, up to a maximum of 50 percent of the total number of the deciduous canopy trees otherwise required.

B) In the case of deciduous understory, without limitation.

(3) In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.

(4) In all bufferyards required of public service uses, the public service use may substitute evergreen canopy or evergreen understory plant materials for canopy forest trees and understory plant materials, without limitation.

(D) The following structures are equivalent and may be used interchangeably, so long as both structures are specified in the bufferyard illustrations.

Structure	Equivalent Structure
F3	B1
F4	B2
F5	B3
F6	BW1
B1	F3
B2	F4
B3	F5
BW1	F6

(E) If the development on the adjoining use is existing or planned for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

(F) Any plant material existing at the time buffer requirements are being considered, which otherwise satisfies the requirements of this section, may be counted toward satisfying all such requirements.

(G) The exact placement of plants and structures shall be the decision of each user, except that the following requirements shall be satisfied:

(1) Evergreen (or conifer) plant materials shall be planted in clusters rather than singly to maximize their chances of survival.

(2) Berms with masonry walls (BW1, BW2, and BW3) required on bufferyard J and K options are intended to buffer more significant nuisances from adjacent uses, and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.

A) When berms with walls are required, the masonry wall shall be closer than the berm to the higher intensity use.

B) With a bufferyard, a planting area at least five feet wide containing 15 percent of the total plant requirements (based on the multiplier = 1) shall be located between the masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sizes to reduce noise in conjunction with the wall.

5-16-5: Use of bufferyards:

(A) A bufferyard may be used for passive recreation; it may contain pedestrian, bike, or equestrian trails, provided that:

(1) No plant material is eliminated,

(2) The total width of the bufferyard is maintained, and

(3) All other regulations of this title are met.

(A) The following uses shall not be permitted in bufferyards: ice skating rinks, playfields, ski hills, stables, swimming pools, and tennis courts.

5-16-6: Ownership of bufferyards: Bufferyards may remain in the ownership of the original developer (and assigns) of a land

use, or they may be subjected to restrictive covenants and may be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park, the city, or an open-space conservation group, if any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this chapter.

5-16-7: Excess bufferyard: Where the bufferyard required between a land use and vacant land is greater than that bufferyard which is required between the first use and a later developed use, the following options apply:

(A) The later use may provide one-half of the buffer required. The first use may expand its use into the original buffer area, if the resulting bufferyard between the two uses meets the total bufferyard requirement.

(B) The first use may enter into agreements with abutting landowners to use its buffer to provide some or all of the required bufferyard of both land uses. The final buffer shall equal the total requirement. If such an agreement is made, the first use may provide the second use some or all of its required bufferyard and extra land on which it might develop. The first use may reduce its excess buffer by transferring part or all of the excess buffer to the adjoining landowner to serve as its buffer. Any remaining excess buffer area may be used by the first use for expansion of that use or for transfer by it to the adjoining landowner to expand that adjoining use.

5-16-8: Contractual reduction of bufferyard abutting vacant land: When a land use is proposed adjacent to vacant land, and the owner of that vacant land enters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be provided by that first use if the contract contains a statement by the owner of the vacant land of the owner's intent to develop at no more than a specified land use intensity and an agreement by that vacant landowner to assume all responsibility for additional buffer, if needed by the later development of a more intense use than had been agreed upon.

5-16-9: Minimum plant size: Except as otherwise set forth in this title, all plant materials shall meet the following minimum size standards:

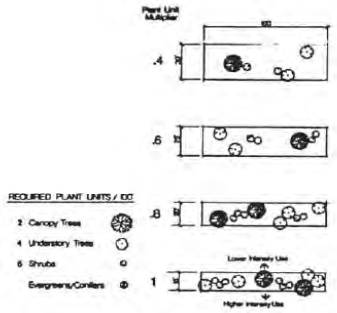
Plant Material Type	Planting in Bufferyards abutting vacant lands	All other plantings
Canopy Tree		
Single Stem	1 1/2 inch caliper	2 1/2 inch caliper
Multi-Stem Clump	6 feet (height)	10 feet (height)
Understory Tree	4 feet (height)	1 1/2 inch caliper
Evergreen Tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inches (height)	24 inches (height)
Evergreen	23 inches (height)	18 inches (height)

5-16-10: Table and illustrations: See following pages for table and illustrations applicable to this chapter.

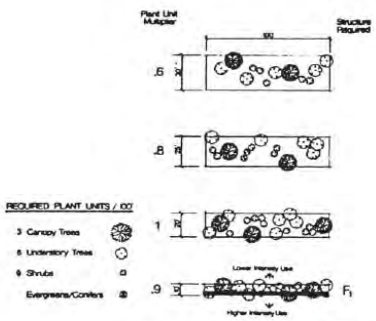
REQUIRED BUFFERS ZONES

Adjacent Land Use

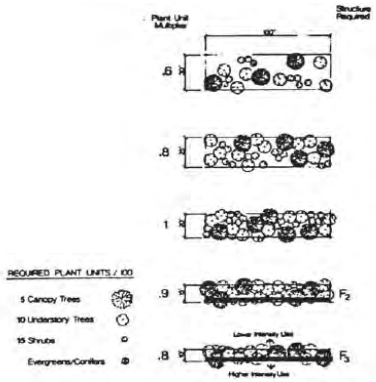
Proposed Land Use District	District: R1	R2	R3	CBD	GBD	A1/A2	M1	M2	M3
R1									
R2									
R3	A	A							
CBD	A	A							
GBD	B	B	B						
A1/A2	A	A	A	A	A				
M1	D	D	D	A	A	B			
M2	E	E	E	C	C	C			
M3	E	E	E	C	C	C			



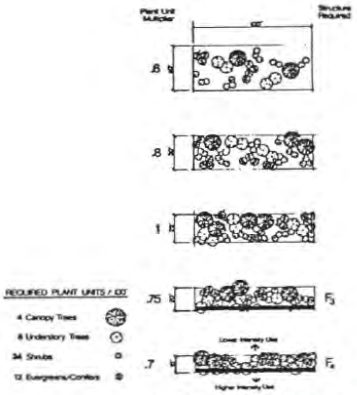
BUFFERYARD A



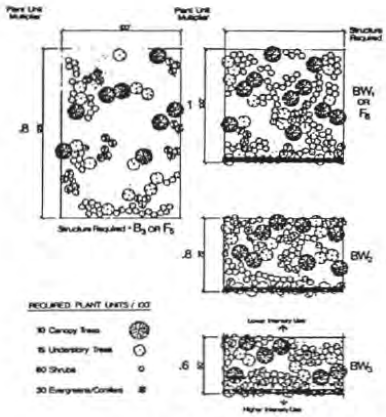
BUFFERYARD B



BUFFERYARD C

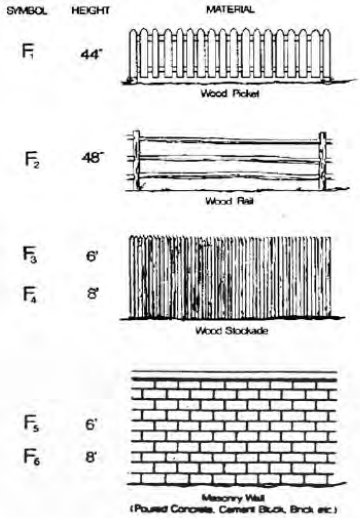


BUFFERYARD D

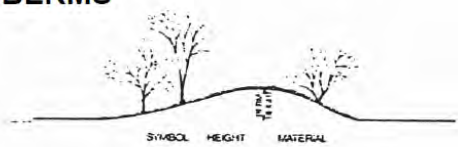


BUFFERYARD E

FENCES

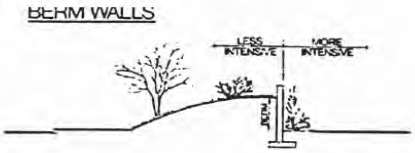


BERMS



SYMBOL	HEIGHT	MATERIAL
B_1	4'	EARTH
B_2	5'	"
B_3	6'	"

BERM WALLS



SYMBOL	HEIGHT
BW_1	4' BERM W/ 6' MASONRY WALL
BW_2	5' BERM W/ 7' MASONRY WALL
BW_3	6' BERM W/ 8' MASONRY WALL

Chap. 5-16 history: ***5-16-1****: 1986-10-21; 2016 code;* ***5-16-2****: 1986-10-21; 2016 code;* ***5-16-3****: 1986-10-21; 2016 code;* ***5-16-4****: 1986-10-21; 2016 code;* ***5-16-5****: 1986-10-21; 2016 code;* ***5-16-6****: 1986-10-21; 2016 code;* ***5-16-7****: 1986-10-21; 2016 code;* ***5-16-8****: 1986-10-21; 2016 code;* ***5-16-9****: 1986-10-21; 2016 code;* ***5-16-10****: 1986-10-21; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 17: FLOODPLAIN REGULATIONS

5-17-1 Intent, purpose and general provisions
5-17-2 Definitions
5-17-3 General standards applicable to all floodplain districts
5-17-4 Floodway district (FW)
5-17-5 Flood fringe district (FF)
5-17-6 General floodplain district (GFP)
5-17-7 Flood storage district
5-17-8 Nonconforming uses
5-17-9 Administration
5-17-10 Amendments
5-17-11 Enforcement and penalties

5-17-1: Intent, purpose and general provisions:

(A) Statutory authorization: This chapter is adopted pursuant to the authorization in section 62.23 and section 87.30 of the Wisconsin statutes.

(B) Finding of fact: Uncontrolled development and use of the floodplains and rivers of the city would impair the public health, safety, convenience, general welfare and tax base.

(C) Statement of purpose: This chapter is intended to regulate floodplain development to protect life, health and property, minimize expenditures of public funds for flood control projects, minimize rescue and relief efforts undertaken at the expense of the taxpayers, minimize business interruptions and other economic disruptions, minimize damage to public facilities in the floodplain, minimize the occurrence of future flood blight areas in the floodplain, discourage the victimization of unwary land and homebuyers, prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and 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 chapter shall be known as the floodplain zoning code for Monroe, Wisconsin.

(E) General provisions:

(1) Areas to be regulated. This chapter regulates all areas within the limits of the city that would be covered by the regional flood or base flood.

(2) Official maps and revisions.

A) The boundaries of all floodplain districts are designated as floodplains or A-Zones on the following maps and the revisions in the city of Monroe floodplain appendix: Flood Insurance Rate Map, panel numbers 055045C0175G, 55045C0281G, 55045C0282G, 55045C0283G, 55045C0284G, 55045C0301G, 55045C0302G, and 55045C0303G, dated May 18, 2009; with corresponding profiles that are based on the Flood Insurance Study, number 55045CV000A, dated May 18, 2009; and

B) Any change to the base flood elevations in the Flood Insurance Study or on the Flood Insurance Rate Map shall be reviewed and approved by the department and FEMA before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the department.

C) The zoning administrator shall maintain a file containing these maps and revisions. If more than one map or revision is referenced, the most restrictive information shall apply.

(3) Establishment of districts. The regional floodplain areas are divided into four districts as follows:

A) The floodway district (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

B) The flood fringe district (FF) is that portion of the floodplain between the regional flood limits and the floodway.

C) The general floodplain district (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

D) The flood storage district (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) Locating floodplain boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs A) or B) of this subsection. If a significant difference exists, the map shall be amended according to section 5-17-10. 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 5-17-9(D) and the following criteria:

A) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional flood 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.

(5) Removal of lands from floodplain. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional flood or base flood elevation, the fill is next to land outside the floodplain, and the map is amended under section 5-17-10. To remove flood insurance requirements, the property owner must contact FEMA to request a letter of map change.

(6) Compliance. Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter, and other applicable local, state, and federal regulations.

(7) 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 section 13.48(13) of the Wisconsin statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin department of transportation are exempt when section 30.2022 of the Wisconsin statutes applies.

(8) Abrogation and greater restrictions.

A) This chapter supersedes all the provisions of any city zoning code enacted under section 62.23 or section 87.30 of the Wisconsin statutes, which relate to floodplains except that where another city zoning code is more restrictive than the provisions contained in this chapter, that code shall continue in effect to the extent of the greater restrictions, but not otherwise.

B) This chapter is not intended to repeal, abrogate or impair any deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(9) Interpretation. The interpretation and application of the provisions of this chapter shall be held to be minimum requirements liberally construed in favor of the city, and shall not be considered a limitation on or repeal of any other powers granted by the Wisconsin statutes. Where a provision of this chapter is required by a standard in chapter NR 116 of the Wisconsin administrative code, and where the chapter provision is unclear, the provision shall be interpreted in light of the chapter NR 116 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

(10) Warning and disclaimer of liability. The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damage. Nor does this chapter create liability 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.

(11) Severability. Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(12) Annexed areas. The Green 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 a code which meets the requirements of Chapter NR 116 of the Wisconsin administrative code and the national flood insurance program. These annexed lands are described on the city's official zoning map. Green County floodplain zoning provisions are incorporated by reference for administering this section and are on file in the office of the zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(13) General development standards. The building inspector shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damage; 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 set forth in this paragraph. All subdivision proposals, including mobile home parks, shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter.

5-17-2: Definitions: In this chapter:

“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.

“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 Flood Insurance Study and depicted on a Flood Insurance Rate Map.

“Bulkhead” means a geographic line along a reach of navigable water that has been adopted as a city code and approved by the department under section 30.11 of the Wisconsin statutes, and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

“Campground” means any parcel of land which is designed, maintained, intended or used for 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 are in compliance with all of the provisions of this chapter.

“Channel” means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

“Crawlway” means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

“Deck” means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

“Department” means the Wisconsin department of natural resources.

“Development” means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage systems or water supply facilities.

“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, 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” 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 this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

“Expansion to manufactured home park” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and

either final site grading, or the pouring if concrete pads.

“Fema” means the federal agency known as the federal emergency management agency that administers the National Flood Insurance Program.

“Flood insurance rate map” 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 FEMA.

“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; or 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.

“Floodfringe” means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

“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 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. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the National flood insurance program.

“Floodplain” means land which has been or may be covered by flood water during the regional flood. it includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

“Floodplain management” means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

“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.

“Floodproof” means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, to reduce or eliminate flood damage.

“Flood protection elevation” means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood.

“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” means any structure or portion thereof used or designed for human habitation.

“High flood damage potential” means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

“Historic structure” means any structure that is either: a) listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register; b) certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; c) individually listed on a state inventory of historic places in states with historic preservation programs which have been

approved by the secretary of the interior; or d) individually listed on city's 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 are 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.

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. Manufactured home includes a mobile home but does not include a mobile recreational vehicle.

"Mobile recreational vehicle" shall have the meaning set forth in section 4-2-3 of this code.

"North American vertical datum" means elevations referenced to mean sea level datum, 1988 adjustment.

"National geodetic vertical datum" means elevations referenced to mean sea level datum, 1929 adjustment.

"New construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the city and includes any later improvements to such structures. To determine flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any later improvements to such structures.

"Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or with any future development will cause an increase in regional flood eight.

"Official floodplain zoning map" means those maps, adopted and made part of this chapter, as described in subsection 5-17-1(E)(2), which has been approved by the department and FEMA.

"Open space use" means those uses having a relatively low flood damage potential and not involving structures.

"Ordinary highwater mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

"Private sewage system" means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of safety and professional services, 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 flood waters 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 Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the flood insurance rate map, the regional flood elevation is equivalent to the base flood elevation.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets 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 structure, 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.

"Subdivision" shall have the meaning set forth in section 6-1-3 of this code.

"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.

"Floodplain zoning 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 this chapter.

"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.

5-17-3: General standards applicable to all floodplain districts:

(A) Hydraulic and hydrologic analyses:

(1) No floodplain development, except as provided in subsection 5-17-3(A)(3) of this section, shall be allowed in floodplain areas which will:

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 flood 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 flood insurance rate map or other adopted map, unless the provisions of subsection 5-17-3(A)(3) 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, under section 5-17-10. Any such alterations must be reviewed and approved by FEMA and the department.

(B) Watercourse alterations:

(1) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the zoning administrator has notified in writing all adjacent municipalities, the department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

(2) 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 under national flood insurance program guidelines that shall be used to revise the flood insurance rate map, risk premium rates and floodplain management regulations as required.

(C) Development under chapters 30 and 31 of the Wisconsin statutes: Development which requires a permit from the department, under chapters 30 and 31 of the Wisconsin statutes, 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, base flood elevations established in the flood insurance study, or other data from the officially adopted Flood Insurance rate map, or other floodplain zoning maps or this chapter are made, under section 5-17-10.

(D) Public or private campgrounds: Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(1) The campground is approved by the Wisconsin 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 subsection 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 5-17-3(D)(4), to remain in compliance with all applicable regulations, including those of the Wisconsin 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 assure 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 section 5-17-4 or 5-17-5, 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, private sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

5-17-4: Floodway district (FW):

(A) Applicability: This section applies to all floodway areas on the official floodplain zoning maps and those identified under section 5-17-6(D).

(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 code; they meet the standards in section 5-17-4(C) and 5-17-4(D); and all permits or certificates have been issued according to section 5-17-9(B):

(1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of section 5-17-4(C)(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with sections 5-17-4(C) and 5-17-4(D) of this chapter.

(5) Extraction of sand, gravel or other materials that comply with section 5-17- 4(C)(4).

(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 chapters 30 and 31 of the Wisconsin statutes.

(7) Public utilities, streets and bridges that comply with section 5-17-4(C)(3).

(C) Standards for developments in floodway areas:

(1) General:

A) Any development in floodway areas shall comply with section 5-17-3 and have a low flood damage potential.

B) Applicants shall provide the following data to determine the effects of the proposal according to section 5-17-3(A):

1) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

2) 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 5-17-4(C)(1)B).

(2) Structures: Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

A) The structure is not designed for human habitation and does not have a high flood damage potential;

B) The structure must be anchored to resist flotation, collapse and lateral movement;

C) The structure's mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

D) The structure must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(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 section 5-17-3(A).

(4) Fills or Deposition of Materials: Fills or deposition of materials may be allowed by permit, if:

A) The requirements of section 5-17-3(A) are met;

B) No material is deposited in the navigable channel unless a permit is issued by the department pursuant to Chapter 30 of the Wisconsin statutes, and a permit under section 404 of the federal water pollution control act, amendments of 1972 (33 U.S.C. 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 section 5-17-4(B) 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 before flooding and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local codes and chapter SPS 383 of the Wisconsin administrative code;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local codes and chapters NR 811 and NR 812 of the Wisconsin administrative code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under section NR 110.15(3)(b) of the Wisconsin administrative code; or

(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.

5-17-5: Flood fringe district (FF):

(A) Applicability: This section applies to all flood fringe areas shown on the official floodplain zoning maps and those identified under section 5-17-6(D).

(B) Permitted uses: Any structure, land use, or development is allowed in the flood fringe district if the standards in section 5-17-5(C) are met, the use is not prohibited by this or any other code or regulation and all permits or certificates specified in section 5- 15-9(B) have been issued.

(C) Standards for development in flood fringe areas: section 5-17-3(A) 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 flood fringe 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 streets or sewer lines make compliance 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 5-17-5(C)(1)D).

D) In developments where street or sewer line elevations make compliance with subsection 5-17-5(C)(1)C) impractical, the city may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

1) The city has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2) The city has a natural disaster plan approved by Wisconsin emergency management and the department.

(2) Accessory structures or accessory uses:

A) Except as provided in subsection 5-17-5(C)(2)B), 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 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 subsection 5-17-4(C)(2)A)-D) and subsection 5-17-5(C)(5).

(3) Commercial uses: Any commercial structure which is erected, altered or moved into the flood fringe area shall meet the requirements of subsection 5-17-5(C)(1). Subject to the requirements of subsection 5-17-5(C)(5), 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 flood fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other floodproofing measures in section 5-17-9(F). Subject to the requirements of subsection 5-17-5(C)(5), 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 5-17-9(F). 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 public 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 considered essential, construction of substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with section 5-17-9(F) 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, under section 5-17-9(F), to the flood protection elevation and shall meet the provisions of all local codes and chapter SPS 383 of the Wisconsin administrative code.

(8) Wells: All wells shall be floodproofed, under section 5-17-9(F), to the flood protection elevation and shall meet the provisions of chapters NR 811 and NR 812 of the Wisconsin administrative code.

(9) Solid waste disposal sites: Disposal of solid or hazardous waste is prohibited in flood fringe areas.

(10) Deposition of materials: Any deposited material must meet all the provisions of this chapter.

(11) Manufactured homes

A) Owners or operators of all manufactured home parks 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 manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1) Have the lowest floor elevated to the flood protection elevation; and

2) Be anchored so they do not float, collapse or move laterally during a flood.

C) Outside of manufactured home parks, including expansion to manufactured home parks and all single units outside of manufactured home parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in section 5-17-5(C)(1).

(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 section 5-17-5(C)(11)B) and C). 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.

5-17-6: General floodplain district (GFP):

(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 flood fringe districts shall be delineated when adequate data is available.

(B) Permitted uses: Under section 5-17-6(D), it shall be determined whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in section 5-17-4(B) and section 5-17-5(B) are allowed within the general floodplain district, according to the standards of section 5-17-6(C), if all permits or certificates required under section 5-17-9(B) have been issued.

(C) Standards for development in the general floodplain district: Once it is determined according to section 5-17-6(D) that a proposed use is located within a floodway, the provisions of section 5-17-4 shall apply. Once it is determined according to section 5-17-6(D) that a proposed use is located within the flood fringe, the provisions of section 5-17-5 shall apply. All provisions of the remainder of this chapter apply to either district.

(D) Determining floodway and flood fringe 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 considered 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 subsection 5-17-6(D)(2)A) and B) to the department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of section 5-17-9(B)(2)C) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

5-17-7: Flood storage district:

(A) General: The Flood Storage District delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(B) Applicability: The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the Official Floodplain Zoning Maps.

(C) Permitted uses: Any use or development which occurs in a Flood Storage District must meet the applicable requirements in section 5-17-5(C).

(D) Standards for development in flood storage districts:

(1) Development in a flood storage district shall not cause an increase equal or greater than 0.01 of a foot in the height of the regional flood.

(2) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

(3) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as Flood Storage District is rezoned to the Flood fringe District. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per section 5-17-10(A) of this chapter.

(4) No area may be removed from the Flood Storage District unless it can be shown that the area has been filled to the flood protection elevation and is next to other lands lying outside of the floodplain.

5-17-8: Nonconforming uses:

(A) General:

(1) Applicability: If these standards conform to section 62.23(7)(h) of the Wisconsin statutes, they shall apply to all modifications or additions to any nonconforming use or nonconforming structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.

(2) The lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may

continue subject to the following conditions:

A) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they comply with this chapter.

1) The words “modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such use, structure, accessory structure or accessory use.

2) 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 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.

(3) 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 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 chapter.

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.

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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 5-17-5(C)(1). 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 paragraph.

E) Except as provided in subsection F) 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 Chapter requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equal or exceeds 50 percent of the structure’s present equalized assessed value.

F) For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted to restore it after the non-flood disaster, if the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated there under.

G) A nonconforming historic structure may be altered if the alteration will not preclude the structure’s continued designation as a historic structure, the alteration will comply with section 5-17-4(C)(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with section 5-17-9(F) 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 floodplain zoning variance which meets all the requirements of this chapter;

B) Meets the requirements of section 5-17-8(A);

C) Will not increase the obstruction to flood flows or regional flood height;

D) Any addition to the structure shall be floodproofed, under section 5-17-9(F), by means other than the use of fill, to the flood protection elevation; and

E) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and

exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4) The use must be limited to parking or limited storage.

(2) No new on-site sewage disposal system, or addition to an 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 on-site sewage disposal system in a floodway area shall meet the applicable requirements of this code and chapter SPS 383 of the Wisconsin administrative code.

(3) No new well, or modification to a well, used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of a well in a floodway area shall meet the applicable requirements of this code and chapters NR 811 and NR 812 of the Wisconsin administrative code.

(C) Flood fringe 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 floodplain zoning 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 section 5-17-5(C) and section 5-17-9(F), except where section 5-17-8(C)(2) applies.

(2) Where compliance with the provisions of subsection 5-17-8(C)(1) 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 section 5-17-9(D), may grant a floodplain zoning variance from those provisions of subsection 5-17-8(C)(1) for modifications or additions, using the criteria listed in this subsection. 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 section 5-17-5(C)(6).

(3) If neither the provisions of subsection 5-17-8 (C)(1) or 5-17-8 (C)(2) can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:

A) Meets all other regulations and will be granted by permit or floodplain zoning 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 systems, or addition to, replacement, repair or maintenance of a private sewage system shall meet all the applicable provisions of all local codes and chapter SPS 383 of the Wisconsin administrative code.

(5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and chapters NR 811 and NR 812 of the Wisconsin administrative code.

(D) Flood storage areas:

(1) No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in section 5-17-7(D) are met.

5-17-9: Administration:

(A) General. The zoning administrator shall administer the provisions of this chapter.

(B) Zoning administrator:

(1) The zoning administrator shall have the following duties and powers:

A) Advise applicants of the provisions of this chapter, assist in preparing permit applications and appeals, and assure 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.

C) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

D) Keep records of all official actions such as:

1) All permits issued, inspections made, and work approved.

2) Documentation of certified lowest floor and regional flood elevations for floodplain development.

3) Records of water surface profiles, floodplain zoning maps and codes, nonconforming uses and nonconforming structures including changes, appeals, floodplain zoning variances and amendments.

4) All substantial damage assessment reports for floodplain structures.

E) Submit copies of the following items to the department regional office:

1) Within 10 days of the decision, a copy of any decisions on floodplain zoning variances, appeals for map or text interpretations, and map or text amendments.

2) 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.

(3) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

F) Investigate, prepare reports, and report violations of this chapter to the city plan commission and city attorney for prosecution. Copies of the reports shall also be sent to the department regional office.

G) 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 zoning administrator shall include:

A) General information:

1) Name and address of the applicant, property owner and contractor.

2) 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:

1) Location, dimensions, area and elevation of the lot;

2) Location of the ordinary high-water mark of any abutting navigable waterways;

3) Location of any structures with distances measured from the lot lines and street center lines;

4) Location of any existing or proposed on-site private sewage systems or private water supply systems;

5) Location and elevation of existing or future access roads;

6) Location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;

7) The elevation of the lowest floor of proposed buildings and any fill using vertical datum from either the National Geodetic Vertical Datum or the North American Vertical Datum studies;

8) Data sufficient to determine the regional flood elevation in the National Geodetic Vertical Datum or the North American Vertical Datum at the location of the development and to determine whether or not the requirements of section 5-17-4 or section 5-17-5 are met; and

9) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to section 5-17-3(A). This may include any of the information noted in section 5-17-4(C)(1).

C) Data requirements to analyze developments.

1) 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, and other proposed developments exceeding five acres in area or where the estimated cost exceeds $125,000. The applicant shall provide:

A. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

B. A map showing location and details of vehicular access to lands outside the floodplain; and

C. A surface drainage plan showing how flood damage will be minimized.

2) 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 chapter shall expire one year from the date of 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 or premises or part thereof, and the proposed use, conform to the provisions of this chapter.

B) Application for such certificate shall be concurrent with the application for a permit.

C) If all chapter provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.

D) The applicant shall submit a certification signed by a registered professional engineer or registered 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 registered architect that floodproofing measures meet the requirements of section 5-17-9(F).

(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 U.S.C. 1344.

(C) City plan commission.

(1) The city plan commission shall:

A) Oversee the functions of the office of the zoning administrator; and

B) Review and advise the council on all proposed amendments to this chapter, maps and text.

(2) The city plan commission shall not:

A) Grant floodplain zoning variances to the terms of the chapter in place of action by the board of appeals; or

B) Amend the text or zoning maps in place of official action by the council.

(D) Board of appeals. The board of appeals, created under section 62.23(7)(e) of the Wisconsin statutes, is hereby authorized or shall be appointed to act for the purposes of this chapter. The board of appeals shall exercise the powers conferred by Wisconsin statutes and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the board of appeals.

(1) Powers and duties. The board of appeals shall:

A) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the zoning administrator or any other administrative official in the enforcement or administration of this chapter.

B) Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

C) Hear and decide, upon appeal, floodplain zoning variances from the standards of this chapter.

(2) Appeals to the board of appeals.

A) Appeals to the board of appeals may be taken by any person aggrieved, or by any officer, department or board of the city affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board of appeals, 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 official whose decision is in question shall transmit to the board of appeals all records regarding the matter appealed.

B) Notice and hearing for appeals including floodplain zoning variances.

1) Notice. The board of appeals shall:

A. Fix a reasonable time for the hearing;

B. Publish adequate notice pursuant to Wisconsin statutes, specifying the date, time, place and subject of the hearing; and

C. Assure that notice shall be mailed to the parties in interest and the department regional office at least 10 days in advance of the hearing.

2) Hearing. Any party may appear in person or by agent. The board of appeals shall:

A. Resolve boundary disputes according to section 5-17-9(D)(3).

B. Decide floodplain zoning variance applications according to section 5-17-9(D)(4).

C. Decide appeals of permit denials according to section 5-17-9(D).

C) Decision: The final decision regarding the appeal or floodplain zoning variance application shall:

1) Be made within a reasonable time.

2) Be sent to the department regional office within 10 days of the decision.

3) Be a written determination signed by the chairperson or secretary of the board of appeals.

4) State the specific facts which are the basis for the board of appeal's decision.

5) 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 floodplain zoning variance application.

6) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case

of a floodplain zoning variance, clearly stated in the recorded minutes of the board of appeals proceedings.

(3) Boundary disputes. The following procedure shall be used by the board of appeals in hearing disputes concerning floodplain district boundaries as shown on the official floodplain zoning map:

A) Where 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 of appeals.

C) Where it is determined that the boundary is incorrectly mapped, the board of appeals should inform the zoning administrator or the person contesting the boundary location to petition the council for a map amendment according to section 5-17-10.

(4) Floodplain zoning variance.

A) The board of appeals may, upon appeal, grant a floodplain zoning variance from the standards of this chapter if an applicant convincingly demonstrates that:

1) Literal enforcement of the chapter provisions will cause an unnecessary hardship;

2) The hardship is due to adoption of this chapter and unique property conditions, not common to adjacent lots or premises. In such case the chapter or map must be amended;

3) The floodplain zoning variance is not contrary to the public interest; and

4) The floodplain zoning variance is consistent with the purpose of this chapter in section 5-17-1(C).

B) In addition to the criteria in subsection 5-17-9(D)(4)A), to qualify for a floodplain zoning variance under FEMA regulations, the following criteria must be met:

1) The floodplain zoning variance may not cause any increase in the regional flood elevation;

2) Floodplain zoning variances can only be granted for lots that are less than one-half acre and are next to existing structures constructed below the regional flood elevation; and

3) Floodplain zoning 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 chapter.

C) A floodplain zoning variance shall not:

1) Grant, extend or increase any use prohibited in the zoning district.

2) Be granted for a hardship based solely on an economic gain or loss.

3) Be granted for a hardship which is self-created.

4) Damage the rights or property values of other persons in the area.

5) Allow actions without the amendments to this chapter or map(s) required in section 5-17-10(A).

6) Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.

D) When a floodplain zoning variance is granted the board of appeals 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 floodplain zoning variance record.

(E) To review appeals of permit denials.

(1) The city plan commission or board of appeals shall review all data related to the appeal. This may include:

A) Permit application data listed in section 5-17-9(B)(2).

B) Floodway/flood fringe determination data in section 5-17-6(D).

C) Data listed in section 5-17-4(C)(1)B) where the applicant has not submitted this information to the zoning administrator.

D) Other data submitted with the application, or submitted to the board of appeals with the appeal.

(2) For appeals of all denied permits the board of appeals shall:

A) Follow the procedures of section 5-17-9(D);

B) Consider city plan commission recommendations; and

C) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the board of appeals shall:

A) Uphold the denial where the board of appeals 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 of appeal agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(F) Floodproofing.

(1) No permit or floodplain zoning variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.

(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) Insure 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 could 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 flood waters.

F) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(G) Public Information.

(1) Where useful, marks on structures may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.

(2) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.

(3) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

5-17-10: Amendments:

(A) General. The council may change or supplement the floodplain zoning district boundaries and this chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

(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 next to land lying outside the floodplain.

(4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.

(5) Any upgrade to a floodplain zoning code required by section NR 116.05 of the Wisconsin administrative code, 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 flood fringe that is based on a base flood elevation from a flood insurance rate map requires prior approval by FEMA.

(B) Procedures. Amendments to this chapter may be made upon petition of any interested party according to the provisions of section 62.23 of the Wisconsin statutes. Such petitions shall include all necessary data required by section 5-17-6(D) and section 5-17-9(B)(2).

(1) Copies of any proposed amendment shall be referred to the city plan commission and judiciary and ordinance review committee for recommendation to the council and public hearing. Copies of the proposed amendment and notice of the public hearing shall be submitted to the appropriate district office of the department for review before the hearing. The amendment procedure shall comply with the provisions of section 62.23 of the Wisconsin statutes.

(2) No amendment to the maps or this chapter 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 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 council.

(4) For amendments in areas with no water surface profiles, the city plan commission or board of appeals shall consider data submitted by the department, the zoning administrator's visual on-site inspections and other available information.

5-17-11: Enforcement and penalties: A person who violates any provision of this chapter shall upon conviction be subject to a Class 1 forfeiture. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the city, the state, or any citizen thereof under section 87.30 of the Wisconsin statutes.

***Chap. 5-17 history: 5-17-1**: 2006-10-17; 2006-12-19; 2009-5-5; 2016 code; **5-17-2**: 2006-10-17; 2016 code; **5-17-3**: 2006-10-17; 2009-5-5; 2016 code; **5-17-4**: 2006-10-17; 2016 code; **5-17-5**: 2006-10-17; 2016 code; **5-17-6**: 2006-10-17; 2016 code; **5-17-7**: 2006-10-17; 2009-5-5; 2016 code; **5-17-8**: 2006-10-17; 2009-5-5; 2016 code; **5-17-9**: 2006-10-17; 2009-5-5; 2016 code; **5-17-10**: 2006-10-17; 2016 code; **5-17-11**: 2006-10-17; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 18: SIGNS

5-18-1 Purpose:
5-18-2 Exempt signs
5-18-3 Prohibited signs
5-18-4 Safety standards
5-18-5 Sign permit required
5-18-6 Setbacks
5-18-7 Nonconforming signs
5-18-8 Appeal rights
5-18-9 Fees

5-18-1: Purpose: The purpose of this chapter is to promote public health, safety, order, comfort and convenience by the regulation of signs. Among the primary objectives of this chapter are the reduction or elimination of actual or likely distractions and obstructions to the general public which result from the unregulated placement and proliferation of signs; the discouragement and prevention of excessive visual confusion resulting from the size, design, style, configuration, illumination and other perceptible features relating to signs. It is the finding of the council that the provisions of this chapter constitute reasonable standards and procedures necessary to protect, conserve and enhance public safety and achieve these purposes.

5-18-2: Exempt signs: This chapter shall not apply to the following types of signs:

(A) Public signs: Signs erected by, or on the order of, a public officer in the performance of his or her public duty, such as safety signs, danger signs and traffic signs.

(B) Legal notices: Signs to provide legal notice to the public where such notice and such sign are required by the terms of any law, code, governmental regulation, court decree or administrative order.

(C) Historical markers: Historical markers as recognized by local, state or federal authorities.

(D) Interior signs: Non-flashing interior signs that are not visible through a show window or are located ten feet or more from a show window.

(E) Legally mandated signs: Any sign that is constructed configured and placed in a manner that is expressly required by local, state or federal law. Notwithstanding the foregoing any characteristic of the sign, such as maximum size, color, exact on-site location, etc., not specifically determined by the law requiring the sign, shall be subject to approval in the same manner as any other sign on the property.

(F) Service vehicles: Service vehicles of a trade or business which contain information concerning the trade or business, such as name, address, telephone number or scope of services, when parked outside of or in the vicinity of the trade or business, when parked outside of or in the vicinity of a premises upon which work is being performed or to which a service is being provided or when travelling on a public street or highway.

(G) Temporary sign: Temporary signs not exceeding 16 square feet in area identifying or advertising an event scheduled for a date certain or for a series of 10 or fewer consecutive days.

(H) Property identification sign: One sign not exceeding two square feet in area, displaying not more than the name and street number of the occupant of the premises and, in the case of a permitted office, studio or occupation, the identification thereof. Such sign shall be parallel to and within one foot of the front building line and shall not exceed four feet in height above ground level.

(I) Institutional identification sign: One sign, not exceeding 16 square feet in area, on church, institutional or school property, containing the identification thereof or advertising the activities thereof, or both. This subparagraph shall not apply to any sign that is constructed or placed in a location that encroaches upon the required setback for buildings or structures in the zoning district in which it is located.

(J) Security protection sign: One sign, not exceeding one square foot in area, indicating that the premises is protected by a security company if placed parallel to and within one foot of the front building line and not more than two feet in height above ground level, or if placed on a window does not exceed 36 square inches in size.

(K) Real estate sign: One real estate sign, not exceeding 16 square feet in area, for the duration such property remains on the market for sale or rent. This subparagraph shall not apply to any sign that is constructed or placed in a location that encroaches upon the required setback for buildings or structures in the zoning district in which it is located.

(L) Construction sign: One construction sign, not exceeding 16 square feet in area, for a contractor who is performing work at the premises for the duration that such contractor is actively performing work at the premises. This subparagraph shall not apply to any sign that is constructed or placed in a location that encroaches upon the required setback for buildings or structures in the zoning district in which it is located.

(M) Legally authorized or required sign: A sign that is expressly authorized or required by or pursuant to any local, state or federal regulation, and is both designed and placed under such local, state or federal regulation.

(N) Certificate of appropriateness: Any sign for which a certificate of appropriateness has been issued pursuant to chapter 17 of this title.

5-18-3: Prohibited signs: No person shall place or cause to be placed or allow to be maintained any of the following signs on any public property, public right-of-way or private property within the city:

(A) A sign that is designed to capture attention by virtue of visual effects that consist of flashing, flickering, intermittent lighting, strobe lighting or similar visual effects where such visual effects independently convey no message.

(B) A sign that due to its size, location, shape, height, wording, design or lighting may appear to be an official traffic sign to a reasonable person.

5-18-4: Safety standards: No person shall at any time post, erect or affix or allow to be maintained, anywhere within the city, any sign which:

(A) Is structurally unsound;

(B) Is constructed of inadequate or improper materials;

(C) Is a fire or electrical hazard or poses a threat of electrical shock, electrocution or other danger to the health and safety of any human being;

(D) Is or becomes damaged, deteriorated or dilapidated due to wear and tear, lack of timely and proper maintenance and repair or the adverse effects of weather and the elements;

(E) Is or becomes damaged or defaced due to accident, vandalism, mischief or other adverse human conduct or due to fire, storm or other natural phenomenon;

(F) Obstructs or impairs the free and unencumbered ingress to and egress from any door, window, entryway, fire exit or other openings in a building or structure by any human being;

(G) Obstructs or impairs the free and unencumbered vision between the heights of 2 ½ feet and 10 feet above the plane through mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley property lines and a line joining points on such lands located a minimum of 20 feet from their intersection;

(H) Obstructs or impairs the movement or flow of natural light and air to any occupied or habitable space in a building or structure; or

(I) Obstructs or interferes with any architectural component of a building or structure or with the proper functioning of its electrical, heating, plumbing or other systems, fixtures and devices.

5-18-5: Sign permit required: No person shall place or cause to be placed a sign on any public property, public right-of-way or private property within the city without having first secured a sign permit.

(A) Application for permit: A person seeking a sign permit shall file an application with the office of the zoning administrator upon official forms provided by the zoning administrator for such purpose and shall tender the required application fee. The application shall not be processed by the zoning administrator unless it has been completed in all material respects, signed by an owner or other person having legal possession of the property on which the sign will be placed, and the required application processing fee has been paid.

(B) Criteria for approval of sign permit: The following criteria shall be considered before approval of any sign permit:

(1) Design and location in relation to other signs: The proposed design and placement of the sign should not block the view of, or otherwise have a material adverse effect upon, other signs in the vicinity by virtue of its size, height above grade or lighting characteristics.

(2) Design and location in relation to land uses: The proposed design and placement of the sign should not have a material adverse effect upon land uses in the vicinity by virtue of its size, height above grade or lighting characteristics.

(3) Vehicle and pedestrian safety: The design and placement of the proposed sign should not have a material adverse effect on vehicular or pedestrian safety.

(4) Public utilities: The design and placement of the proposed sign should not have any material adverse effect on the city's ability to operate or maintain streets, sidewalks or public utilities.

(5) Architecturally sensitive property: The design and placement of the proposed sign should not have any material adverse effect on the historical or architectural characteristics of structures in the immediate vicinity.

(6) Site characteristics: The proposed sign design should be compatible with the physical nature of the site with particular concern for preserving natural features, vegetation and topography.

(7) Abutting uses: Consideration shall be given to the relationship of the proposed sign to abutting zoning districts or anticipated land uses in the vicinity of the sign as identified in the city's land use plan.

(C) Conditions: A sign permit may be approved subject to conditions that are designed to preserve and protect the public safety, public investment, the character of land uses in the vicinity of the proposed sign and the purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

(1) Requiring an appropriate setback from a public right of way, the boundary of a lot, or from any public utility infrastructure;

(2) Limiting the height, size, color, lighting, illumination, location or orientation of the sign;

(3) Requiring fencing, screening, or landscaping to reduce adverse effects of the sign on adjacent or nearby property or pedestrian or vehicular corridors;

(4) Prescribing a time limit within which the applicant must fulfill any established conditions.

(5) Prescribing a limited term for the sign permit.

(D) Processing of application: The zoning administrator shall review each application for a sign permit within 15 days following the filing thereof and shall have authority to administratively approve or deny such application or to refer such application to the plan commission for action. Failure by the zoning administrator to approve, deny or refer to the plan commission an application within 15 days following the filing thereof shall be considered to be a denial thereof as of the 15th day following the filing of such application. If the zoning administrator elects to refer an application for a sign permit to the plan commission for action then such referral shall be made within 15 days following receipt of the application by the zoning administrator and the plan commission shall consider such application within 30 days following the referral from the zoning administrator. Failure of the plan commission to act upon an application within 30 days following the referral from the zoning administrator shall be considered to be a denial thereof as of the 30th day following such referral.

(E) Issuance of sign permit: Each approved sign permit shall be issued by the zoning administrator within 10 days following approval thereof. No sign shall be erected, placed or materially altered until a sign permit authorizing such work has been issued.

(F) Other approvals: Issuance of a sign permit shall not relieve the applicant from obtaining other permits and approvals required by the city or other governmental authority having jurisdiction.

5-18-6: Setbacks: Except as is expressly provided in this chapter or in a sign permit issued pursuant to this chapter, the setback required in any zoning district shall not apply to a sign for which a sign permit has been issued.

5-18-7: Nonconforming signs: Any sign existing on the effective date of this chapter for which a sign permit would be required by this chapter shall be considered to be a nonconforming use under this title unless a sign permit is obtained for such sign.

5-18-8: Appeal rights:

(A) Appeal from decision of zoning administrator: A decision by the zoning administrator to disapprove, approve or conditionally approve issuance of a sign permit may be appealed to the plan commission by the applicant or by the city administrator. Any appeal under this section shall be initiated by filing a written notice of appeal with the city clerk within 10 days following the delivery of the zoning administrator's decision, or if no decision is delivered within the time allowed by this

chapter, within 10 days following expiration of the time allowed for processing the application. The city clerk shall forward said notice of appeal to the plan commission, which shall consider such appeal within 30 days following receipt of the notice of appeal. Upon such appeal the plan commission may approve, disapprove or conditionally approve issuance of a sign permit. Failure of the plan commission to act upon an appeal within 30 days following receipt of the notice of appeal shall be considered to be a denial thereof as of the 30th day following such referral.

(B) Appeal from decision of plan commission: A decision by the plan commission to disapprove, approve or conditionally approve issuance of a sign permit may be appealed to the council by the applicant or by the city administrator. Any appeal under this section shall be initiated by filing a written notice of appeal with the city clerk within 10 days following final action by the plan commission, or if no final action is taken, within 10 days following the date the application is considered to have been denied by the plan commission. The council shall consider such appeal within 30 days following the filing of the appeal with the city clerk. Upon such appeal the council may approve, disapprove or conditionally approve issuance of a sign permit.

5-18-9: Fees: The fee for processing an application for issuance of a sign permit under this chapter shall be established from time to time by resolution of the council.

Chap. 5-18 history: 5-18-1*: 2015-6-16; 2016 code;* ***5-18-2****: 2015-6-16; 2016 code;* ***5-18-3****: 2015-6-16; 2016 code;* ***5-18-4****: 2015-6-16; 2016 code;* ***5-18-5****: 2015-6-16; 2016 code;* ***5-18-6****: 2015-6-16; 2016 code;* ***5-18-7****: 2015-6-16; 2016 code;* ***5-18-8****: 2015-6-16; 2016 code;* ***5-18-9****: 2015-6-16; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 19: HISTORIC PRESERVATION

5-19-1 Purpose and Intent
5-19-2 Definitions
5-19-3 Commission created
5-19-4 Historic structure, historic site and historic district designation criteria
5-19-5 Powers and duties
5-19-6 Procedures
5-19-7 Interim control
5-19-8 Penalties for violations
5-19-9 Separability

5-19-1: 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, archaeological or historic interest or value is a public necessity and is required promote the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

(A) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of Monroe's cultural, social, economic, political and architectural history.

(B) Safeguard Monroe's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(C) Stabilize and improve property values, and enhance the visual and aesthetic character of Monroe.

(D) Protect and enhance Monroe's attraction to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

5-19-2: Definitions: In this chapter:

“Alter or alteration” means any act or process that materially changes one or more of the architectural features of a structure, other than a temporary sign, including but not limited to, erection, construction, reconstruction, removal, or a material change to the color or texture.

“Architectural feature” means the architectural elements embodying style, design, general arrangement and components of all of the visible surfaces of a structure, including but not limited to the type of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such structure.

“Certificate of appropriateness” means a certificate issued by the building inspector authorizing 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 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 improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

“Historic structure” means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristic of the city, the state or nation and which has been designated a historic structure pursuant to the provisions of this chapter.

“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.

“Sign” means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, by which anything is made known and which is used to advertise or promote an individual, firm, association, company, profession, business, commodity, event or product.

“Structure” means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed

upon or set into the ground, including but not limited to, roofed and walled buildings, signs, gas or liquid storage tanks and culverts.

"Temporary sign" shall have the meaning set forth in section 5-2-1(B) of this code.

Visible surface" means any part of the exterior surface of a structure or a sign that is clearly visible from any public sidewalk, street or highway, including signs or architectural features located on the inside of a transparent surface, such as a window, that are positioned in a manner that is clearly designed to be observed from the a public sidewalk, street or highway.

5-19-3: Commission created: A historic preservation commission is hereby created, consisting of seven members. One member shall be a licensed real estate broker; one shall be a historian; one shall be a registered architect; one shall be an alderperson; and three shall be citizens. Each shall have, to the highest extent practicable, a known interest in historic preservation. The mayor shall appoint the commissioners subject to confirmation by the council, to the following terms commencing May 1 of the year of appointment: the alderperson shall serve for a term of one year; the licensed real estate broker and one citizen member shall serve for an initial term of one year and succeeding terms of three years; the historian and one citizen member shall serve for an initial term of two years and succeeding terms of three years; the registered architect and one citizen member shall serve for an initial and succeeding terms of three years. If no person meeting the required qualifications is available, a citizen member shall be appointed to fill such position so that the commission has at all times seven members.

5-19-4: Historic structure, historic site and historic district designation criteria:

(A) For purposes of this chapter, 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:

(1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or

(2) Are identified with historic personages or with important events in national, state or local history; or

(3) 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; or

(4) Are representative of the notable work of a master builder, designer or architect who influenced his or her age; or

(5) Have yielded, or may be likely to yield, information important to prehistory or history.

(B) The commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this chapter.

5-19-5: Powers and duties:

(A) Designation: The commission shall have the power, subject to section 5-19-6 of this chapter, to designate historic structures and historic sites and to recommend designation of historic districts within Monroe's limits. Such designations shall be made based on section 5-19-4 of this chapter. Historic districts shall be approved by the council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this chapter.

(B) Regulation of construction, reconstruction, alteration and demolition:

(1) Certificate of appropriateness. 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 visible surface of such property or construct any improvement having a visible surface upon such property or cause or permit any such work to be performed upon such property unless a certificate of appropriateness has been issued authorizing such work. The building inspector shall establish procedures to monitor alterations to the visible surface of a historic structure, historic site or structure within a historic district and shall report all such alterations to the commission.

A) Approval by commission. Except as provided in subsection (b), no certificate of appropriateness shall be issued until the issuance thereof has been approved by the commission.

B) Administrative authority of building inspector. The commission may by resolution delegate to the building inspector authority to administratively issue a certificate of appropriateness for an alteration if such alteration falls within a class of work that has been clearly identified and appropriately defined by the commission as work that may be approved administratively by the building inspector. Issuance of a certificate of appropriateness for such work by the building inspector shall be considered for all purposes to be approval thereof by the commission.

(2) Criteria for approval of certificate of appropriateness. Upon filing of any application for a certificate of appropriateness, the commission, or the building inspector in a case falling within the administrative approval authority of the building inspector, shall within 45 days determine if the proposed changes are consistent with the character and features of the property or district, and approve the issuance of the certificate of appropriateness unless:

A) In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

B) In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

C) In the case of any property located in a historic district, the proposed construction, reconstruction, alteration or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district;

D) The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and the state;

E) In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(3) Other approvals. Issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building or other city permit needed to perform work on the visible surface of a historic structure, historic site or structure within a historic district shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.

(4) Maintenance and repairs. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness if the work does not alter a historic structure or site and does not require the issuance of a building permit.

(5) Issuance. Upon approval of an alteration and fulfillment of all conditions placed upon such approval the building inspector shall issue a certificate of appropriateness.

(6) Fees. The fee for issuance of a certificate of appropriateness and for actions required to comply with this chapter shall be established from time to time by resolution of the council.

(C) Appeals: If the building inspector, in a case falling within the administrative approval authority of the building inspector, fails to approve a certificate of appropriateness, the applicant may appeal such decision to the commission within 30 days. If the commission fails to approve a certificate of appropriateness, the applicant may appeal such decision to the council within 30 days. In addition, if the commission fails to approve 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.

(D) Recognition of historic structures, sites and districts: At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner, may cause to be prepared and erected on such property at the city's expense, a suitable plaque declaring that such property is a historic structure, site or district.

5-19-6: Procedures:

(A) Designation of historic structures and historic sites:

(1) The commission may, after notice and public hearing, recommend to the council designation of historic structures and historic sites, or rescission of such designation or recommendation, after application of the criteria in section 5-19-4 of this chapter. At least 10 days before such hearing, the commission shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected.

(2) 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 considers necessary. The commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the commission may recommend to the council that the property be designated as either a historic structure or a historic site or rescission of such designation, provided however, the commission shall not recommend rescission of the designation unless it finds that the characteristics of the property have materially changed since the property was designated such that it is no longer appropriate that it be designated or that failure to rescind the designation will create a substantial

economic hardship for the owner of such property.

(3) The council, upon receipt of the recommendations from the commission, shall hold a public hearing. Notice of the time, place and purpose of the public hearing shall be sent by the city clerk to the alderperson of the aldermanic district in which the proposed historic structure or a historic site is located, and 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. Said notice is to be sent at least 10 days before the date of the public hearing. Following the public hearing, the council shall vote to adopt, reject or withhold action on the designation or rescission. Notification of the decision shall be sent to the property owner or owners. Notification shall also be given to the city clerk, building inspector, plan commission, and the city assessor. The commission shall cause the designation or rescission to be recorded, at the city's expense, in the Green County register of deeds office.

(B) Creation of historic district:

(1) For preservation purposes, the commission shall select geographically defined areas within the city to be designated as historic districts and shall 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 5-19-4 of this chapter. Each historic preservation plan prepared for or by the commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

(2) Review and adoption procedure:

A) Commission hearing and recommendation: The 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 published in the manner required by law for adoption by the council of an ordinance creating or amending zoning regulations. Following the public hearing, the commission shall vote to recommend, reject or withhold action on the plan.

B) Council: The council, upon receipt of the recommendations from the commission, shall hold a public hearing, notice to be given as noted in subsection (B)(2)A) of this section, and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

5-19-7: Interim control: No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the commission at which a nomination form is first presented until the final disposition of the nomination by the commission or the council unless such alteration, removal or demolition is authorized by formal resolution of the council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

5-19-8: Penalties for violations: Any person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture. Each day during which a violation continues shall constitute a separate offense. Notice of violations shall be issued by the building inspector.

5-19-9: Separability: If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

Chap. 5-19 history: 5-19-1*: 1996-1-16; 2016 code;* ***5-19-2****: 1996-1-16; 2010-8-17; 2015-9-1; 2016 code;* ***5-19-3****: 1997-6-3; 2016 code;* ***5-19-4****: 1996-1-16; 2016 code;* ***5-19-5****: 2006-9-5; 2010-8-17; 2016 code;* ***5-19-6****: 1996-1-16; 2006-9-5; 2008-12-16; 2016 code;* ***5-19-7****: 1996-1-16; 2016 code;* ***5-19-8****: 1996-1-16; 2016 code;* ***5-19-9****: 1996-1-16; 2016 code*

TITLE 5: ZONING REGULATIONS

Chapter 20: STORM WATER MANAGEMENT AND CONSTRUCTION SITE EROSION CONTROL

5-20-1 Application and administration
5-20-2 Severability
5-20-3 Definitions
5-20-4 Post-construction storm water management
5-20-5 Erosion and sediment control
5-20-6 Inspection
5-20-7 Enforcement and penalties
5-20-8 Fee schedule
5-20-9 Appeals

5-20-1: Application and administration:

(A) Application: The requirements of this chapter do not pre-empt more stringent storm water management requirements that may be imposed by the Wisconsin department of natural resources.

(B) Exclusions: This chapter is not applicable to activities conducted by a state agency, or the office of district attorney, if the office of district attorney enters into a memorandum of understanding with the Department of Natural Resources.

(C) Administration: The zoning administrator shall administer and enforce the provisions of this chapter.

5-20-2: Severability: If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in force and not be affected by such judgment.

5-20-3: Definitions: In this chapter:

“Agricultural facility” means a structure associated with beekeeping; commercial feedlots; dairying and egg production; floriculture; fish or fur farming; grazing and livestock raising; poultry raising; raising of grain, grass, mint and seed crops; orchards and raising of fruits, nuts, berries and vegetables; sod farming; placing land in federal programs in return for payments in kind; and owning land, at least 35 acres of which is enrolled in a conservation reserve program under United States code title 16, chapter 58.

“Average annual rainfall” means a calendar year of precipitation, excluding snow, which is considered typical as determined by the rainfall record for the Madison area between March 12 and December 2, 1981.

“Best management practice” means structural or non-structural measures, practices, techniques or devices used to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

“Business day” means a day the offices of the city are routinely and customarily open for business.

“Cease and desist order” means a court-issued order to halt land disturbing construction activity.

“Connected imperviousness” means an impervious surface directly connected to a separate storm sewer or water of the state via an impervious flow path.

“Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.

“Contaminant of concern” means a hazardous substance that is present at a site or facility in such concentrations that the contaminant poses an actual or potential threat to human health, safety or welfare or the environment based upon: a) The toxicological characteristics of the hazardous substance that influence its ability to adversely affect human health or the environment relative to the concentration of the hazardous substance at the site or facility; b) The chemical and physical characteristics of the hazardous substance which govern its tendency to persist in the environment and the chemical, physical and biological characteristics at the site or facility which govern the tendency for the hazardous substance to persist at the site or facility; c) The chemical and physical characteristics of the hazardous substance which govern its tendency to move into and through environmental media; d) The naturally occurring background concentrations of the hazardous substance; e) The thoroughness of the testing for the hazardous substance at the site or facility; f) The frequency that the hazardous substance has been detected at the site or facility; and g) Degradation by-products of the hazardous substance.

“Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall

intensity, return frequency and total depth of rainfall.

“Development” means an artificial change to improved or unimproved land.

“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 surface of the land 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.

“Exceptional resource waters” means the surface waters designated in section NR 102.11 of the Wisconsin Administrative Code.

“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 guarantee.

“Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

“In-fill development” means an area of land located within existing development that has no impervious surface.

“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 an area that releases as runoff a small portion of the precipitation that falls on it such as lawns, gardens, parks, forests or other similar vegetated areas, redirection 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 includes caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

“Land distrubing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative 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 activities include clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

“Maintenance agreement” means a legal document that provides for long-term maintenance of storm water management practices.

“Maximum extent practicable” means a level of implementing best management practices to achieve the performance standards specified in this chapter 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. Maximum extent practicable allows flexibility in the way to meet the performance standards and may vary based on the performance standards and site conditions.

“New development” means any development resulting from the conversion of previously undeveloped land or agricultural land uses.

“Nonpoint source pollution” means pollution from many diffuse sources including rainfall, snowmelt or irrigation water that picks up and carries away natural and human-made pollutants and deposits such in the waters of the state.

“Off-site” means located outside the site as designated in the permit application.

“On-site” means located within the site as designated in the permit application.

“Ordinary high water mark” means the point on the stream bank or shore up to which the presence and action of surface water

is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the stream bank or shore at any particular place is of such character that it is difficult or impossible to determine where the point of ordinary high-water mark is, recourse may be had to the opposite stream bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

“Outstanding resource waters” means surface waters designated in section NR 102.10 of the Wisconsin Administrative Code.

“Percent fines” means the percentage of a given sample of soil, which passes through a # 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 zoning administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substances, heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

“Pollution” means contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

“Post-construction” means completion of land disturbing construction activity and final site stabilization of a construction site.

“Pre-development” means the land cover types present before the initiation of land disturbing construction activity, assuming that all land uses before development activity are managed in an environmentally sound manner.

“Redevelopment” means areas where development is replacing older development.

“Responsible party” means any person holding fee title to the property or other person contracted or obligated by other agreement to meet the requirements of this chapter.

“Runoff” means storm water or precipitation including rain, snow, 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, catch basins, 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 conveying both sanitary sewage and storm water runoff; c) Is not draining to a storm water treatment device or system; and 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 occurs or occurred.

“Stop work order” means an order issued by the zoning administrator, which requires that all construction activity on the site be stopped.

“Storm water management plan” means a comprehensive plan designed to reduce the discharge of runoff and pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

“Storm water management practice” means any measure, practice, technique, device or structure used to meet the requirements of this chapter.

“Storm water management system plan” means a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

“Stream bank” means the land surface abutting the bed of any navigable waterway which, either before any project or alteration of land contours or as a result of the proposed project or alteration, slopes or drains without complete interruption into the waterway.

"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, 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 United States department of agriculture, natural resources conservation service, and urban hydrology for small watersheds, second edition, technical release 55, June 1986.

"Type II distribution" means a rainfall type curve as established in the "United States department of agriculture, soil conservation service, technical paper 149, published 1973."

"Waters of the state" means those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

"Wetlands" means an area, whether natural, mitigated or restored, where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions.

"Wetlands in areas of special natural resource interest" means those wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas. Areas of special natural resource interest include: a) Cold water communities including all trout streams and their tributaries and trout lakes; b) Lakes Michigan and Superior and the Mississippi River; c) State and federal designated wild and scenic rivers, designated state riverways and state designated scenic urban waterways; d) Unique and significant wetlands identified in special area management plans, special wetland inventory studies, advanced delineation and identification studies and areas designated by the United States environmental protection agency; e) Calcareous fens; f) Habitat used by state or federally designated threatened or endangered species; g) State parks, forests, trails and recreation areas; h) State and federal fish and wildlife refuges and fish and wildlife management areas; i) State and federally designated wilderness areas; j) Designated or dedicated state natural areas; k) Wild rice waters; and l) Any other surface waters identified as outstanding or exceptional resource waters.

"Zoning administrator" means the zoning administrator for the city.

5-20-4: Post-construction storm water management:

(A) Applicability: This section applies to land disturbing construction activities, including those land disturbing construction activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development or sale, even though multiple, separate and distinct land disturbing construction activities may take place at different schedules, that meet any of the following applicability criteria:

(1) Land disturbing construction activities on construction sites, which have one or more acres of land disturbing construction activity, except as provided under subsection (A)(3) of this section.

(2) Post-construction sites of any size that, in the opinion of the zoning administrator, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, increases water pollution by scouring or transports particulate matter or endangers property or public safety.

(3) Sites that meets any of the criteria in subsection (A)(1) of this section are exempt from the requirements of this section if one of the following is met:

A) A redevelopment post-construction site with no increase in any impervious surfaces;

B) A post-construction site with less than 10 percent connected imperviousness based upon complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre;

C) Nonpoint source pollution from agricultural facilities or silviculture activities;

D) Routine maintenance for project sites under five acres of land disturbing construction activity if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility; or

E) Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.

(B) Technical standards: The following technical standards shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices:

(1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources; or

(2) Where technical standards have not been identified or developed by the Wisconsin department of natural resources, other technical standards may be used if the methods have been approved by the zoning administrator.

(C) Plan: The responsible party shall develop and implement a written post-construction storm water management plan for each post-construction site.

(1) Plan requirements: The plan shall contain the following information:

A) Name, address, and telephone number for the following or their designees: landowner, developer, project engineer for practice design and certification, person or persons responsible for installation of storm water management practices, and person or persons responsible for maintenance of storm water management practices before the transfer, if any, of maintenance responsibility to another party.

B) A proper legal description of the property proposed to be developed, referencing the U.S. public land survey system or to block and lot numbers within a recorded land subdivision plat.

C) Pre-development conditions, including:

1) One or more site maps at a scale of not less than one inch equals 50 feet. The site map shall show the following:

A. Site location and legal description;

B. Predominant soil types and hydrologic soil groups;

C. Existing cover type and condition;

D. Topographic contours of the site at a scale not to exceed two feet;

E. Topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site;

F. Watercourses that may affect or be affected by runoff from the site;

G. Flow path and direction for all storm water conveyance sections;

H. Watershed boundaries used in hydrology determinations to show compliance with performance standards;

I. Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;

J. Limits of the 100 year floodplain; and

K. Location of wells and wellhead protection areas covering the project area and delineated under section NR 811.16 of the Wisconsin administrative code.

2) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map or maps.

D) Post-development site conditions including:

1) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2) Explanation of any restrictions on storm water management practices in the development area imposed by wellhead protection plans and this section.

3) One or more site maps at a scale of not less than one inch equals 50 feet. The site map shall show the following:

A. Post-construction pervious areas including vegetative cover type and condition;

B. Impervious surfaces including all buildings, structures and pavement;

C. Post-construction topographic contours of the site at a scale not to exceed two feet;

D. Post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site;

E. Locations and dimensions of drainage easements;

F. Locations of maintenance easements specified in the maintenance agreement;

G. Flow path and direction for all storm water conveyance sections;

H. Location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area;

I. Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain or natural drainage way; and

J. Watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.

4) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map or maps.

5) Results of investigations of soils and groundwater required for the placement and design of storm water management practices. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

E) A description and installation schedule for the storm water management practices needed to meet the performance standards in subsection (D) of this section.

F) A maintenance plan meeting the requirements of subsection (F) of this section developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

G) Cost estimates for the construction, operation and maintenance of each storm water management practice.

H) Other information requested in writing by the zoning administrator to determine compliance of the proposed storm water management practices with the provisions of this section.

I) All site investigations, plans, designs, computations and drawings shall be certified by a licensed professional engineer to be prepared under accepted engineering practice and requirements of this section.

(2) Alternate Requirements: The zoning administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under subsection (D)(8) of this section.

(D) Performance standards: The plan required under subsection (C) of this section shall meet the following performance standards:

(1) Total suspended solids: Best management practices shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

A) For new development, by design, to reduce to the maximum extent practicable the total suspended solids load by 80 percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80 percent total suspended solids reduction to meet the requirements of this subsection.

B) For redevelopment, by design, to reduce to the maximum extent practicable the total suspended solids load by 40

percent, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40 percent total suspended solids reduction to meet the requirements of this subsection.

C) For in-fill development under five acres that occurs within 10 years after the effective date of this chapter, by design, to reduce to the maximum extent practicable the total suspended solids load by 40 percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40 percent total suspended solids reduction to meet the requirements of this subsection.

D) For in-fill development that occurs 10 or more years after the effective date of this chapter, by design, to reduce to the maximum extent practicable the total suspended solids load by 80 percent, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80 percent total suspended solids reduction to meet the requirements of this subsection.

E) Notwithstanding subsections (D)(1)A) through (D)(1)D) of this section, if the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

(2) Peak discharge:

A) At a minimum, the 2-year, 10-year, and 100-year 24-hour design storms shall be used in comparing peak flow discharge rates for pre-development and post-development conditions. The 2-year and 10-year 24-hour post-development runoff rates shall be maintained to the 2-year and 10-year 24-hour pre-development runoff rates and the 100-year 24-hour post-development design runoff shall be controlled at the 10-year 24-hour pre-development runoff rate.

B) Pre-development conditions shall assume “good hydrologic conditions” for appropriate land covers as identified in TR-55 or an equivalent methodology. 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 runoff curve numbers in Table 1 shall be used.

Table 1 – Maximum pre-development runoff curve numbers for cropland areas

Hydrologic Soil Group:	A	B	C	D
Runoff Curve Number:	55	68	77	80

C) Subsections (D)(2)A)-B) of this section do not apply to any of the following:

1) A post-construction site where the change in hydrology due to development does not increase the existing surface water elevation at any point within the downstream receiving water by more than 0.01 feet for the 2-year 24-hour storm event;

2) A redevelopment post-construction site; and

3) An in-fill development area less than five acres.

(3) Infiltration: Best management practices shall be designed, installed and maintained to infiltrate runoff to the maximum extent practicable under the following, except as provided in subsections (D)(3)E) through (D)(3)H) of this section.

A) For residential developments one of the following shall be met:

1) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the project site is required as an effective infiltration area; or

2) Infiltrate 25 percent of the post-development runoff from the 2-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 non-residential development, including commercial, industrial and institutional development, one of the following shall be met:

1) Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration

systems to meet this requirement, no more than two percent of the project site is required as an effective infiltration area; or

2) Infiltrate 10 percent of the runoff from the 2-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) Pre-development conditions shall be the same as in subsection (D)(2) of this section.

D) 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 before scheduled maintenance and to protect groundwater qualityunder subsection (D)(3)H) of this section. Pretreatment options may include oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

E) Exclusions. The runoff from the following areas are excluded from meeting the requirements of subsection (D)(3) of this section:

1) Areas associated with tier one industrial facilities identified in section NR 216.21(2)(a) of the Wisconsin administrative code, including storage, loading, rooftop and parking;

2) Storage and loading areas of tier two industrial facilities identified in section NR 216.21(2)(b) of the Wisconsin Administrative Code;

3) Fueling and vehicle maintenance areas;

4) Areas within 1000 feet upgradient or within 100 feet downgradient of karst features.

5) Areas with less than three feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subsection does not prohibit infiltration of roof runoff;

6) Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than five feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock;

7) Areas within 400 feet of a community water system well as specified in section NR 811.16(4) of the Wisconsin Administrative Code, or within 100 feet of a private well as specified in section NR 812.08(4) of the Wisconsin Administrative Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development;

8) Areas where contaminants of concern are present in the soil through which infiltration will occur; and

9) Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20 percent fines or greater; or at least a 5-foot soil layer with 10 percent fines or greater. This subsection does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subsection does not prohibit infiltration of roof runoff.

F) Exemptions. The following are not required to meet the requirements of subsection (D)(3) of this section:

1) Areas where the infiltration rate of the soil is less than 0.6 inches per hour measured at the site;

2) Parking areas and access roads are less than 5,000 square feet for commercial and industrial development;

3) Redevelopment post-construction sites;

4) In-fill development areas less than five acres; and

5) Infiltration areas during periods when the soil on the site is frozen;

6) Roads in commercial, industrial and institutional land areas and arterial residential roads.

G) Where alternate uses of runoff are used and approved by the zoning administrator, such as for toilet flushing, laundry or irrigation, such alternate uses shall be given equal credit toward the infiltration volume required by subsection (D)(3)

of this section.

H) Infiltration systems designed under subsection (D)(3) of this section 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 as those terms are used in chapter NR 140 of the Wisconsin Administrative Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration best management practice may not be installed or shall be modified to prevent infiltration to the maximum extent practicable. Discharge from pretreatment best management practices shall remain below the enforcement standard at the point of standards application.

(4) Protective areas: This subsection applies to post-construction sites located within a protective area, except those areas exempted pursuant to subsection (D)(4)C) of this section. "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 but 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.

A) The extent of the protective area is as follows:

1) For outstanding resource waters, exceptional resource waters and for wetlands in areas of special natural resource interest, 75 feet.

2) 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.

3) For lakes, 50 feet.

4) For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations made by other agencies and consultants may be relied upon. This paragraph does not apply to wetlands that have been completely filled under all applicable state and federal regulations. The protective area for wetlands that has been partially filled under all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.

5) For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet and nor more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.

6) For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

7) In subsections (D)(4)A)1), (D)(4)A)4) and (D)(4)A)5) 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 under the standards and criteria in section NR 103.03 of the Wisconsin administrative code.

B) The following requirements shall be met:

1) Impervious surfaces shall be kept out of the protective area to the maximum extent practicable. The storm water management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.

2) Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for stream bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be applied on the stream bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

3) Best management practices such as filter strips, swales or wet detention basins that are designed to control pollutants from nonpoint sources may be located in the protective area.

C) Subsection (D)(4) of this section does not apply to:

1) Redevelopment post-construction sites;

2) In-fill development areas less than five acres;

3) Structures that cross or access surface waters such as boat landings, bridges and culverts;

4) Post-construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain stream bank stability; and

5) Structures constructed under special zoning permission for the construction or placement of a structure of property in a shoreland setback area if:

A. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark;

B. The total floor area of all of the structures in the shoreland setback area of the property will not exceed 200 square feet, in calculating this square footage boathouses shall be excluded;

C. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides; and

D. The county approved a plan that will be implemented by the owner of the property to keep or establish a vegetative buffer zone that covers at least 70 percent of the half of the shoreland setback area that is nearest to the water.

(5) Fueling and vehicle maintenance areas: Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have best management practices designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state; that contains no visible petroleum sheen. A combination of the following best management practices may be used: oil and grease separators, canopies, petroleum spill cleanup materials or any other structural or nonstructural method of preventing or treating petroleum in runoff.

(6) Swale treatment for transportation facilities: Except as provided in subsection (D)(6)C) of this section, transportation facilities that use swales for runoff conveyance and pollutant removal shall meet all of the requirements of this subsection. Swales designed to the maximum extent practicable shall do the following:

A) Be vegetated. However, where appropriate, non-vegetative measures may be used to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

B) 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 2-year 24-hour design storm or a 2-year storm with a duration time 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.

C) Additional Requirements. The zoning administrator may, consistent with water quality standards, require that other provisions of this section be met on a transportation facility with an average daily travel of greater than 2,500 vehicles and where the initial surface water of the state that the runoff directly enters any of the following:

1) An outstanding resource water;

2) An exceptional resource water;

3) Waters listed in section 303(d) of the Clean Water Act, 33 U.S.C. § 1313, that are identified as impaired in whole or in part, due to nonpoint source pollution impacts; or

4) Waters where targeted performance standards are promulgated by rule of the Wisconsin Department of Natural Resources to meet water quality standards.

(7) General considerations for on-site and off-site storm water management measures: The following considerations shall be observed in managing runoff:

A) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used to the extent possible to meet the requirements of this section;

B) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety; and

C) In areas draining to a land-locked pond, best management practices shall be designed to maintain or reduce the existing maximum 100-year floodplain elevation of the area adjacent to the pond unless the entire 100-year floodplain lies within the owner's property. This condition may be waived if the owner obtains the legal right to increase flood elevations on all properties where the floodplain is increased due to development activities.

(8) Location and regional treatment option:

A) The best management practices may be located on-site or off-site as part of a regional storm water device, practice or system.

B) Post-construction runoff within a non-navigable surface water that flows into a best management practice, such as a wet detention pond, is not required to meet the performance standards of this section. Post-construction best management practices may be located in non-navigable surface waters.

C) The discharge of runoff from a best management practice, such as a wet detention pond, or after a series of such best management practices is subject to this chapter.

D) Except as allowed under subsection (D)(8)E) of this section, post-construction runoff from new development shall meet the post-construction performance standards before entering a navigable surface water.

(e) Post-construction runoff from any development within a navigable surface water that flows into a best management practice is not required to meet the performance standards of this section if:

1) The best management practice was constructed before the effective date of this chapter and the best management practice either received a permit issued under chapter 30 of the Wisconsin statutes or the best management practice did not require such permit; and

2) The best management practice is designed to provide runoff treatment from future upland development.

F) Runoff from existing development, redevelopment and undeveloped areas of land located within existing development shall meet the post-construction performance standards under subsection (D)(8) of this section in accordance with the following:

1) To the maximum extent practicable, best management practices shall be located to treat runoff before discharge to navigable surface waters.

2) Post-construction best management practice for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations.

G) The zoning administrator may approve off-site management measures if all of the following conditions are met:

1) The zoning administrator determines that the post-construction runoff is covered by a storm water management system plan that is approved by the city and that contains management requirements consistent with the purpose and intent of this chapter.

2) The off-site facility meets all of the following conditions:

A. The facility is in place;

B. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be achieved by on-site practices meeting the performance standards of this section; and

C. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

H) Where a regional treatment option exists such that the zoning administrator exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined by the zoning administrator and approved by the board of public works. In determining the fee for post-construction runoff, the zoning administrator shall consider an equitable distribution of the cost for land, engineering design, construction and maintenance of the regional treatment option.

(9) Alternate requirements: The zoning administrator may establish storm water management requirements more stringent than those set forth in this section if the zoning administrator determines that an added level of protection is needed to protect sensitive resources.

(E) Permit: No responsible party may undertake a land disturbing construction activity without receiving a post-construction storm water permit from the zoning administrator before commencing the proposed activity.

(1) Permit application and fees: Unless specifically excluded by this chapter, any responsible party desiring a permit shall submit to the zoning administrator a permit application made on a form provided by the zoning administrator for that purpose. A permit application must be accompanied by a post-construction storm water management plan, a maintenance agreement and a non-refundable permit fee paid to the zoning administrator. The plan and maintenance agreement shall be prepared to meet the requirements of this section.

(2) Review and approval of permit application: The zoning administrator shall review any permit application that is submitted and the following approval procedures shall be used:

A) Within 15 business days of receipt of a complete permit application, the zoning administrator shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.

B) If the permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the zoning administrator shall issue the permit.

C) If the permit application, plan or maintenance agreement is disapproved, the zoning administrator shall detail in writing the reasons for disapproval.

D) The zoning administrator may request additional information from the applicant. If additional information is submitted, the zoning administrator shall have 10 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.

E) Failure by the zoning administrator to inform the permit applicant of a decision within 60 business days of a required submittal shall be considered an approval and the applicant may proceed as if a permit had been issued.

(3) Permit Conditions: All permits issued under this section shall be subject to the following conditions and the holders of permits issued under this section shall be considered to have accepted these conditions.

A) The responsible party must comply with all applicable federal, state and local laws and regulations.

B) The responsible party shall design and install all structural and non-structural storm water management measures under the approved storm water management plan and permit.

C) The responsible party shall notify the zoning administrator at least five business days before commencing any work in conjunction with the post-construction storm water management plan, and within five business days upon completion of the storm water management practices. If required as a special condition under subsection (E)(3)M) of this section, the responsible party shall make additional notifications according to a schedule set forth by the zoning administrator so that installation of storm water management practices can be inspected during construction.

D) Installation of storm water management practices required as part of this chapter shall be certified “as built” by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the zoning administrator or designee to determine if they conform to the approved storm water management plan and this chapter. The zoning administrator or designee shall notify the responsible party in writing of any changes required and such practices to bring them into compliance with the conditions of this permit.

E) The responsible party shall notify the zoning administrator of any significant modifications it intends to make to an approved storm water management plan. The zoning administrator may require that the proposed modifications be submitted to it for approval before incorporation into the storm water management plan and execution by the responsible party.

F) The responsible party shall maintain all storm water management practices under the post-construction storm water management plan until such practices either become the responsibility of the city, or are transferred to private owners as specified in the approved maintenance agreement.

G) The responsible party authorizes the zoning administrator to perform any work or operations necessary to bring storm water management practices into conformance with the approved post-construction storm water management plan, and consents to a special assessment or charge against the property or to charging such costs against the posted financial guarantee.

H) If directed by the zoning administrator, the responsible party shall repair at the responsible party’s expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.

I) The responsible party shall permit property access to the zoning administrator or designee for inspecting the property for compliance with the approved post-construction storm water management plan and permit.

J) Where site development or redevelopment involves changes in direction, or increases in peak rate or total volume of runoff from a site, the zoning administrator may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

K) The responsible party is subject to the enforcement actions and penalties detailed in section 5-20-7, if the responsible party fails to comply with the terms of this permit.

L) The zoning administrator may suspend or revoke a permit for violation of a permit condition following written notification of the responsible party. Any action by the zoning administrator to suspend or revoke this permit may be appealed under section 5-20-9 of this chapter.

M) Permits issued under this section may include conditions established by the zoning administrator in addition to the requirements needed to meet the performance standards in subsection (D) of this section or a financial guarantee in subsection (E) of this section.

(4) Permit duration: Permits issued under this section shall be valid from the date of issuance through the date the zoning administrator notifies the responsible party that all storm water management practices have passed the final inspection required under subsection (E)(3)D) of this section.

(F) Maintenance agreement: The maintenance agreement is an agreement between the city and the responsible party to provide for maintenance of storm water management practices beyond the duration period of the permit.

(1) Maintenance agreement filed: The maintenance agreement shall be filed with the Green County register of deeds as a covenant so that it binds all owners of the land served by the storm water management practices.

(2) Maintenance agreement provisions: The maintenance agreement shall contain the following information and be consistent with the storm water management plan:

A) Identification of the storm water facilities and designation of the drainage area served by the facilities.

B) Schedule for regular maintenance of each aspect of the storm water management system consistent with the post-construction storm water management plan.

C) Identification of the responsible party or parties, organization, city, town, village or county responsible for long-term maintenance of the storm water management practices identified in the storm water management plan.

D) Requirement that the responsible party or parties, organization, city, town, village or county shall maintain storm water management practices under the schedule included in subsection (F)(2)B) of this section.

E) Authorization for the zoning administrator or designee to access the property to conduct inspections of storm water management practices as necessary to determine that such practices are being maintained and operated as required by the agreement.

F) Requirement on the city 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 set forth any corrective actions required to bring the storm water management practice into proper working condition.

G) Agreement that the party designated under subsection (F)(2)C) of this section as responsible for long term maintenance of the storm water management practices and shall be notified by the city of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the city.

H) Authorization of the city to perform the corrected actions identified in the inspection report if the responsible party designated under subsection (F)(2)C) of this section does not make the required corrections in the specified time period. The city shall enter the amount due on the tax rolls and collect the money as a special assessment against the property.

(G) Financial guarantee: The zoning administrator may require the submittal of a financial guarantee.

(1) Establishment of the guarantee: The financial guarantee shall be in an amount, form and type determined by the zoning administrator to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance

responsibility. The financial guarantee shall give the zoning administrator the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, and upon written notice to the responsible party by the zoning administrator that the requirements of this chapter have not been met.

(2) Conditions for release: Conditions for the release of the financial guarantee are as follows:

A) The zoning administrator shall release the portion of the financial guarantee established, less any costs incurred by the city to complete installation of storm water management practices, upon submission of "as built plans" by a licensed professional engineer. The city may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

B) The zoning administrator shall release a portion of the financial guarantee to assure maintenance of storm water management practices, less any costs incurred by the zoning administrator, at such time that the responsibility for storm water management practice maintenance is passed onto another entity via an approved maintenance agreement.

5-20-5: Erosion and sediment control:

(A) Applicability: This section applies to the following land disturbing construction activities except as provided under subsection (A)(7) of this section:

(1) The construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats and certified survey maps.

(2) The grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.

(3) The excavation or filling or a combination thereof affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.

(4) The construction enlargement, relocating or reconstruction of streets, highways, roads or bridges.

(5) The laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

(6) This section does not apply to the following activities:

A) The construction of a building that is regulated under sections SPS 321.125 and SPS 350.115 of the Wisconsin administrative code.

B) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit for land disturbing construction activity.

C) Nonpoint source pollution from agricultural facilities and silviculture activities.

D) Routine maintenance for project sites under five acres of land disturbing construction activity if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(7) Notwithstanding the applicability requirements in subsection (A)(1) through (A)(6) of this section, this section applies to construction sites of any size that, in the opinion of the zoning administrator, are likely to result in runoff that exceeds the safe capacity of the 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) Technical standards: All best management practices required to comply with this section shall meet the design criteria, standards and specifications based on the following:

(1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources;

(2) Average annual basis calculated by using the appropriate 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; and

(3) Other technical standards not identified or developed in subsection (B)(1) or (B)(2) of this section, that have been approved by the zoning administrator.

(C) Plan: The responsible party shall develop and implement a written erosion and sediment control plan for each construction site identified in subsection (A) of this section that incorporates the requirements of this section.

(1) Plan requirements: The erosion and sediment control plan shall be prepared and submitted to the zoning administrator. The erosion and sediment control plan shall be designed to meet the erosion control performance standards and other requirements of this section, and address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site.

A) The erosion and sediment control plan shall include the following:

1) Statement that briefly describes the site and the best management practices that will be used, including the site development schedule.

2) Names and addresses of the owner or developer of the site, and of any consulting firm retained by the applicant, and the name of the applicant's principal contact at such firm.

3) Start and end dates for construction.

4) Description of the site and the nature of the land disturbing construction activity, including a representation of the limits of land disturbing construction activity on a United States geological service 7.5 minute series topographic map.

5) A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, buildings and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

6) Estimates of the total area of the site and the total area of the site that is expected to be disturbed by land disturbing construction activities.

7) Estimates, including calculations, if any, of the runoff coefficient of the site before and after land disturbing construction activities are completed.

8) Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.

9) Existing data describing the surface soil as well as subsoils.

10) Depth to groundwater, as shown by natural resources conservation service soil information where available.

11) Name of the immediate named receiving water from the United States geological service 7.5 minute series topographic maps.

12) Site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet. The site map shall include the following:

A. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters including lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site, and any identified 100-year flood plains, flood fringes and floodways.

B. Boundaries of the construction site.

C. Drainage patterns and approximate slopes anticipated after major grading activities.

D. Areas of soil disturbance.

E. Location of major structural and non-structural controls identified in the plan.

F. Location of areas where stabilization practices will be used.

G. Areas which will be vegetated following construction.

H. Extent of wetland acreage on the site and locations where storm water is discharged to a surface water or wetland.

I. Locations of all surface waters and wetlands within one mile of the construction site.

J. An alphanumeric or equivalent grid overlying the entire construction site map.

13) Description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

A. Description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

B. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the zoning administrator, structural measures shall be installed on upland soils.

C. Management of overland flow at all sites, unless otherwise controlled by outfall controls.

D. Trapping of sediment in channelized flow.

E. Staging construction to limit bare areas subject to erosion.

F. Protection of downslope drainage inlets where they occur.

G. Minimization of tracking at all sites.

H. Clean up of off-site sediment deposits.

I. Proper disposal of building and waste materials at all sites.

J. Stabilization of drainage ways.

K. Control of soil erosion from dirt stockpiles.

L. Installation of permanent stabilization practices as soon as possible after final grading.

M. Minimization of dust to the maximum extent practicable.

B) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(2) The applicant shall amend the plan if any of the following occur:

A) There is a change in design, construction, operation or maintenance at the site which has a reasonable potential for the discharge of pollutants to the waters of the state and which has not otherwise been addressed in the plan.

B) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

C) The zoning administrator notifies the applicant of changes needed in the plan.

(D) Permit: No responsible party may commence a land disturbing construction activity under this section without receiving prior approval of an erosion and sediment control plan for the site and a permit from the city.

(1) 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, an erosion and sediment control plan and pay a fee. By submitting an application, the applicant is authorizing the zoning administrator to enter the site to obtain information required for the review of the erosion and sediment control plan.

(2) Review and approval of permit application: The zoning administrator shall review any complete permit application. The following approval procedure shall be used:

A) Within 15 business days of the receipt of a complete permit application, the zoning administrator shall inform the

applicant whether the application and plan are approved or disapproved based on the requirements of this chapter.

B) If the permit application and plan are approved, the zoning administrator shall issue the permit.

C) If the permit application or plan is disapproved, the zoning administrator shall state in writing the reasons for disapproval.

D) The zoning administrator may request additional information from the applicant. After additional information is submitted, the zoning administrator shall have 10 business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

E) Failure by the zoning administrator to inform the permit applicant of a decision within 60 business days of a required submittal shall be considered an approval of the submittal and the applicant may proceed as if a permit had been issued.

(3) Surety bond: As a condition of approval and issuance of the permit, the zoning administrator may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

(4) Permit conditions: All permits require the responsible party to:

A) Notify the zoning administrator within 48 hours of commencing any land disturbing construction activity.

B) Notify the zoning administrator of completion of any best management practices within 14 days after their installation.

C) Obtain permission in writing from the zoning administrator before any modification under section 5-20-5(C)(2 of this chapter of the erosion and sediment control plan.

D) Install all best management practices.

E) Maintain all road drainage systems, storm water drainage systems, best management practices and other facilities.

F) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.

G) Inspect the best management practices within 24 hours after each rainfall of 0.5 inches or more which results in runoff during active construction periods, and at least once each week to make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection and a description of the present phase of the construction at the site.

H) Allow the zoning administrator to enter the site for 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.

I) Keep a copy of the erosion and sediment control plan at the construction site.

J) Include conditions established by the zoning administrator in addition to the requirements set forth in subsection (D)(4)A) through (D)(4)I) of this section, where needed to assure compliance with the performance standards in subsection (E) of this section.

(5) Permit duration: Permits issued under this section shall be valid for 180 days or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The zoning administrator may extend the period one or more times for up to an additional 180 days. The zoning administrator may require additional best management practices as a condition of the extension if they are necessary to meet the requirements of this chapter.

(6) Maintenance: The responsible party throughout the duration of the land disturbing construction activities shall maintain all best management practices necessary to meet the requirements of this chapter until the site has undergone final stabilization.

(E) Performance standards: The plan required under subsection (C) of this section shall meet the following requirements.

(1) Plan requirements: The erosion and sediment control plan shall include the following performance standards:

A) Best management practices that, by design, achieve to the maximum extent practicable a reduction of 80 percent of the sediment load carried in runoff, on an average annual basis, as compared with no sediment or erosion controls until the construction site has undergone final stabilization. No person shall be required to exceed an 80 percent sediment reduction to meet the requirements of this subsection. Erosion and sediment control best management practices may be used alone or in combination to meet the requirements of this subsection. Credit toward meeting the sediment reduction shall be given for limiting the duration or area or both of land disturbing construction activity or other appropriate mechanism.

B) Notwithstanding subsection (E)(1)A) of this section, if best management practices cannot be designed and implemented to reduce the sediment load by 80 percent, on an average annual basis, the plan shall include a written and site-specific explanation as to why the 80 percent reduction goal is not attainable and the sediment load shall be reduced to the maximum extent practicable.

C) Where appropriate, the plan shall include sediment controls to prevent or protect all of the following to the maximum extent practicable:

1) Tracking of sediment from the construction site onto roads and other paved surfaces.

2) Discharge of sediment as part of site de-watering.

3) Separate storm drain inlet structures from receiving sediment.

D) The use, storage and disposal of chemicals, cement and other compounds and materials used on the construction site shall be managed during the construction period to prevent their entrance into waters of the state. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or best management practice installations, are not prohibited by subsection (E)(1) of this section.

(2) Location: The best management practices used to comply with this section shall be located before runoff entering waters of the state.

(3) Alternate requirements: The zoning administrator may establish erosion and sediment control requirements more stringent than those set forth in this section if the zoning administrator determines that an added level of protection is needed for sensitive resources.

5-20-6: Inspection: If land disturbing construction activities are being carried out without a permit as required by this chapter, the zoning administrator may enter the land pursuant to a special inspection warrant.

5-20-7: Enforcement and penalties:

(A) Violation: Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person subject to this chapter shall be considered a violation unless conducted under the requirements of this chapter.

(B) Non-compliance notice: The zoning administrator shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. Non-compliance includes bad faith implementation and failure to meet conditions of the permit.

(1) The notice shall describe the nature of the violation, remedial actions necessary, a schedule for remedial action and additional enforcement action which may be taken.

(2) Upon receipt of the non-compliance notice, the responsible party shall correct work that does not comply with the approved plan or other provisions of the permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the zoning administrator in the non-compliance notice. If non-compliance is likely to result in damage to properties, public facilities or waters of the state, the zoning administrator may enter the land and take emergency actions necessary to prevent such damage.

(3) If the responsible party does not correct work to comply with this chapter and with an approved plan or other provisions of the permit within 15 days after the scheduled deadline in the non-compliance notice, the zoning administrator shall:

A) Recommend that any person, firm, association or corporation who does not comply with the provisions of this chapter be subject to a Class 1 forfeiture. Each day that the violation exists shall constitute a separate offense; and

B) Post a stop work order on all land disturbing construction activity being undertaken without a permit or in violation of this chapter. After posting a stop work order, the zoning administrator may issue a notice of intent to the responsible party

of the zoning administrator's intent to perform work necessary to comply with this chapter. The zoning administrator and designees may go on the land and commence the work after issuing the notice of intent.

(4) If the responsible party does not comply this chapter, the non-compliance notice or a stop work order, the zoning administrator shall revoke the permit issued under this chapter 30 days after the scheduled deadline in the non-compliance notice.

(5) The zoning administrator may refer any violation of this chapter or a stop work order issued pursuant to this chapter to the city attorney for the commencement of further legal proceedings in any court of competent jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

(C) Duration: Any permit revocation, stop work order or cease and desist order may remain in effect unless retracted by the zoning administrator or by a court of competent jurisdiction.

(D) Costs: The costs incurred by the zoning administrator under subsection (B) of this section, plus interest and legal costs, shall be billed to the responsible party. The zoning administrator shall keep a detailed accounting of the costs and expenses of performing work. These costs and expenses shall be deducted from any financial guarantee posted under section 5-20-4(H) of this chapter. Where such a guarantee has not been posted, or where such a guarantee is insufficient to cover these costs, the costs and expenses may be entered on the tax roll as a special assessment against the property and collected with any other taxes levied thereon for the year in which the work is completed.

5-20-8: Fee schedule: The fees referred to in this chapter shall be established by the council.

5-20-9: Appeals: The zoning board of appeals shall hear and decide appeals made by any aggrieved person or by an officer, department, board or bureau of the city affected by any decision of the zoning administrator where it is alleged that there is error in any order, decision or determination made by the zoning administrator in administering this chapter. Upon appeal, the zoning board of appeals may authorize variances from the provisions of this chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

***Chap. 5-20 history: 5-20-1**: 2008-11-5; 2016 code; **5-20-2**: 2008-11-5; 2016 code; **5-20-3**: 2008-11-5; 2016 code; **5-20-4**: 2008-11-5; 2016 code; **5-20-5**: 2008-11-5; 2016 code; **5-20-6**: 2008-11-5; 2016 code; **5-20-7**: 2008-11-5; 2016 code; **5-20-8**: 2008-11-5; 2016 code; **5-20-9**: 2008-11-5; 2016 code*

TITLE 6: SUBDIVISION REGULATIONS

Chapter 1 GENERAL PROVISIONS AND PROCEDURES
Chapter 2 PRELIMINARY AND FINAL PLAT REQUIREMENTS
Chapter 3 REQUIRED IMPROVEMENTS
Chapter 4 DESIGN STANDARDS AND REQUIREMENTS
Chapter 5 MODIFICATIONS AND EXCEPTIONS; ENFORCEMENT
Chapter 6 MINOR SUBDIVISIONS

TITLE 6: SUBDIVISION REGULATIONS

Chapter 1: GENERAL PROVISIONS AND PROCEDURES

6-1-1 Title and purpose
6-1-2 Applicability
6-1-3 Definitions
6-1-4 Procedure for subdividing
6-1-5 Penalties

6-1-1: Title and purpose: This title shall be known as and may be cited as the land subdivision regulations of the city of Monroe. The purpose of these regulations is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the city to promote the public health, safety and general welfare of the community. These regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; and to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are formulated to facilitate enforcement of development standards as outlined in this code, the comprehensive plan and official map of the city.

6-1-2: Applicability: Any subdivision of land within the city, or its extraterritorial plat approval jurisdiction, shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this title and chapter 236, Wisconsin statutes. The provisions of this title shall not apply to:

(A) Transfer of interest in land by will or pursuant to court order.

(B) Leases for a term of not to exceed 10 years, mortgages or easements.

(C) Sale or exchange of parcels of land between owners of adjoining properties, if additional lots are not thereby created and if the resulting lots are not reduced below the minimum sizes required by chapter 236, Wisconsin statutes, or this code.

(D) Division of land for agricultural purposes of parcels of more than 10 acres not involving new streets or easements for access.

6-1-3: Definitions: In this title:

“Extraterritorial plat approval jurisdiction” means the unincorporated area within 1 1/2 miles of the corporate limits of the city (a fourth class city). When the city becomes a third class city, this area will be three miles from the corporate limits.

“Lot division” means the division of a parcel into lots or parcels, any one of which is less than three acres in area for the purpose of sale or building development.

“Street” means a way for vehicular traffic, whether designated as a street, highway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

“Collector streets” means those streets which carry traffic from minor streets to the major system of major streets and highways and includes the principal entrance streets to residential developments and streets for circulation within such developments.

“Major streets and highways” means those streets which are used primarily for fast or heavy through traffic.

Marginal access streets” means those streets which are parallel and adjacent to major streets and highways and which provide access to abutting properties and protection from through traffic.

“Minor streets” means those streets which are used primarily for access to abutting properties.

“Subdivision” means a division of a lot, parcel or tract of land by the owner thereof or the owner’s agent for the purpose of sale or of building development, where: a) the act of division creates five or more parcels or building sites of 1 ½ acres each or less in area; or b) five or more parcels or building sites of 1 ½ acres each or less in area are created by successive divisions within a period of five years.

6-1-4: Procedure for subdividing:

(A) Sales of lots, preliminary plat and final plat required: No person proposing to make a subdivision within the territorial limits of these regulations shall enter into any contract for the sale of, nor shall offer to sell the subdivision or any part thereof, nor

shall proceed with any construction work, other than grading on the proposed subdivision, until he or she has obtained from the plan commission and the council the approval of the preliminary and final plat of the proposed subdivision as required by this chapter.

(B) City engineer, consultation: Before preparing and submitting the preliminary plat to the plan commission, the subdivider, or his or her engineer, shall consult with the city engineer while the plat is in sketch form to determine the locations of proposed highways or major streets, parks, playgrounds and other planned developments.

(C) Compliance with design principles required: In planning and developing a subdivision, the subdivider or his or her agent shall comply with the general principles of design and minimum requirements for the layout of subdivisions set forth in this Title, as well as chapter 236 of the Wisconsin statutes, and such other regulations as from time to time become applicable.

(D) School facilities: The owner or subdivider, when seeking approval of a preliminary plat or division of land, shall offer proof as to the name of the school district or districts in which the subdivision is to be located and shall verify that all plans have been submitted to the school district.

(E) Public sites, open space, park land area or park land development funding: All subdivisions, lot divisions and integrated planned developments of lands zoned A-1, A-2, R-1, R-2 or R-3 under title 5 of this code must provide, in a manner selected by the city plan commission, for the development, including purchase if necessary, of park lands, playgrounds or other public spaces as herein provided. At the option of the plan commission, the subdivider or developer, as the case may be, shall provide one of the following:

(1) Dedication of area equal in amount to at least five percent of the area of every subdivision, lot division or integrated planned development, exclusive of streets and alleys. The city plan commission shall have the option of dictating the lands to be used to satisfy this requirement; or

(2) Payment of monies to a nonlapsing fund for park land development. The plan commission may require the subdivider or developer to pay to the city a sum of money, on a per lot basis, or on a per unit basis in the case of a planned unit development, for the development of park lands or playgrounds. All monies paid thereunder shall be paid to a nonlapsing fund maintained by the city and administered by the council, for the purchase and development of park lands or playgrounds. The sum of money to be paid by the subdivider or developer shall be $100.00 for each lot or unit to be developed for single-family residential use. For lots zoned to allow more than one family unit, an additional $50.00 per unit shall be assessed.

A) If payment of a fee is required by the plan commission, such fee shall be assessed when, and as a condition for, plan commission approval of a plat, certified survey or subdivision. Such fee shall either be payable in cash upon approval of the plat, certified survey or subdivision or the subdivider shall execute or cause to be executed and properly recorded with the register of deeds for Green County a mortgage to the city for the total sum due the city pursuant to this section together with interest at a rate equal to the rate last charged property owners upon assessments for improvements to sidewalks or curb and gutter. Interest shall accrue from the date of the plat, certified survey or subdivision is approved. If the subdivider provides a mortgage in lieu of cash, the subdivider shall, as a further condition of approval of the plat, certified survey or subdivision, pay all charges for recording of the mortgage and shall provide the city with an opinion of legal counsel directed to and for the benefit of the city showing such lien is first in priority subject only to real estate taxes or liens having the same priority as real estate taxes. The city shall be obligated to satisfy such lien only if appropriate documents in proper form are presented to the city for signature with payment of a sum equal to the fee assessed upon any parcel for which a satisfaction of lien is solicited plus accrued interest to the date of payment. The city shall not be obligated to pay recording fees or other charges associated with either the creation or satisfaction of any such lien.

B) The treasurer is hereby authorized to execute on behalf of the city any documents necessary to satisfy any mortgage lien created pursuant to this section.

6-1-5: Penalties:

(A) A person who violates any provision of this title shall upon conviction be subject to a Class 2 forfeiture. Each day a violation exists or continues shall constitute a separate offense.

(B) In addition to the penalty set forth in subsection (A), the remedies provided by sections 236.30 and 236.31 of the Wisconsin statutes shall be available to the city.

***Chap. 6-1 history: 6-1-1**: 1976-4-20; 2016 code; **6-1-2**: 1976-4-20; 2016 code; **6-1-3**: 1976-4-20; 1996-4-16; 2016 code; **6-1-4**: 1976-4-20; 1989-11-21 1993-2-17; 2016 code; **6-1-5**: 1976-4-20; 2016 code*

TITLE 6: SUBDIVISION REGULATIONS

Chapter 2: PRELIMINARY AND FINAL PLAT REQUIREMENTS

6-2-1 Preliminary plat procedure
6-2-2 Preliminary plat specifications
6-2-3 Final plat requirements and procedures
6-2-4 Final plat specifications
6-2-5 Final plat acceptance
6-2-6 Final plat filing

6-2-1: Preliminary plat procedure:

(A) Preparation and application for approval: The subdivider shall prepare a preliminary plat of the proposed subdivision which shall conform to the requirements set forth in this title and chapter 236 of the Wisconsin statutes, and shall file with the city engineer an application in writing for the approval of the preliminary plat accompanied by 10 black line or photostatic copies at least 15 days before the meeting of the city plan commission at which action is desired.

(B) Review by other agencies: The preliminary plat will be checked by the city plan commission as to its conformity with the comprehensive plan and the principles, standards and requirements set forth in this title and copies of the preliminary plat shall be referred for recommendations or other action as follows:

(1) Plats within the city: In the case of plats within the city, to the city engineer for checking of matters within his or her jurisdiction, and to the director of public works for checking of matters within his or her jurisdiction, and approval of the improvements proposed to be installed.

(2) Plats outside the city: In the case of plats outside the corporate limits of the city, to the appropriate county board, commission or agency for checking of matters within the jurisdiction of the county; to the city engineer for checking of matters within his or her jurisdiction, to the director of public works for checking of matters within his or her jurisdiction and to the board of the town in which the subdivision is located for checking of matters within the jurisdiction of the town.

(3) Plats containing five or more parcels: In the case of plats containing five or more parcels or building sites of 1 1/2 acres each or less, or where such are created by successive divisions within a period of five years, to all proper agencies of the state of Wisconsin as are required by law to review all or pertinent sections of subdivisions.

(C) Preliminary plat approval:

(1) Upon receipt of the recommendations or other action concerning matters covered in subsection (b) of this section, the city plan commission shall approve or disapprove the preliminary plat, or approve it with modifications noting thereon any changes that will be required. One copy will be returned to the subdivider with the date of said approval or disapproval endorsed thereon. Similar copies shall be transmitted to the city engineer and the superintendents of utilities. The approval of the preliminary plat by the plan commission is to be considered only as an approval of the general layout with the understanding that the city engineer or other officials having jurisdiction, including the plan commission and the council, may modify any engineering or construction details proposed by the subdivider whenever required for the protection of the public interest and before approval of the final plat.

(2) The city plan commission may refuse to approve a plat submitted by a subdivider which conforms to the minimum development standards of the city for the following reasons:

A) The preliminary or final plat is not concerned with the best use of the land for the area.

B) It is not the intent of the city to allow subdivisions to be developed in exact accordance with the minimum standards established by the city.

C) A proposed or final plat as prepared by the subdivider has not concerned itself with the aesthetic values of the area which the city desires.

D) The unavailability of, or inability of the city to provide, adequate services for the area when the plat is submitted for consideration.

E) The possible adverse effect that such plat would cause upon the city property tax base or the school tax base of the joint district number 3682.

F) Such other reasons determined by the city plan commission.

6-2-2: Preliminary plat specifications:

(A) Vicinity sketch: A vicinity sketch at a scale of 400 feet or more to the inch shall be drawn on or accompany the preliminary plat. The sketch shall show all existing subdivisions, the street and tract lines or acreage parcels of land, and the name of record owners of parcels immediately adjoining the proposed subdivision and between it and the nearest existing highways or thoroughfares. It shall also show the streets and alleys in neighboring subdivisions or unplatted property involved in producing the most advantageous development of the entire neighborhood.

(B) Scale and profiles: The horizontal scale of the preliminary plat shall be 50 feet or less to the inch, and the vertical scale of street and sewer profiles, 10 feet or less to the inch.

(C) Features to be shown: The preliminary plat shall clearly show the following features and information:

(1) Name: The proposed name of the subdivision shall not duplicate or closely approximate the name of any other subdivision in the city.

(2) Designation: The tract designation according to real estate records of the register of deeds of Green County.

(3) Owners of record: The names and addresses of the owner of record, the subdivider and the engineer or surveyor.

(4) Abutting Owners: The name of adjacent subdivisions and the names of record owners of adjacent parcels of unplatted land.

(5) Boundary Lines: The boundary lines, accurate in scale of the tract to be subdivided.

(6) Streets and other features: The locations, width and names of all existing or platted streets, or other public ways within or adjacent to the tract, and other important features including existing structures, trees that are 12 inches or more in diameter, watercourses, railroad lines, city boundary lines and town boundary lines.

(7) Existing utilities: Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.

(8) Topography and soil characteristics: Contours normally with intervals of two feet reference to USGS datum and soil characteristics as shown on U.S. soil maps.

(9) proposed design, streets, drainage, etc.: The layout, names and widths of proposed streets, alleys and easements; the location and approximate sizes of catch basins, culverts and other drainage structures, including storm sewer; and the layout, numbers and approximate dimensions of proposed lots. Proposed street names shall not duplicate or closely approximate any existing street names in the city except extension of existing streets.

(10) Zoning: Zoning boundary lines if any; proposed uses or property and proposed front yard setback lines.

(11) Public uses: All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitations of such reservation indicated.

(12) North point, etc.: North point, scale, date, title.

(D) Restrictive covenants: Copies of any private restriction that is planned to be included shall be attached to the preliminary plat.

(E) Construction plans: Construction plans shall be furnished with the preliminary plat.

(F) Easements: Easements shall be shown separately or on the preliminary plat; where practical utility easements for poles or underground conduits for electric or telephone lines shall be provided along rear lot lines.

6-2-3: Final plat requirements and procedures:

(A) Surety bond: Before the final plat of the subdivision is approved, the subdivider shall file with the city plan commission a surety bond in a sum sufficient to cover 10 percent of the costs of the completion of all required work as demanded by this Title, including required streets and utility improvements. In the case of a phased development of public improvements, the subdivider shall file with the city plan commission a surety bond in a sum sufficient to cover 10 percent of the cost of each phase of the subdivision. Said bond shall be executed before the commencement of each phase of the subdivision. Such

bond shall be executed by the subdivider as principal, and a corporation authorized to do so under the laws of the state as surety, payable to the city and shall be conditioned on the faithful performance of all work encompassed in this title.

(B) Cash in lieu of bond: In lieu of bond, the subdivider may deposit with the city a sum of money in cash equal to 10 percent of the estimated cost of the work as established by the city engineer. In the case of a phased development of public improvements, in lieu of bond, the subdivider may deposit with the city a sum of money in cash equal to 10 percent of the estimated cost of the public improvements of each phase of the subdivision as established by the city engineer. Said cash shall be deposited before the commencement of each phase of the subdivision.

(C) Deposit and approval of cash or bond: Said bond, or the cash equivalent, shall be deposited with the city by submitting the same to the city clerk and must be approved by the council before approval of the final plat by the city plan commission. Said bond or the cash equivalent deposit shall be conditioned that if the subdivider fails to complete all work required in the subdivision within a reasonable time, the city, at its option, may cause all work to be completed and the parties executing the bond shall be firmly bound for the payment of all necessary costs therefor.

(D) Number of copies, certificate of title: The subdivider shall file with the city plan commission 10 black line or blueprints or photostatic copies of the final or record plat which shall conform in every respect with the requirements specified in this title and in chapter 236 of the Wisconsin statutes. These shall be accompanied by a certification of title showing the ownership of all lands to be dedicated to the public and that the title thereof is free and unencumbered. Filing of the plat with the Plan Commission shall be accompanied only by delivery of the copies to the city engineer. No action on said plat shall be taken by the city plan commission unless the copies have been deposited with the city engineer for 15 days and the city engineer has submitted his or her report to the city plan commission under subsection (E) of this section.

(E) Checking by city engineer: A copy of the final plat thus filed shall be transmitted to the city engineer who will check the final plat. The city engineer shall provide a copy of the final plat to the director of public works, or his or her designee, for review and approval. If found satisfactory, he or she shall deliver the plat to the city plan commission, with a certificate showing that the technical details of the plat have been checked and found satisfactory, a statement indicating the necessary work that must be performed by the subdivider before the completion of the subdivision and a statement of the estimated cost of all said projects to establish the basis of the bond required by this section.

(F) Review by other agencies: Where a preliminary plat is subject to review by any state agency, the final plat shall also be submitted to such agency.

(G) Final plat approval: If no objection to final plat is made by any of the state agencies concerned or after 20 days from the date of submission of the plat to said agencies, and after a copy of the final plat and the certificate required by subsection (E) of this section has been received by the city plan commission and if the final plat is found to conform with the preliminary plat as tentatively approved or as modified by the city officials, the city plan commission may approve the final plat and enter such approval thereon in writing by its chairperson and secretary.

6-2-4: Final plat specifications:

(A) Submittal of final plat: The final plat shall be delivered to the city engineer and the city plan commission in a form meeting all of the requirements which are listed in chapter 236 of the Wisconsin statutes.

(B) Number of copies, format: Ten black line or blueprints or photostatic copies of the final plat of the subdivision, or of any part of a larger subdivision, shall be submitted to the city plan commission for approval.

6-2-5: Final plat acceptance: Upon approval of the final plat, the plan commission shall transmit said plat, and all certificates and notations required by law, to the council. The council shall approve, disapprove or partially approve the plat. Acceptance of the plat by the council shall constitute acceptance by the public of the dedication of any street or other proposed public way or space shown on said plat. In the case of a subdivision outside the corporate limits of the city, the plat shall be referred to the county officials and the town board of the town in which the subdivision is located for such action as may be necessary to accept the plat. Nothing contained in this section shall be considered acceptance by the city of the improvements placed upon said property, the requirements of which are set forth elsewhere in this chapter.

6-2-6: Final plat filing: The subdivider shall file with the city clerk and city engineer a true copy of the final recorded plat. No bond or cash in lieu of bond shall be returned until the final recorded plat has been filed with the city clerk and city engineer, and the other requirements of this chapter have been met.

***Chap. 6-2 history: 6-2-1**: 1976-4-20; 2015-6-16; 2016 code; **6-2-2**: 1976-4-20; 2016 code; **6-2-3**: 1976-4-20; 1993-5-18; 2016 code; **6-2-4**: 1976-4-20; 2016 code; **6-2-5**: 2001-9-4; 2016 code; **6-2-6**: 2001-9-4; 2016 code*

TITLE 6: SUBDIVISION REGULATIONS

Chapter 3: REQUIRED IMPROVEMENTS

6-3-1 Agreement for installation of improvements
6-3-2 Roadways
6-3-3 Water
6-3-4 Storm sewers
6-3-5 Sanitary sewers
6-3-6 Monuments
6-3-7 Construction and grading plans
6-3-8 Inspection
6-3-9 Later sewer hookup costs
6-3-10 Reimbursement for sewer lines exceeding requirements
6-3-11 Underground installation of utility services
6-3-12 Street lighting
6-3-13 Extension of improvements not in proposed subdivision

6-3-1: Agreement for Installation of Improvements:

(A) Subdivider to provide all public improvements: No final plat for the subdivision of land shall be approved until the subdivider enters into a contract with the city agreeing that the subdivider shall provide within the subdivision the utilities and street improvements as set forth in this chapter. All of the work required for the improvements and all costs of material, engineering, inspection, legal, clerical and other costs shall be paid in full by the subdivider except as otherwise specified in this chapter.

(B) Phased construction:

(1) A subdivider or developer may apply to the city plan commission for phased construction of public improvements. The Plan Commission shall not consider any application for phased construction of public improvements unless the application has been submitted with the preliminary plat. The application shall be in writing and shall include a general plan for phasing the subdivision and any other data required by the city plan commission.

(2) For purposes of this chapter "phased construction of public improvements" means the division and construction of the utilities and street improvements and other public improvements of the subdivision as required under this Title in at least two separate projects. Nothing in this subsection relieves the subdivider from any liability, obligation or duty under any contract executed pursuant to subsection (A) of this section.

(3) Upon approval of an application for phased construction of public improvements by the city plan commission, the contract as provided by subsection (A) in this section between the city and the subdivider may provide for phased construction of public improvements.

(4) Before the commencement of each phase, the plan commission shall review and approve a phase implementation plan. Said plan shall be in writing and shall indicate the lots, public dedications, public and private streets, sidewalks, walkways and driveways which will be constructed in that phase. The subdivider shall provide any other information requested by the Plan Commission in its review of the phase implementation plan.

(C) Surety: The subdivider shall file with the city a surety bond or cash equivalent as required by this title. The estimates for the total cost of all such work shall be established by the city engineer.

6-3-2: Roadways: The subdivider shall be responsible for the structural maintenance of all roadways for one year after they have been accepted by the city. The roadways of every subdivision shall have curb and gutter and shall be surfaced as follows:

100 foot -120 foot right of way: 12 inch crushed rock base, 7 inch crown, 2 ½ inch asphalt surface.
80 foot right of way: 12 inch crushed rock base, 6 inch crown, 2 ½ inch asphalt surface.
60 foot right of way: 12 inch crushed rock base, 6 inch crown, 2 ½ inch asphalt surface.

6-3-3: Water: The subdivision shall be provided with a complete water distribution system adequate to serve the area platted including connections for each lot, and appropriately spaced fire hydrants under the requirements of the fire insurance underwriters association. The entire system shall be designed to meet the approval of the officials having jurisdiction. The subdivider shall pay for the entire cost according to the city water utility rules and regulations F, schedule X-1c, amendment 7, letter 4-29-52, filed with the public service commission of Wisconsin.

6-3-4: Storm sewers: Storm water sewerage or surface drainage system shall be provided to serve adequately the area being platted; considering, but not limited to the following:

(A) Whenever possible, existing drainage channels shall be used. A drainage easement, in addition to the provided right-of-way width, may be required where streets parallel streams or drainage areas. Such easement width shall be determined by the city engineer.

(B) The design of the drainage system shall consider and show:

(1) Storm drainage area of which the subdivision is a part.

(2) Calculations as to volume and frequency of water to be handled.

(3) A scheme of culverts sufficient in size to eliminate flooding or ponding of water.

(4) Grades or conditions which may result in erosion or ponding.

(5) Existing watercourses.

(C) Where recommended by the city engineer and required by the council, the developer or subdivider shall construct storm sewers including manholes, catch basins and catch basin leads. The size, design and type of construction shall be approved by the city engineer. The storm sewers shall meet the following minimum standards:

(1) Inlets shall be located not more than 500 feet apart and shall be the type specified by the city engineer. Inlets shall be located on the upstream side of the sidewalk or future sidewalk intersections.

(2) Storm sewers shall not be less than 12 inches in diameter.

(D) Where ditches are used for storm drainage, they shall meet the following minimum standards:

(1) Sod or seed with jute mesh, in the discretion of the city engineer, the bottom and banks of ditches with mean velocities up to five feet per second for depths of flow of six inches or more.

(2) Provide rip-rap or other approved ditch lining with mean velocities greater than five feet per second for a depth of flow of six inches or more.

(3) Culverts at all street or driveway intersections sized to eliminate flooding or ponding of water.

(E) In the event the city determines that a sewer lift pump is necessary for proper functioning of the storm water drainage system caused or to be caused by the proposed subdivision, such sewer lift pump, whether located in or out of the subdivision proper, shall be purchased and installed solely at the expense of the subdivider. The location and installation shall be subject to the approval of the city through its appropriate agency.

(F) Where storm sewers are constructed, the city will bear the difference in cost of pipe only between 24 inch diameter storm sewer and larger sizes required.

(G) The subdivider and the city shall enter into a recordable agreement whereby the subdivider agrees to indemnify the city as an insurer of any claims by any federal, state or municipal subdivision or any downstream landowners due to any washouts or any other conditions that might occur due to the drainage of runoff from proposed subdivisions.

6-3-5: Sanitary sewers: The subdivision shall be provided with a complete sanitary sewer system connected with a public sanitary sewer main, including the lateral connection for each lot. Where sewer mains larger than eight inches in diameter are required or desired by the city, the difference in the cost of pipe only between the eight inch pipe and the larger main as installed shall be borne by the city.

6-3-6: Monuments: Permanent and other monuments shall be placed as directed by the city engineer.

6-3-7: Construction and grading plans: Construction and grading plans, including the following for improvements to be installed, shall be furnished and shall receive approval of the city engineer before grading is started or improvements are installed.

(A) The profile of each proposed street, and locations and size of utility mains.

(B) The cross section of each proposed street, and locations and size of utility mains.

(C) The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated.

(D) Plan and profile of the proposed water distribution system showing pipe sizes and the location and valves and fire hydrants.

(E) All open cuts of ground shall be returfed in a satisfactory manner. Sod shall be provided for any open cut subject to excessive erosion, which sod shall be laid out in strips at intervals and at right angles to the flow of water, to prevent erosion. To aid in preserving and protecting the natural beauty and character of the landscape, no major change in the topography of any land shall be made without the consent of the abutting property owner or owners and the approval of the city plan commission, or which would alter the drainage in any way as to adversely affect the adjoining property. No slope shall exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion. Removing and hauling away any top soil, washing or hauling away of gravel shall not be permitted without approval of the city engineer.

6-3-8: Inspection: Before starting any of the work covered by the approved plans, arrangements shall be made to provide for inspection of the work sufficient in the opinion of the city engineer to start the work. Fees for such inspection shall be assessed against the subdivider. The city engineer shall inspect and approve all completed work before approval and acceptance of the required improvements or release of the sureties.

6-3-9: Later sewer hookup costs: The full cost of construction of sewer mains along the side of exterior streets or exterior roads created by the act of subdivision shall be the expense of the subdivider. Any person requesting hookup of said utilities who is not located in the subdivision at the time of hookup shall be charged a hookup charge not exceeding the amount that would have been chargeable to said properties to be served on a special assessment basis at the time of installation, said amount of hookup charge to in turn be forwarded to the subdivider at the subdivider's request, following deduction of the city's administrative expenses incurred. This reimbursement period shall last for 10 years from the date of the city's acceptance of the sewer installation.

6-3-10: Reimbursement for sewer lines exceeding requirements: When a subdivider has installed a sewer lift or pressure line in compliance with subdivision regulations, which facilities are of a greater capacity than required for the subdivision, and which facilities may be used to capacity by a later subdivider, the original subdivider shall be reimbursed therefor, according to the following formula, with the city acting as collecting agent and arbitrator:

(A) Pressure line: Cost of the line per family unit number capacity times number of family units to be connected.

(B) Sewer lift exclusive of motor: Cost of installation per family unit number capacity times number of family units to be connected.

(C) Sewer lines or extensions: Same formulas as subsections (A) and (B) of this section.

(D) Sewer lift pump motor; no reimbursement: The city shall not be considered as one of the parties subject to reimbursement with respect to any installation the city may have made in the form of sewer lift pump or similar items as referred to in the particular section.

6-3-11: Underground installation of utility services: Facilities for distribution of electric, telephone and gas utility service located within a subdivision shall be installed underground except where the council, upon recommendation of the city plan commission, finds that adverse soil conditions or problems of utility distribution make such installation prohibitively expensive or impractical. Transformers, junction boxes, meter points or similar equipment may be installed upon the ground surface. Any landscape screening plan required for such aboveground equipment shall be submitted to the utility for approval.

6-3-12: Street lighting: In a newly platted area the subdivider shall provide for the location of all street lights within the area being developed, upon consultation with the electric utility serving the subdivision and as approved by the property authority.

6-3-13: Extension of improvements not in proposed subdivision: In the event the proposed subdivision is not immediately adjacent to any of the improvements required by this title or to sidewalk as provided in section 11-1-9 of this code, the city plan commission and the council shall require the subdivider to extend any or all of the improvements or sidewalk to the subdivision in question at no cost to the city. When an abutting property owner either hooks on or otherwise uses any of the said improvements or sidewalk, the abutting owner shall pay the subdivider who has installed the improvements or sidewalk the actual cost of the improvements subject to city approval for all such charges made by the subdivider. The reimbursement period shall last 10 years from the date of the city's acceptance of the improvements.

***Chap. 6-3 history: 6-3-1**: 1976-4-20; 1993-5-18; 2016 code; **6-3-2**: 1976-4-20; 2016 code; **6-3-3**: 1976-4-20; 2016 code; **6-3-4**: 1976-4-20; 2016 code; **6-3-5**: 1976-4-20; 2016 code; **6-3-6**: 1976-4-20; 2016 code; **6-3-7**: 1976-4-20; 2016 code; **6-3-8**: 1976-4-20; 2016 code; **6-3-9**: 1976-4-20; 2016 code; **6-3-10**: 1976-4-20; 2016 code; **6-3-11**: 1976-4-20; 2016 code; **6-3-12**: 1976-4-20; 2016 code; **6-3-13**: 1994-3-15; 2016 code*

TITLE 6: SUBDIVISION REGULATIONS

Chapter 4: DESIGN STANDARDS AND REQUIREMENTS

6-4-1 General principles
6-4-2 Street and block layout
6-4-3 Arrangement of streets
6-4-4 Minimum right-of-way width of streets, alleys and easements for utilities
6-4-5 Minimum street surface widths
6-4-6 Street grades, curves and sight distance
6-4-7 Intersections
6-4-8 Lots

6-4-1: General principles: In laying out a subdivision, the subdivider shall comply with the following general principles and requirements set forth in this chapter. The subdivision layout shall conform to the Official Map or Master Plan. Whenever a tract to be subdivided embraces any part of a highway or thoroughfare, so designated on the map or comprehensive plan, such part of such public way shall be platted by the subdivider in locations and at the width indicated on the official map or comprehensive plan.

6-4-2: Street and block layout:

(A) The street layout of this subdivision shall be in general conformity with a plan for the most advantageous development of adjoining area and for the entire neighborhood.

(B) Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted street with which they are to connect.

(C) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by the topography or other physical conditions or unless in the opinion of the city plan commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layouts or the most advantageous future development of adjacent tracts. Dead-end streets of reasonable length (normally not over 500 feet may be approved where necessitated by topography or where, in the opinion of the city plan commission, they are appropriate to the type of development contemplated.

(D) Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

(E) Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted.

(F) Alleys shall be platted in business districts. To provide safe access to residential lots fronting on thoroughfares, or major streets, alleys shall be platted in the rear of such lots or service drives provided in front thereof. Alleys will not be approved in other locations in residence districts, unless required by unusual topography or other exceptional conditions.

(G) Lands abutting a highway or principal thoroughfare should be platted with the view of making the lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic on such trafficways as well as the accident hazard. This may be accomplished in several ways, as follows:

(1) By platting the lots abutting such a trafficway at very generous depths, and by providing vehicular access to them by either alleys or service drives in the rear, or frontage access roads next to the highway, connected therewith at infrequent intervals; or

(2) By not fronting the lots on the highway but on a minor street paralleling the highway at a distance of a generous lot depth with private driveways connecting with such minor street; or

(3) By platting a collector street more or less parallel with the highway, 600 feet to 1,000 feet distant therefrom, from which loop streets or dead-end streets extend toward the highway, the ends of which give access to the lots abutting the highway to the rear. Selection in the specific case among the foregoing or other methods for accomplishing the purposes in view must necessarily be made in consideration of topography and other physical conditions, the character of existing and contemplated developments and other pertinent factors that apply in each case.

(H) A subdivision abutting a stream or lake shall have roads at least 60 feet wide providing access to the low water mark so that there will be roads at one-half mile intervals as measured along the stream or lake shore.

(I) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth. The lengths of blocks shall be such as, in the opinion of the city plan commission are appropriate for the locality and the type of development contemplated, but shall not exceed 1,500 feet where the average size of lots does not exceed two acres in area.

In any block over 900 feet in length the city plan commission may require that a crosswalk or pedestrian way, not less than 10 feet wide, be provided near the center and entirely across such block.

The number of intersecting streets along highways and thoroughfares shall be held to a minimum. Wherever practicable, blocks along such trafficways shall be not less than 600 feet in length.

6-4-3: Arrangement of streets:

(A) (1) Major streets and highways shall be properly integrated with the existing and proposed system of major streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned as platted streets with which they are to connect.

(2) Collector streets shall be properly related to the mass transit system, to special traffic generating from facilities such as schools, churches and shopping centers, to population concentration, and to the major streets into which they feed.

(3) Minor streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient drainage and sewer systems; and to require the minimum amount of street necessary to provide convenient safe access to abutting property.

(B) Treatment of railroad right of way or limited access highways: Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the city plan commission may require a street approximately parallel to and on each side of such right of way at a distance suitable for the approximate use of the intervening land as for park purposes, in residential districts or for commercial or industrial purposes in other districts. Location of minor streets immediately adjacent and parallel to railroad rights of way shall be avoided.

6-4-4: Minimum right-of-way width of streets, alleys and easements for utilities: Street rights of way shall be of the following widths:

(A) Highways and primary thoroughfares, not less than 100 feet.

(B) Major thoroughfares, not less than 80 feet.

(C) Collector streets, 66 feet.

(D) Minor streets and dead-end streets, 60 feet. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of 100 feet and a roadway turn-around of 90 feet in diameter unless the city plan commission approves a "T" or "Y" shaped paved space in place of the required turning circle.

(E) Where easements are required for utilities, their width shall be at least 10 feet along rear or side lot lines.

6-4-5: Minimum street surface widths: Minimum street surface widths of the roadway and graded and seeded center strips, required to be installed, at the subdivider's expense, shall be as follows:

Type of Street	R.O.W. Width	Roadway Width
Primary Thoroughfare	100’	77’
Major Thoroughfare	80’	44’
Collector Streets	66’	40’
Minor Streets	60’	32’
Alleys	30’	24’

6-4-6: Street grades, curves and sight distance: The grades of streets shall not exceed the following, except that where unusual or exceptional conditions exist, the city plan commission may modify these regulations:

(A) Grades: The grade of major and collector streets shall not exceed six percent unless necessitated by exceptional topography and approved by the city plan commission. The grade of all other streets shall not exceed eight percent. The grade of any street shall in no case exceed 10 percent or be less than 0.5 percent.

(B) Radii of curvature: A minimum sight distance with clear visibility, measured along the center line, shall be provided as follows: at least 300 feet on the major streets, 200 feet for collector streets and 100 feet on minor streets. When a continuous street centerline deflects at any one point more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Major Streets: 300 feet
Collector Streets: 200 feet
Minor Streets: 100 feet

(C) Tangents: A tangent at least 100 feet long shall be introduced between reverse curves on major and collector streets.

6-4-7: Intersections:

(A) At street and alley intersections property line corners shall be rounded by an arc, the minimum radius of which shall be 10 feet and five feet, respectively. In business districts a chord may be substituted for such arc.

(B) Street curb intersections may be rounded by radii of at least 20 feet.

(C) The minimum radii required by this section shall be increased when the smallest angle of intersection is less than 60 degrees.

6-4-8: Lots:

(A) The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

(B) Excessive depth in relation to width shall be avoided. A proportion of two to one shall normally be considered as appropriate, except in the case of narrow lots.

(C) Every lot shall abut on a street.

(D) A lot shall comply with all of the minimum requirements of the zoning district in which it is located, including area, width and all other zoning requirements. The city plan commission under section 6-5-1 of this title may relax certain of these requirements under specific sets of facts.

(E) Double frontage lots and reversed frontage lots shall be avoided.

(F) Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.

(G) Corner lots for residential use shall be platted wider than interior lots to permit conformance with the front yard setback on the side street required by the zoning regulations.

(H) Residential lots fronting or abutting on highways, thoroughfares and other important trafficways should have extra depth to permit deep setbacks for the building from such trafficways.

(I) Lands annexed to the city after 1969 shall be developed in the manner required by title 5 of this code.

(J) Every lot or parcel in a residential district not of record or under contract of purchase on April 20, 1976 shall have an area of not less than 7,200 square feet and a mean frontage of not less than 60 feet.

Chap. 6-4 history: 6-4-1*: 1976-4-20; 2016 code;* ***6-4-2****: 1976-4-20; 2016 code;* ***6-4-3****: 1976-4-20; 2016 code;* ***6-4-4****: 1976-4-20; 2016 code;* ***6-4-5****: 1976-4-20; 2016 code;* ***6-4-6****: 1976-4-20; 2016 code;* ***6-4-7****: 1976-4-20; 2016 code;* ***6-4-8****: 1976-4-20; 2016 code*

TITLE 6: SUBDIVISION REGULATIONS

Chapter 5: MODIFICATIONS AND EXCEPTIONS; ENFORCEMENT

6-5-1 Modifications and exceptions
6-5-2 Compliance with building code, other regulations

6-5-1: Modifications and exceptions: The general principles and design and the minimum requirements for the laying out of the subdivisions, stipulated in chapter 4 of this title may be varied by the city plan commission in the case of a subdivision large enough to constitute a more or less self-contained neighborhood to be developed under a comprehensive plan safeguarded by appropriate restrictions, which in the judgment of the city plan commission make adequate provisions for all essential community requirements; provided, however, that no modification shall be made by the city plan commission which would conflict with the proposals of the thoroughfare plan, official plan for schools, parks and other open public grounds or with other features of the city comprehensive plan, or with the intent and purpose of the general principles of design and minimum requirements.

(A) Where the subdivider can show that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of these regulations would cause practical difficulty or exceptional or undue hardship, the city plan commission may relax such requirements to the extent considered just and proper, so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of these regulations or the desirable general development of the neighborhood and the community under this comprehensive plan and the zoning regulations.

(B) Any modifications thus granted shall be entered in the minutes of the city plan commission setting forth the reasons which, in the opinion of the city plan commission, justify the modification.

6-5-2: Compliance with building code, other regulations:

(A) Compliance: The provisions of this title and the enforcement thereof shall be subject to all other provisions of this code, except those portions that may be in conflict directly therewith. In extraterritorial jurisdictional areas wherein the permission of the city is necessary to the authorization and issuance of a final plat approval, in the absence of any building code in the city as to location, subsequent compliance with the terms of the building code of the city shall be a condition subsequent to authorization by the city with respect to any approval of such final plat.

(B) Building permits: No building permits shall be issued for erection of a structure on any lot of record until all the requirements of this Title have been met. The city engineer shall notify the building inspector as to the compliance with this title of the lot in question.

***Chap. 6-5 history: 6-5-1**: 1976-4-20; 2016 code; **6-5-2**: 1976-4-20; 2016 code*

TITLE 6: SUBDIVISION REGULATIONS

Chapter 6: MINOR SUBDIVISIONS

6-6-1 Jurisdiction
6-6-2 Applicability
6-6-3 Procedure
6-6-4 Certified survey map
6-6-5 Dedication of rights of way and easements
6-6-6 Improvements
6-6-7 Recording of certified survey map

6-6-1: Jurisdiction: This chapter shall apply within the corporate limits of the city and within the unincorporated area within 1 ½ miles beyond the corporate limits. When the city becomes a third class city this area will be three miles from the corporate limits.

6-6-2: Applicability: The provisions of this chapter shall govern the following:

(A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or not more than four parcels or building sites of five acres each or less for the purpose, whether immediate or future, of transfer of ownership; or

(B) The improvement of one or more parcels of land for residential or nonresidential purposes involving the division of land for the opening, widening or extension of any street, utility easement or other public way.

6-6-3: Procedure:

(A) No person shall make or cause to be made a division of land that is governed by this chapter until he or she has obtained approval by the council, upon recommendation of the city plan commission, of a certified survey map reflecting such division.

(B) No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing offsets, setbacks, open space or lot area would be reduced below that required by the regulations for the zoning district in which such lot is located.

6-6-4: Certified survey map: The certified survey map must be delivered to the city plan commission in a form meeting all the requirements of chapter 236 of the Wisconsin statutes.

6-6-5: Dedication of rights of way and easements: The council may, upon recommendation of the city plan commission, require the dedication of any rights of way or easements for the public ways, utilities or other purposes, before approving the certified survey map.

6-6-6: Improvements: Where considered to be in the public interest the council, upon the recommendation of the city plan commission, may require such improvements as are reasonably necessary for sewerage disposal, lot access, local traffic circulation and drainage needs. The construction of any such improvements may be accomplished as provided in this chapter.

6-6-7: Recording of certified survey map: Upon approval of the certified survey map by the council, the owner of the land involved may record the certified survey map in the office of the register of deeds and thereupon proceed with the sale of the property.

Chap. 6-6 history: 6-6-1*: 1976-4-20; 2016 code;* ***6-6-2****: 1976-4-20; 1977 code; 1993-2-17; 2016 code;* ***6-6-3****: 1976-4-20; 2015-3-3; 2016 code;* ***6-6-4****: 1993-2-17; 2016 code;* ***6-6-5****: 1993-2-17; 2016 code;* ***6-6-6****: 1993-2-17; 2016 code;* ***6-6-7****: 1993-2-17; 2016 code*

TITLE 7: FIRE REGULATIONS

Chapter 1 FIRE DEPARTMENT
Chapter 2 FIRE PREVENTION; LIMITS AND REGULATIONS
Chapter 3 VOLATILE, TOXIC, GASEOUS, FLAMMABLE MATERIAL, OR OTHER HAZARDOUS SUBSTANCES
Chapter 4 RAPID ENTRY KEY LOCK BOX SYSTEM
Chapter 5 OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE
Chapter 6 FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS

TITLE 7: FIRE REGULATIONS

Chapter 1: FIRE DEPARTMENT

7-1-1 Enabling code:
7-1-2 Selection, removal and disciplinary actions
7-1-3 Subordinates; reemployment and disciplinary actions
7-1-4 Compensation
7-1-5 Authority of fire chief; powers and administration
7-1-6 Control of fire alarm system
7-1-7 Fire inspection
7-1-8 General authority; combat fires and related emergencies
7-1-9 False alarms

7-1-1: Enabling code:

(A) Fire department established: A department is hereby established to be known as the city of Monroe fire department. This department shall be responsible for the fire protection for the citizens and property within the city of Monroe.

(B) Goals of the fire department:

(1) The first and foremost objective of the fire department is to serve, without prejudice or favoritism, all of the community's citizens by safeguarding collectively and individually, their lives against the death dealing and injurious effects of fires and explosions.

(2) The second most important objective of the fire department is the safeguarding of the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of large payroll, economically essential industries and businesses.

(3) The third objective of the fire department is to serve all of the community's citizens and property owners by protecting their individual material wealth and economic well being against the destructive effects of fire and explosions. In meeting this objective, all property deserves to have an equivalent degree of protection, commensurate with the actual property hazard involved and not with geographical location or monetary value.

(4) The fourth objective of the fire department is to provide a hazard and disaster mitigation service to the city with fire department manpower and equipment resources. Serious or imminent conditions posing a threat to life and property posed by storm, fire or other serious peril shall require fire department services to cause rapid mitigation of the hazard and facilitate recovery in conjunction with other emergency services.

(5) The fifth objective of the fire department shall be to perform services and emergency response as placed upon the Monroe fire department or fire departments as a matter of law or order of a court of law having jurisdiction.

(C) Council responsibilities: The council has three primary responsibilities relating to the fire department: the first is to encourage activities which will reduce the incidence of fires and resulting loss of life and property; the second and third are the provision of the necessary funds and the establishment of the scope and level of service provided by the fire department.

7-1-2: Selection, removal and disciplinary actions:

(A) The fire department shall consist of:

(1) One fire chief to be known as the chief of the fire department,

(2) One deputy or assistant fire chief, and

(3) Such other officers and firefighters as from time to time are approved by the city’s board of police and fire commissioners.

(B) A fire chief shall be appointed by the city board of police and fire commissioners. The fire chief shall be appointed for an indefinite term and shall be removed only for cause according to rules and regulations adopted by the board of police and fire commissioners.

(C) The fire chief shall be selected based upon the individual's demonstrated qualifications in fire prevention, control and management.

7-1-3: Subordinates; reemployment and disciplinary actions: Subsections (4) and (5) of section 62.13 of the Wisconsin statutes are hereby adopted by reference.

7-1-4: Compensation: The firefighters of the fire department shall receive such compensation as may be established from time to time by resolution passed by the council.

7-1-5: Authority of fire chief; powers and administration:

(A) The fire chief shall be responsible for the overall administration of the fire department.

(B) The fire chief shall be administratively responsible to the city administrator. The fire chief shall carry out proper planning, coordination and control within the fire department as well as with other departments of the city.

(C) The fire chief shall be responsible for the development of an organizational structure and related policies and procedures to carry out the goals of the department.

(D) The fire chief shall be responsible for the appointment, assignment and promotion of individuals to positions within the department under personnel policies of the city and section 62.13 of the Wisconsin statutes.

(E) The fire chief shall be responsible to develop a policy to provide and to operate with the highest possible levels of safety and health for department personnel. The prevention and reduction of accidents, injuries, and occupational illness are goals of the fire department and shall be primary consideration at all times. This concern for safety and health applies to all department personnel and to any other persons who may be involved in fire department activities.

(F) The fire chief shall be responsible for the development and administration of the annual fire department budget.

(G) The fire chief shall be responsible for identifying, negotiating, and drafting mutual aid agreements with agencies of other communities to measurably raise the degree of emergency preparedness to each community. Such agreements shall be submitted to the council for review and consideration for approval. Mutual aid agreements in effect at the time of adoption of this chapter are not affected by this chapter.

(H) The fire chief shall be responsible for maintaining liaison with other city departments on matters of importance to the goals of the fire department.

(I) The fire chief shall have command of all members of the department while they are on duty.

(J) The fire chief shall have the custody of all apparatus and equipment of the department, and it shall be the chief's duty to see that the apparatus and equipment receive proper care and are at all times maintained in a serviceable condition and ready for instant use.

(K) The chief shall perform all duties imposed upon the chief by the Wisconsin statutes and this code.

(L) At the end of each calendar year, the chief shall submit to the council a report on the operations of the fire department during the year, and his or her recommendations for maintenance, improvement and such other matters as relate to the effective operation of the department in the public interest.

(M) The fire chief shall be required to attend public safety committee meetings and any other special meetings upon request.

7-1-6: Control of fire alarm system:

(A) The city fire frequency transmitter, radios and home fire alert units shall be under the control and management of the fire chief. He or she shall be responsible for the constant good repair and working of the same.

(B) The chief of the fire department shall have custody and control of all alert units and shall keep a record of all such units and shall take receipt for the same.

(C) The electric fire and civil defense alarm sirens shall be under the control and supervision of the city fire department who shall have entire care and management of the same. They shall be responsible for the constant good repair and working of the same.

7-1-7: Fire inspection:

(A) Fire inspectors: The chief of the fire department shall designate one or more fire inspectors who may or may not be firefighters of the Monroe fire department to exercise the powers and perform the duties prescribed by this chapter.

(B) Approval of appointment: All such appointments shall be approved by the board of police and fire commissioners and fire inspector so appointed shall hold office unless removed for cause.

(C) Compensation: Compensation of fire inspector or inspectors shall be fixed by resolution of the council.

(D) Inspection schedule. The fire chief may establish the schedule of fire inspections. The fire chief shall base the frequency of the inspections on hazard classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief considers significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually or more often if required by state law.

(E) Powers and duties:

(1) The fire inspectors are hereby given power and authority to enter any building in the city, except the interior of private dwellings, at any reasonable hour in the performance of their duties under this chapter. The fire inspectors may enter the interior of private dwellings at the request of the owner or renter as provided in section 101.14(1)(bm) of the Wisconsin statutes.

(2) Fire inspectors shall inspect all business buildings in the city to determine the general character of the premises with respect to the disposition of debris, rubbish, wastepaper, rags, oils, waste, explosives and all kinds of inflammable material and the means of access from one part of the building to another, and they may inspect any building in the city to determine if any danger from fire exists by reason of defective chimneys, flues, stoves, ovens, furnaces, boilers, electric wiring, ash houses and receptacles or by reason of any cause.

(3) All parts of business buildings shall be cleaned daily and kept free from all inflammable waste material except that combustible material not in actual use may be neatly arranged in a manner to provide passageways and aisles for the convenient movement of the fire department force.

(4) All doors and openings, external and internal, in all business buildings shall be kept free from goods, and means of access and free movement shall be provided for the convenient work of the fire department.

(5) There shall be no waste rubbish, waste excelsior, waste shavings, wastepaper or other like inflammable materials left in any part of the business buildings over one day except that such materials may be stored within a fireproof room provided with standard fireproof doors and all material of such character shall be destroyed, removed or placed within such fireproof room at the close of each day.

(6) The term "business buildings" as used in this section includes hotels, lodging houses, stores, office buildings, warehouses, mills, breweries, factories and public buildings.

(7) If the fire inspectors, on such inspection, discover that any provisions of this chapter are being violated, the fire chief is hereby required to give notice thereof in writing to the owners or occupants of such building, requiring them to comply with the provisions of this chapter within 48 hours.

(8) If the fire inspectors, on such inspection, discover any danger from fire by reason of any defective condition set forth in subsection (D)2. of this section or from any other cause, the fire inspectors shall give notice in writing to the owner or occupants of any such building of such defects requiring them to make reasonable changes and repairs within 48 hours, and to render the premises as safe as possible from fire.

(9) A person who fails to comply with the requirements of any notice given under this section shall upon conviction be subject to a Class 3 forfeiture. A separate offense exists each calendar day during which any noncompliance occurs or continues.

7-1-8: General authority; combat fires and related emergencies:

(A) The fire official conducting operations to extinguish and control of any fire, explosion or other emergency shall have full power and authority to direct all operations of fire extinguishment or control and to take the necessary precautions to save life, protect property and prevent further injury or damage. In the pursuit of such operations, including the investigation of the cause of such emergency, the fire official may control or prohibit the approach to the scene of such emergency by any vehicle, vessel, aircraft or thing and all persons.

(B) No person shall obstruct the operations of the fire department while working to extinguish any fire, or while responding to other emergencies, or disobey any lawful command of the fire official in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

(C) The fire official in charge of an emergency scene shall have the authority to establish fire line barriers to control access in the vicinity of such emergency, and to place or cause to be placed, ropes, guards, barricades or other obstructions across any street or alley to delineate such fire line barrier. No person, except as authorized by the fire official in charge of the emergency, may cross such fire line barriers.

(D) No person except a person authorized by the fire official in charge of any emergency scene or a public officer acting within the scope of public duty shall remove, unlock, destroy or tamper with or otherwise molest in any manner any locked gate, door barricade, chain, enclosure, sign, tag or seal which has been lawfully installed by the fire department or by its order or under its control.

(E) A person who violates any provision of this section shall be subject to a Class 2 forfeiture.

7-1-9: False alarms:

(A) No person shall knowingly give or cause to be given any false alarm of fire.

(B) A person who violates any provision of this section shall be subject to a Class 2 forfeiture.

Chap. 7-1 history: 7-1-1*: 1988-4-19; 1991-6-4; 2016-2-17; 2016 code;* ***7-1-2****: 1988-4-19; 1991-6-4; 2002-3-5; 2007-3-20; 2016-2-17; 2016 code;* ***7-1-3****: 1991-6-4; 2016-2-17; 2016 code;* ***7-1-4****: 1988-4-19; 2016-2-17; 2016 code;* ***7-1-5****: 1988-4-19; 2005-12-20; 2016-2-17; 2016 code;* ***7-1-6****: 1988-4-19; 2016-2-17; 2016 code;* ***7-1-7****: 1991-12-17; 2002-3-5; 2016-2-17; 2016 code;* ***7-1-8****: 1991-12-17; 2016-2-17; 2016 code;* ***7-1-9****: 1988-4-19; 1990-4-4; 1991-12-17; 2016-2-17; 2016 code*

TITLE 7: FIRE REGULATIONS

Chapter 2: FIRE PREVENTION; LIMITS AND REGULATIONS

7-2-1 Wisconsin administrative code adopted
7-2-2 Depositories of ashes
7-2-3 Dry grass, weeds, bushes or foliage

7-2-1: Wisconsin administrative code adopted:

(A) The following chapters of the Wisconsin administrative code are hereby adopted by reference, including amendments, additions and re-codifications thereto:

SPS 305: Licenses, certification and registration
SPS 307: Explosives and fireworks
SPS 310: Flammable, combustible and hazardous liquids
SPS 314: Fire prevention
SPS 316: Electrical
SPS 318: Elevators, escalators and lift devices
SPS 328: Smoke detectors and carbon monoxide detectors
SPS 340: Gas systems
SPS 345: Mechanical refrigeration
SPS 361-366: Commercial Building Code
SPS 375-379: Buildings Constructed Prior to 1914

(B) Any act required to be performed or prohibited by any section of the Wisconsin administrative code adopted by reference is required or prohibited by this chapter.

7-2-2: Depositories of ashes: All depositories of ashes within the city limits shall be built of brick, stone or other fireproof material.

7-2-3: Dry grass, weeds, bushes or foliage: The fire chief may order, by written notice, that the owner or occupant of any lot or parcel of land within the city remove therefrom any uncut grass, weeds, bushes or foliage if, in his or her opinion, such grass, weeds, bushes or foliage create a fire hazard. If the uncut grass, weeds, bushes or foliage are not removed within 24 hours after the delivery of such notice, the fire chief shall cause such grass, weeds, bushes or foliage to be removed and the expenses of such removal shall be charged to the owner of the lot or parcel of land from which the grass, weeds, bushes or foliage were removed.

***Chap. 7-2 history: 7-2-1**: 2016-2-17; 2016 code; **7-2-2**: 1969 code; 2016-2-17; 2016 code; **7-2-3**: 1969 code; 2016-2-17; 2016 code*

TITLE 7: FIRE REGULATIONS

Chapter 3: VOLATILE, TOXIC, GASEOUS, FLAMMABLE MATERIAL, OR OTHER HAZARDOUS SUBSTANCES

7-3-1 Parking of volatile, toxic, gaseous, flammable material, or other hazardous substances transport vehicles
7-3-2 Penalty

7-3-1: Parking of volatile, toxic, gaseous, flammable material, or other hazardous substances transport vehicles: No person shall park or leave standing within 50 feet of any residence between the hours of 8:00 PM and 6:00 AM any vehicle with the capacity to transport volatile, toxic, gaseous, flammable material or other hazardous substances, excluding vehicles' own fuel tank which is required for its operation.

7-3-2: Penalty: A person who violates any provision of this section shall be subject to a class 4 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

Chap. 7-3 history: 7-3-1*: 2016-2-17; 2016 code;* ***7-3-2****: 1991-12-17; 2016-2-17; 2016 code*

TITLE 7: FIRE REGULATIONS

Chapter 4: RAPID ENTRY KEY LOCK BOX SYSTEM

7-4-1 Rapid entry key lock box system
7-4-2 Penalty

7-4-1: Rapid entry key lock box system:

(A) Definition: When used in this Chapter "Rapid entry key lock box" means a high security key vault master keyed to the key configuration provided by the Monroe fire department.

(B) Required installation of rapid entry key lock boxes. The following structures shall be equipped with a rapid entry key lock box at a highly visible location approved by the fire chief or his or her designee at or near the main entry to the structure:

(1) All buildings within the city having an automatic alarm system or equipped with an automatic fire suppression system, except one, two or three family residential structures.

(2) All multiple family residential structures containing four or more living units, whether rental units or condominiums.

(3) All buildings or structures having floors at or above 50 feet above ground level.

(4) All commercial and industrial buildings identified by fire officials as difficult to access during an emergency.

(C) Permitted installation of rapid entry key lock boxes. Any structure may be equipped with a rapid entry key lock box. If so equipped the rapid entry key lock box shall be placed at a highly visible location approved by the fire chief or his or her designee at or near the main entry to the structure.

(D) Rapid entry key lock box contents.

(1) Required keys. The owner of a structure required to have a rapid entry key lock box shall at all times keep a key or keys in the rapid entry key lock box for access to all of the following:

A) Common lobbies or vestibules.

B) Common hallways.

C) Rooms or spaces housing mechanical equipment serving the structure.

D) Alarm panels for any fire or entry alarm systems.

(2) Permitted keys. The owner of a structure required to have a rapid entry key lock box may keep a key or keys in the rapid entry key lock box for access to individual spaces within the structure.

(3) Marking and placement of keys. Keys placed in a rapid entry key lock box shall be clearly marked and their placement in the in a rapid entry key lock box shall be organized in a manner approved by the fire chief or his or her designee.

(E) New construction. All new construction subject to the requirements of this chapter shall have a rapid entry key lock box installed before the issuance of a certificate of occupancy.

(F) Existing structures. All structures in existence on the effective date of this chapter to which the regulations of this chapter apply shall have six months from the effective date of this chapter to have a rapid entry key lock box installed and operational.

7-4-2: Penalty: Any person who violates any provision of this chapter shall upon conviction be subject to a Class 5 forfeiture.

***Chap. 7-4 history: 7-4-1**: 2006-4-5; 2016-2-17; 2016 code; **7-4-2**: 2006-4-5; 2016-2-17; 2016 code*

TITLE 7: FIRE REGULATIONS

Chapter 5: OUTDOOR BURNING, OPEN BURNING AND BURNING OF REFUSE

7-5-1 Purpose
7-5-2 Applicability
7-5-3 Severability
7-5-4 Definitions
7-5-5 General prohibition on open burning, outdoor burning and refuse burning
7-5-6 Materials that may not be burned except with permit
7-5-7 Open burning of leaves, brush, clean wood and other vegetative debris
7-5-8 Outdoor wood-fired furnaces
7-5-9 Fire department practice burns
7-5-10 Exemption for burning certain papers
7-5-11 Burning permits
7-5-12 Liability
7-5-13 Right of entry and inspection
7-5-14 Enforcement and penalties

7-5-1: Purpose: This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the city due to the air pollution and fire hazards associated with open burning, outdoor burning and refuse burning.

7-5-2: Applicability: This chapter does not apply to the following:

(A) Outdoor grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances upon any lot on which the principal structure is a one or two family dwelling.

(B) Burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse.

(C) The use of propane, acetylene, natural gas, gasoline or kerosene in a device that is intended for heating, construction or maintenance activities.

7-5-3: Severability: Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

7-5-4: Definitions: In this chapter:

“Campfire” means a small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of Refuse.

“Chimney” means a flue that carries off exhaust from an outdoor wood fired furnace firebox or burn chamber.

“Clean wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

“Confidential papers” means printed material containing personal identification or financial information that the owner wishes to destroy.

“DNR” means the Wisconsin Department of Natural Resources.

“EPA OWHH phase 1 program” means an EPA OWHH (outdoor wood-fired hydronic heater program) phase 1 program administered by the United States environmental protection agency.

“EPA OWHH phase 1 program qualified” means an outdoor wood-fired hydronic heater that has been EPA OWHH phase 1 program qualified, the model has met the EPA OWHH phase 1

“Model” means emission level and has the proper qualifying label and hangtag.

“Fire chief” means the chief of the Monroe fire department, or such other person as he or she shall designate.

“New outdoor wood fired furnace” means an outdoor wood-fired furnace that is first installed, established or constructed after the effective date of this chapter.

"Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

"Outdoor burning" means open burning or burning in an outdoor wood-fired furnace.

"Outdoor grilling" means use of a natural gas, LP gas, charcoal or hibachi grill or other similar device for cooking where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

"Outdoor wood-fired furnace" means any equipment, device, application 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. An outdoor wood-fired furnace may also be referred to as an outdoor wood boiler or outdoor wood-fired hydronic heater.

"Refuse" means any waste material, except clean wood, including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

7-5-5: General prohibition on open burning, outdoor burning and refuse burning: Except as expressly authorized by this chapter, outdoor burning is prohibited within the city.

7-5-6: Materials that may not be burned except with permit:

(A) The following materials may not be burned in an open fire, incinerator, outdoor wood-fired furnace, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device without a permit issued by the city authorizing such burning:

(1) Refuse, except used oil burned in a heating device for energy recovery, subject to the restrictions in Chapter NR 590, Wisconsin administrative code.

(2) Asphalt and products containing asphalt.

(3) Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(4) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(5) Rubber including tires and synthetic rubber-like products.

(6) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled under chapter 3 of title 8 of this code.

(B) No permit may be issued under this section unless the person requesting such permit produces written approval thereof by the fire chief, and only such burning as has been authorized in such written approval shall be authorized by such permit.

7-5-7: Open burning of leaves, brush, clean wood and other vegetative debris: Except as expressly allowed in this section, Open Burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is prohibited.

(A) Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when the fire chief has issued a burning ban applicable to the area.

(B) Campfires and small outdoor bonfires for cooking, ceremonies or recreation are allowed, if the fire is confined by an Underwriters Laboratories, Inc. approved control device. Bonfires are allowed only if approved by, or under guidelines of, the fire chief.

(C) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of a right-of-way is allowed if approved by the fire chief and if such burning complies with all other requirements of this chapter.

(D) In emergency situations, such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the fire chief.

(E) Open burning under this section shall be conducted only pursuant to a permit issued under this chapter.

(F) Open burning under this section shall only be conducted at a location that is at least 50 feet from the nearest building which is not on the same property.

(G) Except for campfires and permitted bonfires, open burning shall only be conducted during daylight hours.

(H) Open Burning shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(I) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or other body of water.

(J) Except for outdoor grilling, no burning shall be undertaken within 20 feet from any combustible material, combustible wall or partition, or exterior building wall penetration, including, without limitation, windows, doors and heating and cooling ducts, unless authorized by the fire chief.

(K) Outdoor grilling shall not be undertaken on any balcony, under any overhanging portion of a structure, or within 10 feet of a structure.

(L) No open burning may be conducted on days when the DNR has declared an ozone action day applicable to the city.

7-5-8: Outdoor wood-fired furnaces: An outdoor wood-fired furnace may not be installed and used in the city except as provided by this section:

(A) No person shall construct, install, establish, operate or maintain an outdoor wood-fired furnace in a way other than in compliance with the applicable sections of this chapter.

(B) No person shall operate an outdoor wood-fired furnace unless such operation conforms to the manufacturer's instructions regarding such operation and the requirements of this chapter.

(C) Each new outdoor wood-fired furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this chapter. In the event of a conflict between the requirements of this chapter and the manufacturer's instructions, the stricter requirement shall apply.

(D) The owner of a new outdoor wood-fired furnace shall produce the manufacturer's owner's manual or installation instructions to the fire chief or his or her designee to review before installation.

(E) Each new outdoor wood-fired furnace shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

(F) An outdoor wood-fired furnace shall not be located closer than 50 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.

(G) Each outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 100 feet of the outdoor wood-fired furnace, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The building inspector may approve a lesser height on a case by case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(H) If an outdoor wood-fired furnace creates a nuisance, then the owner of such outdoor wood-fired furnace shall abate such nuisance by:

(1) Relocating the outdoor wood-fired furnace;

(2) Extending the Chimney;

(3) Both relocating the outdoor wood-fired furnace and extending its chimney; or

(4) Ceasing all operations of the outdoor wood-fired furnace until reasonable steps can be taken to ensure that the outdoor wood-fired furnace will not be a nuisance.

(I) Outdoor wood-fired furnaces shall be constructed, established, installed, operated and maintained as follows:

(1) Fuel burned in an outdoor wood-fired furnace shall be only clean wood, wood pellets, corn products, biomass pellets or other fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

(2) Use of the following fuels in an outdoor wood-fired furnace is prohibited:

A) Rubbish or garbage including, but not limited to, food wastes, food packaging and food wraps.

B) Plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

C) Rubber, including tires or other synthetic rubber-like products.

D) Newspaper, cardboard, or any paper with ink or dye products.

E) Any other items not specifically allowed by this chapter.

3. New outdoor wood-fired furnaces, other than EPA OWHH phase 1 program qualified models, shall be located on the property as follows:

A) At least 25 feet from the property line.

B) In compliance with the manufacturer's recommendations and or requirements for clearance to combustible materials.

C) At least 50 feet from any residence that is not served by the outdoor wood-fired furnace.

7-5-9: Fire department practice burns: Notwithstanding contrary provisions of this chapter, the Monroe fire department is hereby authorized to burn a standing building if necessary for firefighting practice and if the practice burn complies with state regulations applicable to such practice burn.

7-5-10: Exemption for burning certain papers: Notwithstanding any contrary provision of this chapter, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this chapter.

7-5-11: Burning permits: Except as expressly allowed in this section, no person shall start or maintain any open burning without a burning permit issued by the fire chief.

(A) An outdoor campfire does not require a permit, if the fire complies with all applicable provisions of this chapter.

(B) Any person responsible for burning leaves, brush, clean wood or other vegetative debris shall obtain a burning permit before starting the fire.

(C) When weather conditions warrant, the fire chief may declare a burning moratorium on all open burning and suspend previously issued burning permits for open burning.

(D) A burning permit issued under this section shall require compliance with all applicable provisions of this chapter and any additional special restrictions considered necessary to protect public health and safety.

(E) Any violation of the conditions of a burning permit shall be considered a violation of this chapter. Any violation of this chapter or the burning permit shall void the permit.

7-5-12: Liability: A person who ignites open burning, or maintains or intentionally allows open burning to continue, under circumstances where such person could extinguish open burning, shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

7-5-13: Right of entry and inspection: The fire chief or any authorized officer, agent, employee or representative of the city, may inspect any property to enforce, or determine compliance with, the provisions of this chapter.

7-5-14: Enforcement and Penalties:

(A) Enforcement. The fire chief, building inspector and any sworn police officer are authorized to enforce this chapter.

(B) Penalties.

(1) A person who violates any provision of this chapter shall be subject to a Class 4 forfeiture for the first violation.

(2) A person who violates any provision of this chapter shall be subject to a Class 3 forfeiture upon conviction for the second violation of this chapter within a 12 month period.

(3) A person who violates any provision of this chapter shall be subject to a Class 2 forfeiture upon conviction for the third or subsequent violation of this chapter within a 12 month period.

(4) In addition to payment of the forfeiture, a person who violates any provision of this chapter shall pay to the city the reasonable cost incurred by the city for prosecution of such violation.

Chap. 7-5 history: ***7-5-1****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-2****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-3****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-4****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-5****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-6****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-7****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-8****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-9****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-10****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-11****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-12****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-13****: 2009-3-3; 2016-2-17; 2016 code;* ***7-5-14****: 2009-3-3; 2016-2-17; 2016 code*

TITLE 7: FIRE REGULATIONS

Chapter 6: FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS

7-6-1 Purpose
7-6-2 Definitions
7-6-3 Minimum fire hydrant specifications
7-6-4 Minimum fire department connection specifications
7-6-5 Unobstructed access to structures
7-6-6 Painting or color coding of fire hydrants
7-6-7 Nonconforming fire hydrants and fire department connections

7-6-1: Purpose: The purpose of this chapter is to prescribe regulations or the construction and placement of fire hydrants and fire department connections that are consistent with nationally recognized standards in order to facilitate the protection of life, environment, and property from the hazards of fire.

7-6-2: Definitions: In this chapter:

“Fire department connection” means a piped connection outside a structure for the use of the fire department to supply water to a sprinkler system or standpipe.

“National standard thread” means a) for a 2 ½ pipe a screw-thread configuration having an outside diameter of 3.0686 inches and 7.5 threads per inch b) for a 4 ½ pipe a screw-thread configuration having an outside diameter of 5.010 inches and 4.0 threads per inch.

7-6-3: Minimum fire hydrant specifications: Fire hydrants shall conform to the following minimum specifications:

(A) Fire hydrants in commercial and industrial areas. All fire hydrants in commercial or industrial areas shall have two national standard thread hose outlets of 2 ½ inches in diameter, and one national standard thread hose outlet of 4½ inches in diameter, with a five-inch storz adapter and cap.

(B) Fire hydrants serving fire department connections. Fire hydrants serving fire department connections, wherever located, shall have two national standard thread hose outlets of 2 ½ inches in diameter, and one national standard thread hose outlet of 4½ inches in diameter, with a five-inch storz adapter and cap.

(C) Location of fire hydrants: Fire hydrants shall be located as follows

(1) A distance from any building of not less than 1½ times the height of the building. The fire chief may approve a lesser distance if the distance specified in this paragraph cannot be achieved due to site conditions.

(2) A distance from a fire department connection of not less than 35 feet or more than150 feet. The fire chief may approve a lesser or greater distance if the distance specified in this paragraph cannot be achieved due to site conditions.

(3) A distance from the curb of a fire lane, or the paved street surface if no curb exits, of between two and five feet.

(4) If possible, fire hydrants shall be located off a corner of the building and out of any potential collapse zone.

(5) Fire Hydrants shall be spaced no more than 600 feet apart in commercial areas.

(D) Clear space: A three-foot clear space shall be maintained around the circumference of each fire hydrant.

7-6-4: Minimum fire department connection specifications: Fire department connections shall conform to the following minimum specifications:

(A) Location: Fire department connections shall be a minimum three feet and maximum 35 feet from the fire lane and an unobstructed path at least five feet in width approved by the fire chief or his or her designee shall be provided and maintained.

(B) Clear space: A three-foot clear space shall be maintained around the circumference of each fire department connection.

(C) Connector requirements. Every fire department connection shall have a 5 inch storz connector with a 30 degree angle elbow (if applicable) and must be provided with a fire department connection cap approved by the fire chief or his or her designee.

(D) Signage: A metal sign with raised capital letters at least 2 inches tall shall be mounted on all fire department connections

serving automatic sprinklers, standpipes or fire pump connections. Such sign shall read: “AUTOMATIC SPRINKLERS” or “STANDPIPES” or “TEST CONNECTION” or a combination thereof as applicable.

7-6-5: Unobstructed access to structures: Fire hydrants and fire department connections shall be located so that hose connections do not obstruct access to a structure and the hose lay does not cross a roadway or fire lane.

7-6-6: Painting or color coding of fire hydrants: All fire hydrants, including those existing on the effective date of this chapter, shall be painted yellow. The bonnet and the caps of the fire hydrant shall be painted in color code to indicate the available fire flow conforming to N.F.P.A. standard no 291 (2010 edition) and any subsequent editions amendatory and supplemental thereto. No person shall repaint, decorate, block or attempt to obscure a hydrant in any way without the approval of the fire chief.

7-6-7: Nonconforming fire hydrants and fire department connections: Any fire hydrant or fire department connection that does not meet the requirements of this chapter on the effective date hereof shall be upgraded when such fire hydrant or fire department connection is replaced.

Chap. 7-6 history: 7-6-1*: 2016-2-17; 2016 code;* ***7-6-2****: 2016-2-17; 2016 code;* ***7-6-3****: 2016-2-17; 2016 code;* ***7-6-4****: 2016-2-17; 2016 code;* ***7-6-5****: 2016-2-17; 2016 code;* ***7-6-6****: 2016-2-17; 2016 code;* ***7-6-7****: 2016-2-17; 2016 code*

TITLE 8: HEALTH AND SANITATION

Chapter 1	GENERAL HEALTH AND SANITATION REGULATIONS
Chapter 2	ILLICIT DISCHARGE DETECTION AND ELIMINATION
Chapter 3	SOLID WASTE RECYCLING AND DISPOSAL
Chapter 4	MONROE WATER UTILITY
Chapter 5	CITY SEWER SERVICE
Chapter 6	OBJECTIONABLE MATERIALS
Chapter 7	STORM WATER UTILITY

TITLE 8: HEALTH AND SANITATION

Chapter 1: GENERAL HEALTH AND SANITATION REGULATIONS

8-1-1 Abatement of nuisances
8-1-2 Communicable disease
8-1-3 Spitting in public:
8-1-4 Smoking prohibited
8-1-5 Slaughterhouses
8-1-6 Liquid/solid discharges, dumping or spills prohibited
8-1-7 Emptying of drains and sewers
8-1-8 Cesspools and privies
8-1-9 Sewer and water main connections
8-1-10 Wisconsin department of health services rules and regulations
8-1-11 Penalty

8-1-1: Abatement of nuisances: Any police officer, whenever it may be considered necessary or required to protect the public health, may enter any premises and examine the same to determine any source of filth or cause of sickness that may exist, and examine the condition and the number of persons inhabiting such premises, and if in his or her opinion a condition exists which is such as to endanger the health of residents of the city, it shall be considered a nuisance and the officer shall order the owner or occupant of the premises where such nuisance may be found to remove or abate the same. Such order to abate the nuisance may also be served upon the person who may have been the cause of such nuisance. Any person who after 24 hours has failed to obey the order shall be subject to a Class 5 forfeiture for every 24 hours such failure continues. When the owner, occupant or agent of any lot or premises in or upon which any nuisance may be found, is unknown or cannot be found, the police officer shall order the removal and abatement of such nuisance and the cost thereof shall be charged to the property and collected in the manner provided for the collection of special assessments.

8-1-2: Communicable diseases:

(A) Duty of practicing physician to give notice of persons afflicted with contagious diseases: Whenever any physician in the city shall know that any person whom he or she has been called upon to visit is afflicted with any communicable disease, he or she shall immediately give notice thereof to the city. Any physician who shall refuse or neglect to give such notice within 24 hours shall upon conviction be subject to a Class 4 forfeiture for each day of such refusal or neglect continues after the first 24 hours.

(B) Removal of persons afflicted with communicable diseases: The chief of police, or any police officer of the city, and each of them may remove or cause to be removed any person afflicted with any communicable disease, to such place as may be considered expedient, and he or she shall destroy any furniture, clothing or other property, or cause it to be removed or disinfected.

(C) Persons quarantined not to leave premises: No person, whether afflicted or not with any communicable disease, shall visit or depart from any premises which shall have been quarantined by the proper officer, until given permission by the proper officer.

8-1-3: Spitting in public: No person shall spit or deposit any spit, mucous or tobacco upon the floor, stairway or wall of any theater, public hall, store or public building, or public conveyance, or upon any sidewalk within the city. In this section “public conveyance” means a vehicle to which the public or a portion of the public has access and a right to use for transportation.

8-1-4: Smoking prohibited:

(A) Section 101.123 of the Wisconsin statutes adopted: The provisions in section 101.123 of the Wisconsin statutes, describing and defining regulations with respect to smoking, except any provisions relating to penalties to be imposed and except any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted by reference.

(B) Penalty: The following penalties shall apply for violations of this section:

(1) Any person who violates section 101.123(2)(a) of the Wisconsin statutes, adopted by reference, shall upon conviction be subject to a Class 4 forfeiture.

(2) Except as provided in paragraphs (3) or (4) of this subsection, any person who violates section 101.123(2m)(b) to (d) of the Wisconsin statutes, adopted by reference, shall upon conviction be subject to a Class 4 forfeiture.

(3) For violations subject to the forfeiture under paragraph (2) of this subsection, if the person in charge has not previously received a warning notice for a violation of section 101.123(2m)(b) to (d) of the Wisconsin statutes, the law

enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

(4) No person in charge may be required under paragraph (3) of this subsection to forfeit more than $100 in total for all violations of section 101.123(2m)(b) to (d) of the Wisconsin statutes occurring on a single day.

8-1-5: Slaughterhouses: It shall be unlawful for any person, without first having obtained the written permit therefor approved by the council:

(A) To boil, heat, dry, store or manufacture any offal, swill, bones, fat, tallow, lard, skin or other animal substance having an offensive odor, within the city; or

(B) To slaughter any pig, sheep, lamb, cow, ox, calf, horse or other domestic animal; or

(C) To slaughter any turkey, goose, duck, chicken or other fowl within the city; or

(D) To carry on the business of rendering, bone boiling, bone burning, gut cleaning, skinning, glue making from blood, scrap, fat, grease or hides within the city; or

(E) To conduct any business or occupation within the city that will or does generate unwholesome, offensive or deleterious odors, gas, smoke or exhalation, or that is or would be detrimental to life, health, sight or comfort; provided, that as to subsection (C) of this section, no written permit shall be required except from meat dealers.

(F) Such permit shall be issued by the city clerk upon approval by the council and the payment of a permit fee set by resolution of the council.

8-1-6: Liquid/solid discharges, dumping or spills prohibited:

(A) No person shall discharge, dump, spill, deposit, place or cause to be discharged, dumped, spilled, deposited or placed into or on any public or private property within the city any of the following:

(1) Any whole milk, cream, skim milk, buttermilk, whey and all other wastes or by-products from the handling or processing of milk or any by-products thereof;

(2) Any oils, fats or waxes;

(3) Any petroleum products or dry cleaning fluids;

(4) Any cement, or concrete or any cement or concrete residue from cleaning of implements used in preparation or delivery thereof; except that such materials may be deposited, dumped or placed at or on construction sites requiring such materials for the completion of such construction.

(5) Any fertilizer, ammonias, herbicides, pesticides, agricultural limes or manure; except in the practice of husbandry of garden and lawn maintenance.

(6) Any materials having a stabilized pH lower than 6.0 or higher than 8.0., or having any other corrosive or acidic property capable of causing damage or causing damage or hazards to structures, equipment, property or persons.

(7) Any other materials, not limited to those set forth in this section, the presence of which will be detrimental, harmful or which may cause harm to structures, equipment, property or persons.

(B) Except as otherwise specifically stated in this section, any of the materials that are subject to subsection (A) of this section may be placed or stored in the containers or containment areas specifically designed for holding such material and which are sufficiently designed to prevent materials once contained from dispersing outside the containers.

(C) Violation, penalty, damages:

(1) A person who violates any provision of this section shall upon conviction be subject to a Class 1 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

(2) Any damages which occur to public or private property as a result of any violation of this section and which must be repaired or corrected by the city or private citizen so harmed are the liability of the person in violation of this section.

8-1-7: Emptying of drains and sewers: No person shall permit any drain or sewer from the dwelling, house, barn, stable, shop or other building upon the premises occupied by him or her to empty or run into any open sewer or gutter, or into any of the

streets or public alleys or upon or over any sidewalk; and no person shall construct or maintain any privy vault or excavation within the city.

8-1-8: Cesspools and privies:

(A) Construction, cleaning and removal of cesspools:

(1) No person shall construct any cesspool or other receptacle for filthy water, or convert any well into a cesspool, or erect any privy within the limits of the city without having first obtained a written permit from the building inspector. No person shall be permitted to remove or clean out the contents of any cesspool or privy within the city, in the daytime, between June 1 and November 1 in any year, and only in the nighttime after having thoroughly applied to the matter to be so removed some disinfecting and deodorizing substance; nor shall any person be permitted to place or deposit within the city limits any such substance as will create a stench, or will in any manner endanger the public health, unless such substance shall be immediately buried so as to entirely prevent any stench arising therefrom, so that it will not injure any well or cistern.

(2) No person shall erect, build, construct, keep or maintain any surface privy or dry closet on any lot or parcel of land within the city abutting on the public street, alley or place having a public sewer and water main ready for use and accessible from such lot or land.

(B) Privies, privy vaults and cesspools:

(1) All privies, privy vaults and cesspools situated on any lot or parcel of land fronting or abutting on any public street, alley or place in the city in and along which sewer and water mains have been laid, shall be removed and abated and the use thereof discontinued within 10 days after service of notice upon the owner or his or her agents or the occupant of such lot or parcel of land.

(2) When a public sewer and water main shall be laid and completed for use in any public streets, alleys or places within the city, all privies, privy vaults and cesspools on lots or parcels of land abutting or fronting on such streets, alleys or places opposite such lot or parcel of land, and accessible therefrom, shall be removed and abated and the use thereof discontinued within 10 days after notice in writing of the completion for use of such sewer and water main, served by authority of the city on the owner, his or her agent or the occupant of such premises.

(3) It shall be unlawful and it is hereby declared to be unlawful for any person to build, erect, construct, keep or maintain, or cause to be built, erected, constructed, kept or maintained any privy, privy vault, cesspool or surface closet on any lot or parcel of land abutting on any public street, alley or place in the city, along and within which street, alley or place the city maintains a public sewer and water main ready for use at a distance accessible from such privy, privy vault, cesspool or surface closet, after service of notice.

8-1-9: Sewer and water main connections:

(A) When public sewers and water mains are laid along and within any public street, alley or place in the city and ready for use, it shall be the duty of the director of public works or of any person for that purpose appointed on behalf of the city, to notify, in writing, all owners or their agents and occupants of all houses, tenements or other buildings situated on lots or parcels of lands abutting upon such street, alley or place and accessible to such sewer and water main, to connect all bathtubs, cesspools, closets, lavatories, sinks and urinals, upon their respective lots or parcels of land to such public sewer and water main in a sanitary manner under this code and the state plumbing code within 10 days after service of such notice, provided such notice shall be given between March 1 and October 1 next succeeding.

(B) If any such owner shall fail, refuse or neglect to comply with or conform to the provisions of this section within 10 days after notice given by the board of public works, the council shall cause the building or buildings situated on such lots or parcels of land to be connected with the sewers and water mains and the cost thereof to be assessed as a special tax against the lots or parcels of land and the amount thereof to be levied and collected in the same manner as other taxes.

(C) All owners of lots or parcels of land abutting on any public street, alley or place within which public sewers and water mains have been completed shall within 10 days from the date of service of the notice provided in subsection (A) of this section, and under the provisions of this code and any applicable statute or administrative rule of the state, shall connect to such sewer all water closets, bathtubs, lavatories, sinks, urinals and outside frostproof closets on such lot or parcel of land and accessible to such sewer so that their contents will empty into such sewer.

8-1-10: Wisconsin department of health services rules and regulations: All rules and regulations of the Wisconsin department of health services, and including future amendments, are hereby adopted and made a part of this chapter.

8-1-11: Penalty: Except as otherwise specifically stated in this chapter, a person who fails to comply with any provision of this chapter, including those adopted by reference, shall upon conviction be subject to a Class 3 forfeiture.

***Chap. 8-1 history: 8-1-1**: 2015-6-16; 2016 code; **8-1-2**: 1969 code; 2015-6-16; 2016 code; **8-1-3**: 1969 code; 2016 code; **8-1-4**: 2010-7-6; 2016 code; **8-1-5**: 2015-6-16; 2016 code; **8-1-6**: 1980-3-4; 1991-12-17; 2016 code; **8-1-7**: 1969 code; 2016 code; **8-1-8**: 1969 code; 2015-6-16; 2016 code; **8-1-9**: 2015-6-16; 2016 code; **8-1-10**: 2015-6-16; 2016 code; **8-1-11**: 1991-12-17; 2016 code*

TITLE 8: HEALTH AND SANITATION

Chapter 2: ILLICIT DISCHARGE DETECTION AND ELIMINATION

8-2-1 Applicability, interpretation and administration
8-2-2 Severability
8-2-3 Definitions
8-2-4 Illicit discharges
8-2-5 Illegal connections
8-2-6 Suspension of MS4 access
8-2-7 Industrial or construction activity discharges
8-2-8 Best management practices
8-2-9 Watercourse protection
8-2-10 Access and inspection of properties and facilities
8-2-11 Notification of accidental discharges and spills
8-2-12 Notice of violation and appeal
8-2-13 Enforcement and penalties
8-2-14 Appeals

8-2-1: Applicability, interpretation and administration:

(A) This chapter applies to all water entering the MS4 generated on any developed or undeveloped lands, unless otherwise authorized by this chapter or the Wisconsin department of natural resources.

(B) Interpretation: The provisions of this chapter shall be held to be minimum requirements and shall not be considered a limitation or repeal of any other power granted by the state. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirement or interpretation shall control. This chapter does not intentionally repeal, abrogate, annul, impair or interfere with any easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

(C) Administration: The director shall administer and enforce the provisions of this chapter.

8-2-2: Severability: If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall remain in force and not be affected by such judgment.

8-2-3: Definitions: In this chapter:

“Accidental discharge” means a discharge prohibited by this chapter which occurs by chance and without planning or thought before the occurrence.

“Director” means the director of public works.

“Best management practice” means structural or non-structural measures, practices, techniques or devices used to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

“Construction activity” means any land alterations or disturbances that may result in soil erosion, sedimentation or change in runoff including but not limited to removal of ground cover, grading, excavating and filling of land.

“Hazardous material” 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 environment when improperly treated, stored, transported, disposed of or otherwise managed.

“Illicit discharge” means any direct or indirect non-storm water discharge to the MS4.

“Illegal connection” means either of the following: a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater and wash water to enter the MS4, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted or approved by an authorized enforcement agency; or b) Any pipe, open channel, drain or conveyance connected to the MS4 which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

“Industrial activity” means activities designated in 40 CFR section 122.26(b)(14) and subject to a national pollution discharge elimination system industrial permit.

"MS4" means municipal separate storm sewer system, a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meet all the following criteria: a) Owned or operated by a city; b) Designed or used for collecting or conveying storm water; c) Not a combined sewer conveying both sanitary and storm water; and d) Not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

"Non-storm water discharge" means any discharge to the MS4 that is not composed entirely of storm water.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substances, heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

"Pollution" means contaminating or rendering unclean or impure the waters of the state or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

"Premises" means any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Storm water" means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

"Storm water 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 storm water, storm water conveyance systems and receiving waters to the maximum extent practicable.

"Wastewater" means any water or other liquid, other than storm water, discharged from a facility.

"Waters of the state" means those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

"Wisconsin pollutant discharge elimination system storm water discharge permit" means a permit issued by the Wisconsin department of natural resources that authorizes the discharge of pollutants to waters of the state, whether the permit applies on an individual, group or general area-wide basis.

8-2-4: Illicit discharges:

(A) Prohibition of illicit discharges: No person shall throw, drain, discharge, cause to be discharged or allow others under their control to discharge into the MS4 or waters of the state any materials other than storm water.

(B) Exemptions: The following non-storm water discharges are excluded from subsection (A) of this section:

(1) Waterline flushing or other potable water sources;

(2) Landscape irrigation or lawn watering;

(3) Diverted, natural riparian habitat and wetland flows;

(4) Rising ground water, ground water infiltration to storm drains and uncontaminated pumped groundwater;

(5) Foundation or footing drains, not including active ground water dewatering systems and crawl space pumps;

(6) Air conditioning condensation;

(7) Springs;

(8) Non-commercial washing of vehicles;

(9) Dechlorinated swimming pool water with less than one part per million chlorine;

(10) Firefighting and fire training activities;

(11) Other discharges specified in writing by the director as being necessary to protect public health and safety; and

(12) Other water sources determined by the director in writing as not containing pollutants that cause or contribute to waterway degradation including, but not limited to, a violation of applicable water quality standards and degradation of the biotic integrity of surface water bodies and their floodplains.

8-2-5: Illegal Connections:

(A) Prohibition of illegal connections: The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law that was in effect at the time of connection.

(B) Location: Any drain or conveyance that has not been documented in plans, maps or the equivalent, and which may be connected to the MS4, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the director 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 completed, 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 director.

(C) Violations: A person is in violation of this section if the person constructs, uses or maintains an illicit connection or allows such a connection to continue.

8-2-6: Suspension of MS4 access:

(A) Suspension due to illicit discharges in emergency situations:

(1) The director 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, to the health or welfare of persons, to the MS4 or to waters of the state.

(2) If the violator fails to comply with a suspension order issued in an emergency, the director may take such steps as considered necessary to prevent or minimize damage to the MS4, waters of the state or the public.

(B) Suspension due to the detection of illicit discharge:

(1) Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The director shall notify a violator of the proposed termination of its MS4 access.

(2) A person commits a violation of this chapter if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the director.

8-2-7: Industrial or construction activity discharges: Any person subject to an industrial or construction activity Wisconsin pollutant discharge elimination system storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with such permit may be required in a form acceptable to the director before allowing discharges to the MS4.

8-2-8: Best management practices:

(A) The director shall adopt requirements identifying best management practices for any activity, operation or facility, which may cause or contribute to pollution or contamination of the MS4 or waters of the state.

(B) A commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of structural and non-structural best management practices identified by the director under subsection (A) of this section.

(C) Any person responsible for the premises, which is or may be the source of an illicit discharge, may be required to implement, at such person's expense, structural and non-structural best management practices, in addition to those required by subsection (B) of this section, to prevent the further discharge of pollutants to the MS4.

(D) Compliance with all terms and conditions of a valid Wisconsin pollutant discharge elimination system storm water discharge permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be considered compliance with the provisions of this section. These best management practices shall be part of a storm water pollution prevention plan as necessary for compliance with requirements of the Wisconsin pollutant discharge elimination system storm water discharge permit.

8-2-9: Watercourse protection: Every person owning or leasing property through which waters of the state pass shall keep and maintain that part of the waters of the state within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the waters of the state. In addition, the owner or lessee shall maintain privately owned structures, within or adjacent to waters of the state, so that such structures will not become a hazard to the use, function or physical integrity of the waters of the state.

8-2-10: Access and inspection of properties and facilities: The director or his or her designees shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this chapter.

(A) If a 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 the director or his or her designees.

(B) The operator shall allow the director or his or her designees ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of a Wisconsin pollutant discharge elimination system storm water discharge permit.

(C) The director or his or her designees shall have the right to set up, on any facility, such devices as are necessary in the opinion of the director or his or her designees to conduct monitoring or sampling or both of flow discharges.

(D) The director or his or her designees may require the facility to install monitoring equipment and perform monitoring as necessary, at its own expense, and make the monitoring data available to the director or his or her designees. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility, at its own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

(E) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected or sampled or both shall be promptly removed by the owner or operator at the written or oral request of the director or his or her designees and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

(F) Unreasonable delays in allowing the director or his or her designees access to a facility is a violation of this chapter.

(G) If the director or his or her designees have been refused access to any part of the premises from which storm water is discharged, and the director or his or her designees are able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect or sample or both as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the director or his or her designees may seek issuance of a search warrant from any court of competent jurisdiction.

8-2-11: Notification of accidental discharges and spills:

(A) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity, operation or emergency response has information of any known or suspected release of pollutants or non-storm water discharges from that facility or any operation which is resulting or may result in illicit discharges or pollutants being discharged into the MS4 or waters of the state, such person shall take all necessary steps to ensure the discovery, containment and cleanup of such release to minimize the effects of the discharge.

(B) In the event of a discharge of non-hazardous materials, the director shall be notified by telephone, electronic communication or in person within 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications by any chosen means shall be confirmed by written notice addressed and mailed to the director within three business days following the notification. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the 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 three years. Such person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(C) In the event of a discharge of hazardous materials, emergency response agencies and other appropriate agencies shall be immediately notified by the owner, operator or person responsible for emergency response for the facility.

(D) Failure to provide notification of a discharge, as provided in this section, is a violation of this chapter.

8-2-12: Notice of violation and appeal:

(A) Notice of violation: When the director or his or her designees finds that a violation of this chapter has occurred, the director or his or her designees shall order compliance by a written notice of violation.

(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 chapter;

E) A time schedule for the completion of such remedial action; and

F) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

(2) The notice of violation may require without limitation:

A) The performance of monitoring, analyses and reporting;

B) The elimination of illicit discharges and illegal connections;

C) That violating discharges, practices or operations shall cease and desist;

D) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

E) Payment to cover administrative and abatement costs; and

F) The implementation of pollution prevention practices.

(3) If abatement of a violation or restoration of affected property or both is required, the notice shall contain the following:

A) A deadline for remediation and restoration completion; and

B) A statement that if the violator fails to remediate or restore or both within the established deadline, the work shall be done by the director or his or her designees at the expense of the violator.

(B) Enforcement and abatement measures after appeal:

(1) If the violation has not been corrected pursuant to the requirements set forth in the subsection (A) of this section, or in the event of an appeal under section 8-2-14 of this chapter, within five days of upholding the decision, then the director or his or her designees shall enter upon the subject private property and to take any measures necessary to abate the violation and restore the property.

(2) It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the director, his or her designees or designated contractor, to enter upon the premises for the purposes of subsection (1) of this subsection (B).

(C) Costs of abatement of the violation:

(1) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement including administrative costs.

(2) The property owner may file a written objection to the amount of the assessment with the city clerk within 15 days.

(3) If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on such appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

8-2-13: Enforcement and penalties:

(A) Penalty: If a person who has received notice of violation issued by the director under section 8-2-12 of this chapter fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described in such notice

within 10 days, or such greater period as director shall consider appropriate, and after the director has taken one or more of the actions described in section 8-2-12 of this chapter, the violator shall upon conviction be subject to a Class 3 forfeiture for each separate offense. A separate offense exists each day the violation remains unremedied after receipt of the notice of violation. For any subsequent violation the person shall upon conviction be subject to a Class 1 forfeiture.

(B) Injunction: The director may refer any violation of this chapter to the city attorney for the commencement of further legal proceedings. It shall not be necessary to prosecute for forfeiture before resorting to injunction proceedings.

(C) Public nuisance: Any condition caused or permitted to exist in violation of this chapter is a threat to public health, safety, welfare, and environment and is considered a nuisance.

(D) Other remedies: The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and the city may seek cumulative remedies.

(E) Costs: The city may recover in full attorney's fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

8-2-14: Appeals:

(A) The board of public works shall hear and decide appeals made by any aggrieved person or by an officer, department, board or bureau of the city affected by any decision of the director where it is alleged that there is error in any order, decision or determination made by the director in administering this chapter.

(B) Any person receiving a notice of violation under section 8-2-12 of this chapter may appeal the determination of the director. The notice of appeal must be received by the city clerk within five days from service of the notice of violation. The notice of appeal shall include a copy of the notice of violation and be signed by the person who received the notice of violation.

(C) Hearing on the appeal before the board of public works shall take place within 21 days from the receipt of the notice of appeal.

Chap. 8-2 history: 8-2-1*: 2008-12-2; 2016 code;* ***8-2-2****: 2008-12-2; 2016 code;* ***8-2-3****: 2008-12-2; 2016 code;* ***8-2-4****: 2008-12-2; 2016 code;* ***8-2-5****: 2008-12-2; 2016 code;* ***8-2-6****: 2008-12-2; 2016 code;* ***8-2-7****: 2008-12-2; 2016 code;* ***8-2-8****: 2008-12-2; 2016 code;* ***8-2-9****: 2008-12-2; 2016 code;* ***8-2-10****: 2008-12-2; 2016 code;* ***8-2-11****: 2008-12-2; 2016 code;* ***8-2-12****: 2008-12-2; 2016 code;* ***8-2-13****: 2008-12-2; 2016 code;* ***8-2-14****: 2008-12-2; 2016 code*

TITLE 8: HEALTH AND SANITATION

Chapter 3: SOLID WASTE RECYCLING AND DISPOSAL

8-3-1 Declaration of purpose
8-3-2 Definitions
8-3-3 Procedures to be developed by board of public works
8-3-4 Source separation and preparation required
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8-3-6 Collection and transportation of solid waste
8-3-7 Solid waste control
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8-3-1: Declaration of purpose: The council finds that disposal of solid waste generated by individuals, business and industry causes damage to the environment and poses serious risks to public health and safety. The council further finds that recycling extends the life of landfills and diminishes the potential for environmental damage while conserving resources. The purpose of this chapter is to have efficient and effective solid waste, recycling and disposal requirements that are in compliance with state laws.

8-3-2: Definitions: In this chapter:

“Board” means the board of public works.

“Bulky waste” means solid waste which due to its composition, weight or bulk cannot be effectively collected and transported, including without limitation, tree limbs or branches exceeding three inches in diameter or four feet in length, furniture, refrigerators, freezers, microwave ovens with the capacitor removed, dishwashers, air conditioning units, dehumidifiers, clothes washers, clothes dryers, stoves, ovens, furnaces, boilers, water heaters, carpeting, toilets, tires, swing sets, poles, lumber, and plasterboard.

“Collector” means a person employed by the city or a person authorized by the city to collect solid waste within the city.

“Director” means the director of public works for the city.

“Garbage” means solid waste resulting from the preparation of food, decayed or spoiled food, decayed or spoiled food products from any source whatever and all household wastes other than recyclable material, bulky waste, rubble and yard waste.

“Multi-family residential structure” means a structure containing three or more residences.

“Nonresidential enterprise” means a structure or that part of a structure which contains any activity other than a residence, including without limitation commercial, retail, industrial, religious, governmental, service or civic enterprises.

“Recyclable material” means solid waste which has been designated by resolution of the council as recyclable material under this chapter.

“Residence” means any structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

“Rubble” means inorganic solid waste resulting from the construction, repair, or demolition of buildings, roads or other structures, including, without limitation, bricks, concrete, ceramic tile masonry and plaster.

“Solid waste” means all materials intended for either disposal, composting or recycling except materials lawfully discharged into the sewer system for processing at the city wastewater treatment plant.

“Yard waste” means organic vegetative solid waste, except garbage and except tree limbs or branches exceeding three inches in diameter or four feet in length. Yard waste includes, without limitation, leaves, pine needles, grass clippings, garden plants, vines and branches or limbs less than three inches in diameter and less than four feet in length.

8-3-3: Procedures to be developed by board of public works: The board is hereby authorized and directed to prepare written procedures for preparation, collection and disposal of solid waste generated within the city, including such separation and cleaning as may be necessary to maximize the opportunity to market recyclable materials. Upon passage by the board such procedures shall be presented to the council in the form of a resolution. The board shall from time to time recommend to the

council such changes to the procedures as may be necessary to carry out and make effective the purpose of this chapter.

(A) Each procedure or modification thereof adopted by the council shall be written in a concise manner and published as a Class 2 notice and posted in a prominent location in city hall.

(B) Upon publication and posting, each procedure shall be considered a part of this chapter.

8-3-4: Source separation and preparation required: The owners or occupants of each residence, multi-family residential structure and nonresidential enterprise shall prepare solid waste for collection under the procedures set forth in this section.

(A) One-and two-family residences: The owners or occupants of each residence within a structure housing one or two residences shall:

(1) Separate or cause to be separated and prepare or cause to be prepared for collection recyclable material, bulky waste, garbage, yard waste and rubble under procedures developed by the board and adopted by resolution of the council.

(2) Place recyclable material, bulky waste, garbage and yard waste at the curb for collection no earlier than 5:00 PM on the day before the day scheduled for collection and no later than 7:00 AM on the day scheduled for collection.

(B) Multi-family residential structures: The owner or owners or designated agent of each multi-family residential structure shall:

(1) Provide adequate, separate containers for recyclable material.

(2) Notify tenants in writing when renting or leasing the dwelling and at least semi-annually thereafter of the recycling program established by this chapter.

(3) Provide for the collection of recyclable material separated from the solid waste by the tenants and provide for the delivery of the recyclable material, with the exception of yard waste and tires, to a drop site within the city that has been designated by the director for the deposit of recyclable material.

(4) Notify tenants of the reasons to reduce and recycle solid waste, which materials are collected, how to prepare recyclable material to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(C) Nonresidential enterprises: The owner or owners or designated agent of each nonresidential enterprise shall:

(1) Provide users, tenants and occupants with adequate, separate containers for recyclable material.

(2) Notify in writing, at least semiannually, all users, tenants and occupants of the recycling program established by this chapter.

(3) Provide for the collection of recyclable material separated from the solid waste by the users, tenants and occupants and provide for the delivery of the recyclable material, with the exception of yard waste and tires, to a drop site within the city designated by the director for deposit of recyclable material.

(4) Notify users, tenants and occupants of the reasons to reduce and recycle solid waste, which materials are collected, how to prepare recyclable material to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(D) Charges for city separation: The city may charge the cost of separating recyclable material, garbage, rubble, yard waste and bulky waste to any person who shall fail to separate such solid wastes as provided in this section. Charges for separation shall be set from time to time by resolution of the board.

(E) Prohibited disposal of recyclable material: No person shall:

(1) Mix or permit the mixing of recyclable material with other solid waste.

(2) Deposit or cause to be deposited any recyclable material at any collection site while the site is closed.

(3) Deposit or cause to be deposited any recyclable material in or upon any public street, waterway, or grounds in the city.

(4) Deposit or cause to be deposited any solid waste which is not a recyclable material in a container intended for the

deposit of recyclable material.

(5) Deposit or cause to be deposited recyclable material generated, accumulated, originated or collected within the city in any landfill.

(6) Dispose of in a solid waste facility or burn in a solid waste treatment facility any recyclable materials which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(F) Separate containers required: Each person not receiving recyclable material collection service from the city shall provide a separate container, approved by the director, for the collection of recyclable material.

(G) Unauthorized collection prohibited: Solid waste placed at the curb shall become the property of the city. No person shall collect solid waste without first obtaining written authorization from the city.

8-3-5: Garbage collection and disposal: The collection, transportation and disposal of garbage shall be conducted under the direction of the director pursuant to procedures established pursuant to this chapter.

(A) Garbage containers required and placement of containers: The owner of each residence shall provide or cause to be provided waterproof, disposable containers for the disposal of garbage generated by occupants of such residence. Such containers shall be 33 gallons in size, shall contain garbage not exceeding 60 pounds in weight, and shall be of sufficient strength to withstand stress resulting from handling during collection. Containers shall be placed at the curb line for collection on the days designated by the board. Containers shall be placed no earlier than 5:00 PM on the day before the day scheduled for collection and no later than 7:00 AM on the day scheduled for collection.

(B) Prohibited disposal of garbage: No person shall cause or permit garbage, other than garbage generated on the premises owned or controlled by such person, to be placed in a garbage container required by this section without a permit from the city, and then only under the terms and conditions of such permit.

(C) Mandatory garbage collection for one-and two-family residences: Garbage collection by collectors employed by the city shall be compulsory for all persons living in structures housing one or two residences.

(D) Optional garbage collection for multi-family residential structures and structures containing one or more residences and one or more nonresidential enterprises: The owner or owners of each multi-family residential structure and the owner or owners of each structure housing one or more residences and one or more nonresidential enterprises shall have the option to obtain garbage collection service for each residence within such structure from the city or from a commercial collection service at the owner's expense.

(1) Charges for city garbage collection service shall commence when the property served obtains service from the city water department.

(2) Each person who elects to use commercial garbage collection services pursuant to this section shall provide or cause to be provided waterproof, disposable containers for the disposal of garbage by occupants of the structure generating such garbage. At no time shall garbage be placed outside of this container.

(E) Nuisance declared: The accumulation of garbage in or upon a parcel of land near an inhabited residence, nonresidential structure or public place within the city which shall cause the air in or about such place to become noxious or offensive, or in such a state as to breed rodents, flies, mosquitoes or other insects, or otherwise become injurious to the public health, is hereby declared to be a nuisance.

8-3-6: Collection and transportation of solid waste:

(A) License Required: No collector shall engage in the collection, transportation or disposal of solid waste generated within the city without having first obtained a license from the city unless:

(1) The person is employed by the city to collect and transport solid waste.

(2) The person is collecting and transporting solid waste generated at his or her own residence or nonresidential enterprise.

(3) The person is collecting and transporting solid waste generated at the residence of a relative of that person, if:

A) No license is otherwise required by the state, and

B) The person makes no charge for the service.

(B) Minimum license requirements: Each applicant for a license to collect or transport solid waste shall meet the following minimum requirements:

(1) All containers and vehicles used for collection and transportation of solid waste shall be durable, easily cleanable, and designed so as to prevent escape of any solid waste during transportation. The vehicles and containers shall be cleaned as may be necessary to prevent nuisances and shall be maintained in good repair.

(2) Containers and vehicles used for the collection and transportation of solid waste shall be loaded and moved in such a way that the contents will not fall, leak, or spill out. Covers shall be provided for both the containers and the vehicles as necessary to prevent escape of solid waste during transportation. If solid waste shall escape from any container or vehicle, the operator shall immediately return the solid waste to the container or vehicle, and clean the area thoroughly.

(3) Each applicant requiring a license from the state for the collection and transportation of solid waste shall provide evidence of issuance of such license before a city license will be issued.

(C) Hours of collection. No collector shall collect solid waste from any location in any R-1, R-2, R-3 or B-1 zoning district within the city, or from any location within 400 feet of the boundary of any such zoning district, between the hours of 10:00 PM and 6:00 AM. In the event of a civil emergency, and during such emergency, the city administrator may authorize collection of solid waste at times that are otherwise prohibited by this section.

(D) License year: The license year shall begin July 1.

(E) License fee: The license fee shall be established by resolution of the council. The full license fee shall be required for one year or any part of a year.

8-3-7: Solid waste control:

(A) No person shall transport solid waste from outside the city into the city for collection and disposal by the city or its authorized agent. This section shall not apply to persons who dispose of insignificant amounts of solid waste in appropriate litter receptacles placed by the city on the streets, sidewalks or in the parks.

(B) No person shall deposit solid waste in a container placed by a commercial solid waste collection and disposal service unless the person depositing such solid waste is authorized to do so by the person or business paying for the commercial service.

(C) It shall be prima facie evidence that a person has violated this section if solid waste containing that person's name or other reasonably satisfactory identifying characteristics are found among other solid wastes within the city awaiting collection and disposal, and the person either is not a resident of the city, or in the case of deposit in a commercial container, is not authorized to use the commercial container.

8-3-8: Billings: The services provided for by this chapter shall be billed each calendar quarter and the water utility billing procedures shall apply to such bills.

8-3-9: Enforcement: To determine compliance with the provisions of this chapter, it shall be the duty of the director to enforce the provisions of this chapter and to see that all violations thereof are promptly abated and the violators thereof prosecuted. The director or the director's authorized representative may inspect recyclable material separated for recycling, garbage intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family residential structures and nonresidential enterprises, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse the director or the director's authorized representative who requests access for purposes of inspection and who presents appropriate credentials. No person shall obstruct, hamper, or interfere with such an inspection. It shall be the duty of the chief of police and the police officers of the city to give attention throughout the city for violations of this chapter and to report such violations to the director.

8-3-10: Penalty: Upon conviction for a violation of this chapter the following penalties shall apply:

(A) Solid waste preparation: Any person who violates section 8-3-4 or 8-3-5 of this chapter shall upon conviction be subject to a Class 5 forfeiture.

(B) Solid waste control: Any person who violates section 8-3-7 of this chapter shall upon conviction be subject to a Class 3 forfeiture. Any person who violates section 8-3-7 of this chapter for a second or subsequent offense shall upon conviction be subject to a Class 2 forfeiture.

(C) Solid waste collection and transportation: Any person who violates section 8-3-6 of this chapter shall upon conviction be

subject to a Class 1 forfeiture.

(D) Multiple violations: For the second or subsequent violation within a 12 month period of the same section for which a penalty is set forth in subsections (A) or (C) of this section the penalty shall be double that imposed for a first offense.

(C) License suspension or revocation: In addition to other penalties, a person may have any solid waste hauling or junk dealer license issued by the city suspended or revoked for a period not exceeding six months.

(1) The following shall be grounds for revocation or suspension of a solid waste hauling or junk dealer license:

A) Any violation of this chapter;

B) Failure to hold a required license from the state;

C) Transporting solid waste in violation of any condition of a license; and

D) Failure to maintain vehicles used for transportation of solid waste in good repair or the leaving of solid waste standing in a vehicle for more than 24 hours.

E) Failure to pay any invoice from the city for disposal of solid waste within 30 days of the date of the invoice.

(2) No part of the license fee for a license which has been revoked or suspended pursuant to this section shall be refunded.

(3) Notice of the hearing for revocation or suspension of any such license shall be given by the city clerk in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the person holding the applicable license at his or her last known address at least five days before the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three days before the date set for hearing.

Chap. 8-3 history: 8-3-1*: 1995-2-7; 2016 code;* ***8-3-2****: 1990-5-15; 1995-2-7; 2016 code;* ***8-3-3****: 1990-5-15; 2016 code;* ***8-3-4****: 1990-5-15; 1995-2-7; 2016 code;* ***8-3-5****: 1990-5-15; 1995-2-7; 2016 code;* ***8-3-6****: 1990-5-15; 2015-10-20; 2016 code;* ***8-3-7****: 1990-5-15; 2016 code;* ***8-3-8****: 2004-7-6; 2008-6-17; 2016 code;* ***8-3-9****: 1995-2-7; 2016 code;* ***8-3-10****: 1990-5-15; 1995-10-17; 2016 code*

TITLE 8: HEALTH AND SANITATION

Chapter 4: MONROE WATER UTILITY

8-4-1 Definitions
8-4-2 Access to premises
8-4-3 Connections and installations
8-4-4 Cross-connections:
8-4-5 Remote readers required
8-4-6 Water rates
8-4-7 Billings
8-4-8 Protection of Monroe water utility
8-4-9 Notice of discontinuance
8-4-10 Fluoridation
8-4-11 Private well abandonment
8-4-12 Penalty

8-4-1: Definitions: In this chapter:

"Cross-connection" means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the city water system and the other 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.

“Curb box” means a covered durable box or standpipe supported independently of the lateral main and service pipe, located within the public right of way and containing a valve connected to a lateral main and a service pipe.

“Deduct meter” means a water meter whose consumption reading is subtracted from the account's primary consumption during a billing period in order to allow a credit for sewer charges.

“Lateral main” means a pipe running from a water main to a curb box.

“Service pipe” means a pipe running from a curb box to a water meter.

“Water meter” means a device connected to a service pipe and used by the water utility to measure the volume of city water supplied to a premises.

8-4-2: Access to premises: The director of public works and persons under his or her direction may enter, at reasonable hours, any premises supplied with city water for the purposes of inspecting and examining water service equipment.

8-4-3: Connections and installations:

(A) Installation and maintenance of service pipes: Each separate building shall be served by a separate service pipe. Under this section each residential unit in a building housing two residential units shall be considered a separate building. The water utility shall have the power to determine what constitutes a building. Service pipes may be installed by the property owner or the water utility. Following installation, service pipes shall be maintained by the property owner.

(B) Installation and maintenance of curb boxes and water meters: Each service pipe shall connect a single curb box with a single water meter unless the curb box contains multiple shutoff valves, in which case each service pipe shall connect a single valve with a single water meter. Curb boxes and water meters shall be installed and maintained by the water utility.

(C) Cost: The cost of the construction and correction of service pipes with the water main shall be set by the water utility.

(D) Service pipe specifications: All service pipes from the building to the water main must be placed at least six feet below the surface after the street is brought to grade.

(E) Property owner responsibility: The property owner shall keep the curb boxes free and accessible at all times. The property owner shall be responsible for the cost of removing obstructions from the service pipes and curb boxes.

(F) Water utility authority: The water utility shall have the authority to prescribe the kind of service connections or other attachments to any water main and shall have the power to prescribe the kind of pipe to be used for water service, and piping from the curb box to the water meter must be of such kind and nature as approved by the water utility.

(G) Underground work: The laying of water mains, the construction of service laterals for water service and any necessary

underground work may be done directly by the city without submitting the same for bids.

(H) Improvements: Whenever the council shall determine to pave or improve any street in which water mains have not been laid, it shall be the duty of the city clerk to notify the board of public works of such determination, and the board of public works shall then determine whether or not a water main shall be laid before the street improvement.

(I) Payment before service: No water service shall be supplied until charges assessed by the water utility to the property owner have been paid.

(J) Outside connections restricted: No property shall be supplied with city water unless such property is located within the corporate boundaries of the city, or a contract for service is approved by the council and executed with the city.

8-4-4: Cross-connections:

(A) 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 regular public water supply of the city may enter the supply or distribution system of the city, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the water utility and by the Wisconsin department of natural resources under section NR 811.09(2) of the Wisconsin administrative code.

(B) Inspections: It shall be the duty of the city to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are considered possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the plumbing inspector and as approved by the Wisconsin department of natural resources.

(C) Right of entry: Upon presentation of credentials, the plumbing inspector 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 city for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under section 66.0119 of the Wisconsin statutes. The owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(D) Discontinuance of water service: The water utility may discontinue water service to any property where any connection exists in violation of this section, and may take such precautionary measures considered necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity to be heard under chapter 68 of the Wisconsin statutes, except as otherwise provided in this section. Water service to such property shall not be restored until the connection has been eliminated in compliance with the provisions of this section.

(E) Immediate discontinuance of water service: If it is determined by the water utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the city clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under chapter 68 of the Wisconsin statutes, within 10 days of such emergency discontinuance.

8-4-5: Remote readers required: All structures within the city served with city water shall be served by a remote reader for any water meter or deduct meter located in the structure. Installation of the remote reader required by this section shall be made by an authorized city employee, a licensed plumber or a licensed electrician.

8-4-6: Water rates:

(A) The schedule of rates for water service shall be recommended by the board of public works, after approval by the public service commission, to the council. The council shall approve the rates for water service by resolution.

(B) Surplus revenue from the water utility shall be applied in such manner as the finance and taxation committee shall determine.

8-4-7: Billings.

(A) Billing frequency. The services provided for by this chapter shall be billed each calendar quarter and the water utility billing procedures shall apply to such bills.

(B) Water utility billing procedures. Bills shall be prepared by the water utility and shall be directed to the owner of each parcel of real property from which the liability for payment arose. Bills shall include an itemized list of the services billed, a total amount due and a date, 20 days following issuance of the bill, by which payment in full is due (the "due date"). A late payment charge of 3.0% computed upon any balance remaining unpaid following the due date for charges first appearing on

the bill to which such due date applies, shall be added to the bill. The treasurer shall collect the bills and any late payment charges. The procedures set forth in section 66.0809 of the Wisconsin statutes for the collection of unpaid utility charges and penalties shall apply to collection of unpaid charges appearing on the bill, including late payment charges. The procedures set forth in this subparagraph apply whenever reference is made in this code to “water utility billing procedures.”

8-4-8: Protection of Monroe water utility:

(A) No person, unless authorized, shall open or tamper with any fire hydrant, draw water from any fire hydrant or obstruct access to any fire hydrant, gate, stopcock box or other connection with the city water distribution system.

(B) No person shall injure, deface or impair the operation of the city water distribution system.

(C) No person, unless authorized, shall make any attachments or connections with the city water distribution system.

(D) No person shall sell or give away water from his or her premises without the permission of the director of public works. The board of public works shall determine what constitutes the selling or giving away of water.

(E) No person shall take away water from any public source without first obtaining the permission of the director of public works.

8-4-9: Notice of discontinuance: The occupant or owner of the premises must make a written request for the discontinuance of water service with the water utility. Such request shall include the reason for discontinuance of service.

8-4-10: Fluoridation: The water utility shall add approximately one and not more than 1 1/2 parts of fluoride to every million parts of water being distributed by the water utility.

8-4-11: Private well abandonment: To prevent unused or improper construction of wells from serving as a passage for contaminated surface or near surface waters or other materials to reach the usable ground water, these wells must be properly filled and sealed.

(A) Applicability: All private wells located on any premises which is served by the public water system of the city shall be properly filled. Only those wells for which a well operation permit has been granted by the director of public works may be exempted from this requirement, subject to the conditions of maintenance and operation.

(D) Well operation permits: Upon payment of a fee set by resolution of the council, a permit may be granted to a well owner to operate a well for a period not to exceed one year, the term of each permit to begin on November 1 and to expire on October 31 of the following year, if the following requirements are met:

(1) The well and pump installation meet the requirements of chapter NR 812.42 of the Wisconsin administrative code, and a well constructor's report is on file with the department of natural resources, or certification of the acceptability of the well has been granted by the private water supply section of the department of natural resources.

(2) The well has a history of producing safe water and produces bacteriologically safe water as evidenced by three samples two weeks apart. Initial samplings will be done by and paid for by the water utility. "Initial samplings" as used in this subsection means those samples necessary to establish a history of producing safe water. The permit holder shall do and pay for all samplings necessary beyond the initial samplings.

(3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

(4) No physical connection shall exist between the piping of the public water system and the private well.

(E) Methods: Wells to be abandoned shall be filled according to the procedures outlined in chapter NR 812 of the Wisconsin administrative code. The pump and piping must be removed and the well checked for obstructions before plugging. Any obstruction or liner must be removed.

(F) Reports and inspection: A well abandonment report must be submitted by the well owner to the department of natural resources on forms provided by the agency (available at the office of the director of public works). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the city.

8-4-12: Penalty: A person who violates any provision of this chapter shall upon conviction be subject to a Class 1 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

***Chap. 8-4 history: 8-4-1**: 2016 code; **8-4-2**: 1996-8-20; 2016 code; **8-4-3**: 1996-8-20; 1997-4-15; 1999-5-4; 2016 code; **8-4-4**:*

*1996-8-20; 2016 code; **8-4-5**: 1996-12-17; 2016 code; **8-4-6**: 1996-8-20; 2016 code; **8-4-7**: 2004-7-6; 2008-6-17; 2016 code; **8-4-8**: 1996-8-20; 2016 code; **8-4-9;** 1996-8-20; 2016 code; **8-4-10**: 1996-8-20; 2016 code; **8-4-11**: 1996-8-20; 2016 code; **8-4-12**: 1996-8-20; 2016 code*

TITLE 8: HEALTH AND SANITATION

Chapter 5: CITY SEWER SERVICE

8-5-1 Definitions
8-5-2 Sewer classifications
8-5-3 Compliance with state laws
8-5-4 Records kept
8-5-5 Sewer construction and connection requirements
8-5-6 Use of the public sewers
8-5-7 Use of the public storm sewers
8-5-8 WPDES permit
8-5-9 Special arrangements
8-5-10 New connections
8-5-11 Industrial wastewater discharge permits
8-5-12 Septage disposal permits
8-5-13 General regulations
8-5-14 Basis for sewer service charges
8-5-15 Amount of sewer service charges
8-5-16 Billing practice
8-5-17 Right of entry; safety and identification
8-5-18 Validity
8-5-19 Audit, notification, and records
8-5-20 Damages to equipment
8-5-21 Discharges causing damage
8-5-22 Penalty
8-5-23 Liability to the city for losses

8-5-1: Definitions: In this chapter:

“Approving authority” means the board of public works or its authorized representatives.

“ASTM” means the American society of testing materials.

“BOD (denoting biochemical oxygen demand)” means the quantity of oxygen used in the biochemical oxidation of organic material in five days at 20 degrees Celsius, expressed as milligrams per liter, (mg/l). Quantitative determination of BOD shall be made under procedures set forth in the latest edition of standard methods.

“Building drain” means that part of the lowest horizontal piping of a draining 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.

“Building sewer” means a sanitary sewer which begins immediately outside the foundation wall of any building or structure being served, and ends at its connection to the public sewer.

“Category A” means those sanitary sewer users who discharge normal domestic strength wastewater into the public sewers with concentrations of BOD no greater than 200 mg/l, and suspended solids no greater than 250 mg/l.

“Category B” means those sanitary sewer users who discharge normal domestic strength wastewater into the public sewers with concentrations of BOD no greater than 200 mg/l and suspended solids no greater than 250 mg/l from residential locations with three or more dwelling units and from nonresidential locations or operations.

“Category C” means those sanitary sewer users who discharge wastewater into the public sewers and those licensed septage disposers who discharge wastewaters into the public sewers or at the wastewater treatment plant with concentrations exceeding 200 mg/l of BOD and 250 mg/l of suspended solids.

“Chlorine requirement” means the amount of chlorine, in mg/l which must be added to sewage to produce a residual chlorine as specified in the Wisconsin pollutant discharge elimination system (WPDES) permit.

“COD (denoting chemical oxygen demand)” means the measure of oxygen equivalent of that portion of the organic material in a sample that is susceptible to oxidation by a strong chemical oxidant.

“Combined sewers” means are combined sanitary and storm sewers.

“Compatible BOD” means suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants

identified in the city's WPDES permit for its wastewater treatment facility; if such facility is designed to treat such additional pollutants, and, in fact, does remove such pollutants, to a substantial degree.

“Deduct meter” means a water meter whose consumption reading is subtracted from the account's primary consumption during a billing period in order to allow a credit for sewer charges.

“Director” means the city’s director of public works or his or her authorized representative.

“Easement” means an acquired legal right for a 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. A wastewater or septage shall be considered free of floatable oil if it is properly pretreated and wastewater does not interfere with the collection system.

“Garbage” means the residue from the preparation, cooking, dispensing, handling, storage and sale of food products and produce.

“Ground garbage” means the residue from the preparation, cooking, dispensing, handling, storage, and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in dimension.

“Incompatible pollutants” means wastewater or septage with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater collection and treatment facilities.

“Licensed disposer” means a person holding a license under section 281.48(3) of the Wisconsin statutes.

“Natural outlet” means any outlet, including storm sewer outlets, into a watercourse, pond, ditch, lake, or other body of surface water or ground waters.

“Operation and maintenance costs” includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including administration and replacement costs, all as determined from time to time by the city.

“pH” means the logarithm of the reciprocal of the hydrogen-ion activity in moles per liter.

“PPM (denoting 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.

“Pretreatment” means the reduction of the amount of pollutants, elimination of pollutants, or the alteration of the nature of pollutant property in wastewater to a less harmful state in addition to or in lieu of discharging or otherwise introducing such pollutants into a public owned treatment works. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means except as prohibited by 40 CFR, part 403.6(d), and acts supplementary and amendatory thereto.

“Public sewer” means any publicly owned sewer, storm drain, or sanitary sewer whether within or outside the corporate boundaries of the city that serves one or more persons and ultimately discharges into the city sanitary sewer system, even though the sewer may not have been constructed with funding from the city.

“Receiving stream” means that body of water, stream, or watercourse receiving the discharge waters from the wastewater treatment plant.

“Replacement costs” means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance cost includes replacement costs.

“Sanitary sewage” means a combination of liquid and water carried wastes discharged from toilets or sanitary plumbing facilities and such ground, surface, and storm water runoff as may be present.

“Sanitary sewer” means a sewer that carries sewage or wastewater, liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, and small quantities of ground, storm, and surface waters that are not admitted intentionally.

“Septage” means scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy.

This does not include the waste from a grease trap.

“Sewage” means the spent water of a person or community. The preferred term is "wastewater".

“Sewer service charge” means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs, and other expenses or obligations of said facilities.

“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 three times the average 24 hour concentration of flows during normal operation, or adversely affects the wastewater collection system or performance of the wastewater treatment facility.

“Standard methods” means the examination and analytical procedures set forth in the most recent edition of "standard methods for the examination of water and wastewater", published jointly by the American public health association, the American water works association, and the water environment federation.

“Storm sewers or drain” means a drain, ditch or sewer which is used for the disposal and conveying of rain water, ground water, subsurface water or unpolluted water from any source.

“Storm water runoff” means that portion of the rainfall that is normally intended to be drained into the storm sewers.

“Suspended solids” means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, septage or other liquids, and that is removable by laboratory filtering as prescribed in "standard methods for the examination of water and wastewater", and referred to as nonfilterable residue.

“Unpolluted water” means water of quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

“Wastewater” means the spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, and any ground water, surface water, and storm water that may be present.

“Wastewater collection facilities (or wastewater collection system)” means the structures and equipment required to collect and carry wastewater.

“Wastewater treatment facility (or wastewater treatment plant)” means an arrangement of devices and structures for treating wastewater and sludge and disposing of the effluent.

“Watercourse” means a natural or artificial channel for the passage of water, either continuously or intermittently.

“WDNR” means the Wisconsin department of natural resources.

“Wisconsin pollutant discharge elimination system permit (WPDES)” means a document issued by the WDNR which establishes effluent limitations and monitoring requirements for the Municipal wastewater treatment facility. WPDES permit no. WI-0020362 and any amendments, modifications or subsequent changes thereof pertaining to the city’s wastewater treatment facility.

“WEF” means the water environment federation.

8-5-2: Sewer classifications: The sewerage system of the city shall be divided into two classes of sewers, namely:

(A) Sanitary sewers: Sanitary sewers are those sewers which are designed and used for the disposal of all waste products discharged from plumbing fixtures located in buildings and structures along the line of such sewer; the term "plumbing fixtures", shall not include downspouts or any other fixture discharging rain water or refrigerating plant cooling water. All of the territory comprised within the corporate limits of the city shall be held to constitute one sanitary sewerage district to be known as sanitary district number one. The system of sanitary sewers shall, for the purposes of this chapter be considered as consisting of the following separate parts:

(1) Sewer main: A sewer main being the principal artery extending along the public street, alley or other public way or city held easement into which the laterals may feed.

(2) Sewer service laterals: A sewer service lateral being that part of the sewer lying between the street or curb line and the sewer main.

(3) House sewer (or drain): A house sewer (or drain) being that part of the sewer laid from the property to be served to the sewer service lateral.

(B) Storm sewers: Storm sewers, drains, or ditches are those sewers designed and used for the disposal and conveying of rain water, ground water, subsurface water or unpolluted water from any source. Combined sanitary and storm sewers are prohibited.

8-5-3: Compliance with state laws: Regulations governing plans, specifications, construction and costs regarding sanitary sewers, and provisions relating to special assessments for the same shall be as set forth in the Wisconsin statutes, and said rules and regulations are incorporated herein by reference.

8-5-4: Records kept: The city clerk or director of public works shall keep a complete record of the installation of all sewers, whether the same be sanitary sewers or storm sewers and also of all connections between sewer mains and service laterals and all provisions made for such connections and generally of all materials pertaining to the sewerage system of the city.

8-5-5: Sewer construction and connection requirements:

(A) Construction: All sanitary sewers and house laterals shall be constructed under the latest edition of “standard specifications for sewer and water construction in Wisconsin,” and any other specifications adopted by the approving authority, or as may be required by any other local, state or federal agencies.

(B) Cost of connection: No person or any agent or employee thereof shall connect or cause to be connected any building or buildings with any sanitary sewer within the city without first securing a permit from the board of public works. The fee for such permit shall be set by resolution of the council. No fee shall be charged for issuance of a permit where the property connected to said sewer has been assessed for the cost of said sewer. No plumbing contractor shall cause such connection to be made until such permit is issued.

(C) Laterals: The laying of all sewer service laterals from the sewer main to the property line shall only be performed by a licensed plumber or by the city. The entire expense thereof and any future expenses incurred to maintain or repair a sewer service lateral shall be paid for by the owner of the lot or parcel benefited thereby. No house sewer shall be laid or sewer main tapped unless an application therefor has been made to the city and filed with and approved by the plumbing inspector. Such applications must in all cases be accompanied by a fee set by resolution of the council, which shall be paid into the city treasurer.

(D) Connections with main sewer: All connections with a sewer main shall be made at a "Y" or "T" joint when possible. In the event no "Y" or "T" joint can be located, connection to the sewer main shall be made in such manner as is satisfactory to the plumbing inspector. No connection to the sewer shall be approved by the plumbing inspector where any part of the lateral shall extend into the sewer main.

(E) Laying of laterals: At the time of the laying of sewer mains, sewer service laterals shall be constructed and laid from the sewer main to the curb line of all adjoining parcels and lots abutting on that part of the street wherein said sewer main is laid and the cost of the construction of said sewer service lateral shall be charged to the owners of the abutting parcels and lots. Provided, that if the street in which said sewer main is placed is not to be permanently improved, then such laterals shall be constructed to those parcels and lots abutting on said sewer which are improved. All sanitary sewer laterals shall have G-425 rubber gasket joints, except where deviation is permitted by written authorization of the director of public works.

(F) Buildings to have individual connections: Unless by prior approval of the city, every building shall have its separate connection with the sewer main and no two or more buildings shall be connected with the sewer main through one pipe.

(G) Work authorized: No person shall uncover, make any connections with or openings into, use, alter, or disturb the public sewers or appurtenances thereof without first obtaining a written permit from the approving authority.

(H) Cost of sewer connection: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

(I) Use of old building sewers: Old building sewers may be used with new buildings only when they are found on examination and test by the approving authority, to meet all requirements for this chapter.

(J) Materials and methods of construction: The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the city's building and plumbing codes or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF manual of practice no. 9 shall apply.

(K) Building and 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 carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(L) Storm and ground water drains: No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer. All downspouts or ground water drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 30 days of the date of an official written notice from the approving authority.

(M) Conformance to plumbing codes: The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the American society of testing materials and water pollution control federal manual of practice no. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

(N) Inspection of connection: The person making a connection to a public sewer shall notify the approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the approving authority.

(O) Barricades; restoration: All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the approving authority.

(P) Outside connections restricted: No property shall be served by the public sewer unless such property is located within the corporate boundaries of the city, or a contract for service is approved by the council and executed with the city.

8-5-6: Use of the public sewers:

(A) Sanitary sewers: No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage, or noncontact cooling water to any sanitary sewer.

(B) Storm sewers: Storm water and all other unpolluted water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority or other regulatory agencies, to a storm sewer, or natural outlet.

(C) Prohibitions and limitations: Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

(3) Any waters or wastes having a pH lower than 5.5, or exceeding 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facility.

(4) 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 or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) The following described substances, materials, waters, or waste shall be limited in discharges to 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, limbs, public property, or constitute a nuisance. The approving authority may set limitations more stringent than those established in this chapter as such more stringent limitations are necessary to meet the objectives of this chapter. The approving authority will consider the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. No person shall discharge any of the following waste materials into any city sewer:

A) Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit or 60 degrees Celsius.

B) Any wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral origin; wastewater containing more than 100 mg/l of nonpetroleum based oils such as animal or vegetable oil or fats. The method for determining grease and oil content shall be as stated in the current edition of standard methods.

C) Any unground garbage. 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 consumption on the premises or when served by caterers.

D) Any waters or wastes containing the toxic and nonconventional pollutants specified in the United States environmental protection agency's list of priority pollutants to such degree that the concentration exceeds levels specified by federal, state, and local authorities.

E) Any water or wastes containing odor producing substances exceeding limits which may be established by the approving authority or limits established by any federal or state statute, rule, or regulations.

F) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.

G) Any waters or wastes containing substances which are not amenable to treatment 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.

H) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release objectionable gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

I) Materials which exert or cause:

1) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

2) Unusual volume of flow or concentration of wastes constituting "slugs".

3) 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).

4) Excessive discoloration (such as, but not limited to, dye, wastes and vegetable tanning solutions).

J) Incompatible pollutants exceeding the allowed limits as determined by city, state, and federal laws and regulations in reference to pretreatment standards developed by the environmental protection agency, and as contained in 40 CFR 403, as amended from time to time.

(6) Septage disposal. No person or licensed disposer shall dispose of septage into any public sewer or at the wastewater treatment plant without written authorization of the approving authority.

8-5-7: Use of the public storm sewers:

(A) Prohibited uses: No person shall discharge, dump, spill or deposit into, or cause to be discharged, dumped, spilled or deposited into or allow any of the materials set forth in this section to enter any public storm sewer.

(1) Any whole milk, cream, skim milk, buttermilk, whey, and all other wastes or byproducts from the handling or processing of milk or any byproduct thereof;

(2) Any oil, fats or waxes;

(3) Any petroleum products or dry cleaning fluids;

(4) Any garbage, grease, or rags;

(5) Any cement, liquid or solid concrete, gravel, sand, salt, ashes or cinders, except that sand, salt, ashes or cinders may be used for the abatement of ice and snow accumulations and for public safety;

(6) Any fertilizer, ammonias, herbicides, pesticides, agricultural limes, or liquid or solid manure.

(7) Any materials having a stabilized pH lower than 6.0 or higher than 8.0, or having any other corrosive property capable of causing damage or causing damage or hazards to structures, equipment or persons;

(8) Any liquids or vapors having a temperature greater than the maximum prescribed by section N.R. 102.02(3) of the Wisconsin administrative code, and acts supplementary and amendatory thereto;

(9) Any material having a biochemical oxygen demand (BOD) exceeding10 mg/l, or suspended solids exceeding 10 mg/l, unless specific prior approval is granted in writing by the approving authority under subsection (B) of this section.

(10) Any other materials, not limited to those set forth in this section, the presence of which will be detrimental, harmful or may cause harm to the storm sewer or its receiving waters or streams, or obstruct the operation of the storm sewer.

(B) Permits: Any person may discharge or deposit into the public storm sewer system the materials prohibited in subsection (A) of this section, if such person:

(1) Obtains prior written approval from the approving authority and complies with all that body's requirements.

(2) Obtains prior written approval from the state when required by that body and complies with all their requirements.

(3) In the event either subsection (B)(1) or (B)(2) of this subsection requires a sampling manhole, weir, flow recorder or other device, all related costs will be borne by the person desiring usage at the storm sewer.

(C) Damages; repairs: Any damages which occur to the public storm sewer system or to the receiving waters downstream of the public storm sewer system which are caused by an accidental or intentional discharge, dumping, spilling or deposit from any person and which must be repaired or corrected by the city are the liability of that person. The approving authority shall assess all costs for any repairs or corrections, in time and materials, to the person violating the terms of this section. The approving authority may, in lieu of assessing all costs for any repairs or corrections, in time and materials, order the person violating any of the terms of this section to make any repairs or corrections under the supervision of the approving authority and in compliance with all their requirements.

8-5-8: WPDES permit: No person shall cause or permit a discharge into the public sanitary sewers that would cause a violation of the city's WPDES permit and any modifications thereof.

8-5-9: Special arrangements: No statement contained in this chapter shall be construed as prohibiting any special arrangement between the approving authority, with the concurrence of the council, and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, if 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 city without recompense by the person; and, further provided, that all rates and provisions set forth in this chapter are recognized and adhered to.

8-5-10: 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.

8-5-11: Industrial wastewater discharge permits:

(A) An industrial wastewater discharge permit is required under this section if a person's discharge into the sanitary sewer has any of the following characteristics:

(1) A BOD greater than 200 mg/l;

(2) A suspended solids concentration greater than 250 mg/l;

(3) A volume of 10,000 gallons per day or greater from one or more points of discharge;

(4) Any of the characteristics of prohibited discharges under subsection 8-5-6(C) of this chapter and the person is a category C sewer user; and

(5) Is an incompatible pollutant under N.R. 211 of the Wisconsin administrative code.

(B) Permit application: Persons seeking an industrial wastewater discharge permit shall complete and file with the approving authority an application on the form prescribed by the authority. In support of the application, the applicant shall submit the following information:

(1) Name, address, and standard industrial classification number according to the standard industrial classification manual, bureau of the budget, 1972, as amended;

(2) Average daily volume of wastewater to be discharged;

(3) Wastewater constituents and characteristics to be analyzed using U.S.E.P.A. recommended procedures;

(4) Time and duration of discharge;

(5) Average and peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;

(6) Site plans and details to show all sewers and appurtenances by size and location;

(7) Description of activities, facilities, and plant processes on the premises including all materials and types of materials which are or could be discharged; and

(8) The director shall evaluate the data furnished by the applicant and may require the applicant to furnish further information. After evaluation and acceptance of the application, based upon the wastewater treatment plant's ability to treat the proposed discharge, the approving authority, with the concurrence of the council, shall issue an industrial wastewater discharge permit subject to the terms and conditions provided therein.

(C) Permit conditions: Industrial wastewater discharge permits shall be subject to all provisions of this chapter and all other regulations, user charges, fees, and conditions of discharge established by the approving authority or the state and federal authorities responsible for the overseeing of the wastewater treatment plant operations. Permit conditions shall include the following:

(1) The daily average and maximum wastewater constituents and characteristics;

(2) Limits on the rate, time, and amount of discharge;

(3) Requirements for the installation of control manholes, flow measurement devices, and composite sampling devices;

(4) Pretreatment of wastes discharged as may be required for adequate treatment of wastewaters discharged to the wastewater treatment plant; and

(5) Any other special conditions considered appropriate by the approving authority. Such other special conditions shall be effective only after due notice and hearing for the permit holder or permit applicant.

(D) Emergency suspension of treatment service: When the director determines that by reason of the gravity of the potential consequences of a violation of this chapter an immediate order is necessary to protect the wastewater collection system or treatment plant from possible serious damages, he or she may issue a written order terminating service to the permit holder or requiring the permit holder to cease operations which could be contributing to the violation. The permit holder shall be entitled to have the council review the director's actions in proceedings meeting the requirements of chapter 68 of the Wisconsin statutes.

(1) Suspension of service under this section shall not prevent the city from seeking any other remedy that may be available to it for the continuance of proper operation of the wastewater treatment plant, nor shall it prevent the city from imposing penalties otherwise applicable to the permit holder violating any section of this chapter.

(E) Revocation of industrial wastewater discharge permits and treatment services: The city may seek to terminate the wastewater treatment services provided to any permit holder and revoke the permit holder's industrial wastewater discharge permit upon failure by the permit holder to:

(1) Factually report any information required by the application for the industrial wastewater discharge permit;

(2) Report significant changes in the wastewater constituents or characteristics;

(3) Allow access to the permit holder's premises by the director or the director's representatives for inspection of monitoring discharge under this chapter;

(4) Comply with the industrial wastewater discharge permit issued by the approving authority; and

(5) Allow the director or the director's representatives exclusive control of any control manhole serving the permit holder's

premises whenever the director considers such control necessary. Such exclusive control of the manhole shall not preclude parallel monitoring.

(F) Notification of violation; administrative adjustment: Whenever the director finds that any permit holder has engaged in conduct that is grounds for revocation of the industrial wastewater discharge permit and treatment services under subsection (E) of this section, the director shall cause to be served upon the permit holder a written notice stating the nature of the alleged violation. Service of the notice shall be effective when made upon an agent or agents named by the permit holder. The city may require the permit holder to provide the name or names of such agents in such a number as to insure the reasonable availability of such agents to receive notice. Within five days of the service of the notice, the permit holder shall respond in writing to the authority, advising of its position with respect to the allegations. Thereafter, the parties shall meet to determine the veracity of the allegations, and, where necessary, establish a plan for the satisfactory correction of the problems.

(G) Show cause hearing: Where the violation giving rise to under subsection (E) of this section, is not corrected by timely compliance with the procedures of subsection (F) of this section the approving authority may order any permit holder causing or allowing conduct prohibited by subsection (E) of this section, to show cause why the proposed revocation of the industrial wastewater discharge permit and treatment service should not occur. A written notice shall be served on the permit holder, specifying the time and place of a hearing to be held by the council regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the permit holder to show cause before the council why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of a permit holder, as defined in subsection (F) of this section. The proceedings at the hearing shall be considered by the council which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeals of such orders shall be to the circuit court of Green County.

(H) Revocation of industrial wastewater discharge permits and termination of treatment services under subsection (E) of this section shall not prevent the city from seeking any other remedy that may be available to it for the continuance of proper operation of the wastewater treatment plant, nor shall it prevent the city from imposing penalties otherwise applicable to the permit holder violating any section of this chapter.

(I) Judicial proceedings: Following the entry of any order by the council with respect to the conduct of a permit holder contrary to the provisions of subsection (E) of this section, the city attorney may commence an action for enforcement of the order and any other appropriate legal or equitable relief.

(J) Transfer of industrial wastewater discharge permit: An industrial wastewater discharge permit will be issued to a specific user for a specific operation. Such permit will not be transferred to a new owner, user, location, or operation without the prior written approval of the approving authority.

(K) Duration of industrial wastewater discharge permits: Each industrial wastewater discharge permit shall expire on December 31 of each year. Renewal of the permit shall be automatic unless the director notifies the permit holder of nonrenewal in writing before October 2 of that year.

(1) If the director believes nonrenewal of a permit is justified or required for the proper operation of the wastewater treatment system, the director shall so inform the approving authority by October 1. The director shall not send a notice of nonrenewal of a permit unless the approving authority is satisfied that nonrenewal of the permit is justified or required for the proper operation of the wastewater treatment system. If the approving authority is so satisfied, it shall direct the director to notify the permit holder of nonrenewal and state the reasons therefor.

(2) A permit holder desiring a change in a permit may petition the approving authority at any time. The terms and conditions of the permit shall be subject to modification during the life of the permit. If any code, statute, rule or regulation of the approving authority or the state or federal authorities is amended and that amendment requires modification of a permit, the director may modify the permit at any time, with the concurrence of the council. The permit holder shall be notified in writing of any proposed changes in the industrial wastewater discharge permit at least 60 days before the effective date of the change. Any modification in the permit shall include a time schedule for compliance.

8-5-12: Septage disposal permits:

(A) Septage shall only be discharged to the city's sewerage system by city approved and state of Wisconsin licensed disposers and at locations, times and conditions as specified by the approving authority or the director.

(B) Permit application: Between August 1 and September 1 of each year every licensed disposer wishing to discharge septage into the city's wastewater treatment plant shall file an application in writing to the approving authority on forms to be provided for such purpose. During the months of July and August forms for such application will be furnished at the office of the director. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed of at the city's wastewater treatment works. As part of the permit application, each licensed disposer shall

provide to the approving authority proper proof of minimum liability insurance coverage for the licensed disposer's operation of a septage disposal business. The minimum liability insurance coverage shall be established before August 1st of every year by resolution of the approving authority.

(1) During the month of September, the approving authority will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the city's wastewater treatment facility. The approving authority shall approve or reject all applications by October 1 of each year. If the approving authority cannot accept all the proposed septage for disposal, then consideration shall be given first to those generators of septage that are within the sewer service area. For purposes of this code, the sewer service area of the city shall be any location in the state of Wisconsin within a 20 mile radius of the city.

(2) All city approvals for septage disposal shall have the conditions that any time the wastewater treatment plant has operational problems, maintenance problems or threat of WPDES permit violations that are indirectly or directly related to septage disposal, the approving authority or director may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

(C) Permit conditions: Septage disposal permits shall be subject to all the provisions of this chapter and all other regulations, user charges, fees and conditions of discharge established by the approving authority or the state and federal authorities responsible for the overseeing of the wastewater treatment operations. Permit conditions shall include the following:

(1) The disposal or discharge of septage shall be at the wastewater treatment plant unless the approving authority or director gives express, written permission to discharge at a city specified manhole.

(2) Septage discharges to city specified manholes may, under special circumstances, be allowed, provided discharge rates are restricted as necessary to facilitate mixing, prevent backup in the receiving sewer and prevent a slug to the wastewater treatment facility.

(3) Disposal and discharge of septage shall be limited to the hours specified on the septage disposal permit and by other terms and conditions of discharge as considered necessary and appropriate by the approving authority or the director. Such terms and conditions shall be incorporated into the yearly application form provided by the approving authority for licensed disposers wishing to discharge septage into the city's wastewater treatment facility. By making application for a permit to discharge septage to the city's wastewater treatment plant, the licensed disposer agrees to abide by the terms and conditions of disposal as set forth in the application and by any other emergency or special conditions imposed thereafter by the approving authority or the director.

(4) Any other special or emergency conditions as considered appropriate by the approving authority. Notice of such conditions shall be provided to all licensed disposers granted a septage disposal permit by the approving authority. Such conditions shall be effective immediately upon actual notice to the permit holder or on the third working day after mailing by first class mail to the permit holder's address as listed on the application.

(5) Written documentation of all discharges shall be submitted by the permit holder to the director at the time of discharge to the public sewers or wastewater treatment facility. Blanks for documentation of each discharge will be furnished at the city's wastewater treatment plant and will include the following:

A) Name, address, telephone number and license number of the hauler;

B) Type of septage;

C) Quantity of septage;

D) Estimated quality of septage;

E) Location, date, time and feed rate of discharge to the sewerage system;

F) Source of septage;

G) Name and address of septage generator; and

H) Other information.

(6) The director may require a sample of each septage discharge to be submitted for testing to determine the applicable service charge assessment for that particular discharge. Failure to submit a sample for discharge will result in the imposition of the default formula as specified in subsection 8-5-15(E)(2) of this chapter. The director may require testing and sampling of any septage before its introduction and discharge into the public sewers or wastewater treatment plant.

(7) The permit holder shall submit to the director verification of the weight or volume by weight of the septage discharged into the public sewers or wastewater treatment plant at the time of discharge.

(D) Revocation of septage disposal permits: The city may seek to terminate the wastewater treatment services provided to any permit holder and revoke the septage discharge permit of any permit holder who fails to:

(1) Factually report any information required by the application for the septage disposal permit;

(2) Allow sampling or access to the permit holder's trucks, vehicles or holding facilities by the director or the director's representatives for inspection or monitoring of discharge under this chapter;

(3) Comply with the septage disposal permit issued by the approving authority;

(4) Submit a true and accurate report of the weight or volume of septage discharge or who intentionally submits a falsified report of the weight or volume of septage discharged for purposes of avoiding the sewer service charge imposed under subsection 8-5-15(E)(1) of this chapter, in whole or in part; and

(5) Submit a true and accurate documentation of the discharge or who intentionally submits a falsified documentation of the discharge for purposes of avoiding the sewer service charge imposed under subsection 8-5-15(E)(1) of this chapter, in whole or in part.

(E) Notification of violation; administrative adjustment: Whenever the director finds that any permit holder has engaged in conduct that is grounds for revocation of the septage disposal permit and treatment services under subsection (D) of this section, the director shall cause to be served upon the permit holder a written notice stating the nature of the alleged violation. Service of the notice shall be effective when made upon the permit holder or any agent or agents named by the permit holder in the yearly application submitted to the approving authority for septage disposal. Within five days of the service of such notice, the permit holder shall respond in writing to the authority, advising of its position with respect to the allegations. The permit holder may request a meeting with the director and the approving authority to determine the veracity of the allegations, and, where necessary, establish a plan for the satisfactory correction of the problems.

(F) Show of cause hearing: Where the violation giving rise to under subsection (D) of this section, is not corrected by timely compliance with the procedures of subsection (E) of this section, administrative adjustment, the approving authority may order any permit holder causing or allowing conduct prohibited by subsection (D) of this section, to show cause why the proposed revocation of the septage discharge permit and treatment services should not occur. A written notice shall be served on the permit holder, specifying the time and place of a hearing to be held by the council regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the permit holder to show cause before the council why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on the permit holder, or on any agent, officer or authorized representative of a permit holder, as defined in subsection (E) of this section. The proceedings at the hearing shall be considered by the council which shall then enter appropriate orders with respect to the alleged improper activities of the permit holder. Appeals of such order shall be to the circuit court of Green County.

(G) Revocation of septage disposal permits and termination of treatment services under subsection (D) of this section shall not prevent the city from seeking any other remedy that may be available to it for the continuance of proper operation of the wastewater treatment plant, nor shall it prevent the city from imposing penalties otherwise applicable to the permit holder violating any section of this chapter.

(H) Judicial proceedings: Following the entry of any order by the council with respect to the conduct of a permit holder contrary to the provisions of subsection (D) of this section, the city attorney may commence an action for enforcement of the order and any other appropriate legal or equitable relief.

8-5-13: General regulations:

(A) Submission of basic data: The approving authority may require each person who discharges or seeks to discharge industrial wastes or septage into a public sewer or at the wastewater treatment plant to prepare and file with the approving authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the approving authority shall require that this report be prepared before making the connection to the public sewer.

(B) Industrial discharges and septage: If any water or wastes are discharged or are proposed to be discharged to the public sewers or at the wastewater treatment plant, which waters or wastes contain substances or possess the characteristics enumerated in subsection 8-5-6(C) of this chapter, and which in the judgment of the approving authority have a deleterious effect upon the wastewater collection and treatment facilities, processes, equipment, or receiving waters, or which otherwise

create a hazard to life, health, or constitute a public nuisance, the approving authority may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge into the public sewers or at the wastewater treatment plant;

(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 sewer use charges under this chapter.

(C) Control manholes: Each person discharging industrial wastes into the public sewer shall, at the discretion of the approving authority construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage. Control manholes or access facilities shall be located on property owned or controlled by the city and built in a manner acceptable to the approving authority. If measuring or sampling devices are to be permanently installed, they shall be of a type acceptable to the approving authority. Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at the person's expense, and shall be maintained by the person 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 approving authority before the beginning of construction.

(D) Measurement of flow: The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water utility.

(E) Metering of waste: Devices for measuring the volume of waste discharged by any category user may be required by the 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 discharging the wastewater. Following approval and installation such meters may not be removed without the consent of the approving authority.

(F) Waste samples: Industrial wastes and septage discharged into the public sewers or at the wastewater treatment plant shall be subject to inspection and determination on character and concentration of such wastes. The determination shall be made by the approving authority.

(1) 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.

(2) Industrial wastes and septage shall be tested periodically for BOD and suspended solids by the city's wastewater treatment plant laboratory. All costs associated with such tests shall be billed directly to the permit holder. Special tests such as, but not limited to, heavy metals PCB's, phenols, etc., which the city waste water treatment plant is not equipped to perform, shall be sent to an outside lab and all costs associated with the tests shall be billed to the permit holder.

(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 approving authority. Access to, and exclusive control of sampling locations shall be granted to the approving authority or its 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 existing when the sample was taken. All sampling and testing shall be determined under the latest edition of standard methods for the examination of water and wastewater.

(G) Pretreatment: Persons discharging industrial wastes or septage into any public sewer may be required to pretreat such wastes, if the approving authority determines pretreatment is necessary to protect the wastewater collection land treatment facilities or prevent the discharge of incompatible pollutants. In that event, such person shall provide at his or her expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the wastewater collection and treatment facilities.

(H) Grease, oil and sand traps (interceptors): Grease, oil, and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts exceeding those specified in this chapter, 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 the interceptors shall be of a type and capacity as required by SPS 382.32(3) of the Wisconsin administrative code, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the permit holder 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 approving authority. Disposal of the collected materials performed by permit

holder's personnel or licensed waste disposal firms must be under WDNR rules and regulations.

(I) Analyses: All measurements, tests, and analyses of the characteristics of waters to which reference is made in this chapter shall be determined under the latest edition of "standard methods" and with the federal regulations 40 CFR 136, "guidelines establishing test procedures for analysis of pollutants", as amended from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis by the director. Determination of the character and concentration of the industrial wastes or septage shall be made by the approving authority, and these determinations shall be binding as a basis for sewer service charges. The permit holder may have a portion of any sample collected by the approving authority, provided, the permit holder makes a written request to the director in advance of the collection of the sample.

(J) Submission of information: Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease or sand interceptor facilities shall be submitted for review and approval of the approving authority before the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until approval has been granted.

8-5-14: Basis for sewer service 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 collection system and being served with water solely by the water utility, a sewer 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 wastewater into the sanitary sewers procures any part or all of his or her water from sources other than the water utility, all or part of which is discharged into the sanitary sewers, the person shall have a deduct meter installed by the water utility at the person's expense for measuring the volume of water obtained from these sources. Where sewer meters are already installed, deduct meters may not be required. The deduct meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the deduct meter. The water utility will charge for each deduct meter a rental charge set by the water utility to compensate for the cost of furnishing and serving the deduct meter. The rental charge shall be billed when the sewer service charge is billed.

(C) Premises not connected to water system or metered rates: If a lot, parcel of land, building or premises, being connected onto the municipal sewerage system and discharging sewage, wastewater or other liquids into the sanitary sewer or into the industrial sewer directly or indirectly, which is not a user of the city water supplied by the city water utility, and the water used is not measured by a water meter or is measured by a water meter not approved by the city water utility, then the amount of water used shall be otherwise measured or determined by the approving authority to determine the sewer service charge or rental provided in this chapter, or the owner or interested parties, at their own expense, may install and maintain a meter acceptable to the approving authority for such purpose in which case the foregoing rates shall apply. In the case of a lot, parcel of land, building or premises discharging sewage or industrial waste into a sanitary or industrial sewer, either directly or indirectly when the water is not metered, and the approving authority finds that it is not practical to attempt to measure such by meter, the board of public works shall measure such waste in such manner and by such methods as they find it practical in light of the conditions and attendant circumstances of the case taking into consideration the volume and character of the waste and use made of the sewer system to determine the sewer service charge or rental according to the corresponding rates per 1,000 gallons provided in this chapter.

(D) Deduct meters: If a person feels that a significant amount of metered water does not reach the sanitary sewer, he or she can at his or her own expense, with approval of the approving authority, install such deduct meters as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers shall not be subject to sewer service charges. Requests to install deduct meters must be made in writing to the approving authority.

(E) Billings: The services provided for by this chapter shall be billed each calendar quarter and the water utility billing procedures shall apply to such bills.

(F) Delinquent payment; disconnection: If a person discharging wastes into the city's sanitary sewer system does not procure his or her sewer service supply from the city and becomes delinquent in payment of sewer service charges, his or her connection with the city sewer system will be severed and will only be reconnected at his or her expense.

(G) Adjustments: The approving authority may recommend to the council uniform rates for users where metered water is discharged in part into the storm sewer and in part into the sanitary system; to interpret and apply this chapter and to adjust charges and surcharges where a literal application of the rules, rates and regulations of this chapter would be inequitable, and to make and publicize such rules as may be necessary and advisable to the more efficient operation of this chapter.

8-5-15: Amount of sewer service charges:

(A) Sewer service charges are computed on the basis of sewer service rates as may be set by resolution of the council from time to time.

(B) Measurement of flow; category A and B users:

(1) Category A users: The volume of flow used for computing sewer service charges for this category of users shall be the metered water consumption of the user as shown in the records of meter readings maintained by the water utility, within a 1,000 cubic foot annual credit for non-consumptive uses including summer lawn watering computed against the fixed customer charge.

(2) Category B users: The volume of flow used for computing sewer service charges for this category of users shall be the metered water consumption of the user as shown in the records of meter readings maintained by the water utility.

(C) Quarterly billing; category A and B users: All persons discharging wastewater into the city sanitary sewer system under these categories will be billed quarterly based on volume of flow used each quarter, plus a fixed quarterly charge.

(D) Category C industrial wastewater discharge permit holders: All permit holders discharging wastewater into the city sanitary sewer system under this category will be billed quarterly based on volume of flow discharged each quarter, in addition to a surcharge for treatment of BOD exceeding 200 mg/l and suspended solids exceeding 250 mg/l, plus a fixed quarterly charge.

(1) The Category C industrial sewer service charge shall be computed under the following formula:

T = (V x CV) + .00834 V (B x CB + S x CS) + FQC + ALC	
Where:	
T =	Total sewer service charge
B =	Concentration of BOD in mg/l in the wastewater minus 200 mg/l but not less than zero
S =	Concentration of suspended solids in mg/l in the wastewater minus 250 mg/l, but not less than zero
V =	Wastewater volume in 1,000 gallons
CV =	Volume charge per 1,000 gallons
CB =	Surcharge per pound of BOD
FQC =	Fixed quarterly charge
CS =	Surcharge per pound of suspended solids
ALC =	Additional laboratory charges, where applicable
.00834 =	Conversion factor

(E) Category C septage discharge permit holders: All permit holders discharging septage into the city sanitary sewer system under this category will be billed monthly based on volume of flow discharged in each disposal, in addition to a surcharge for treatment of BOD exceeding 200 mg/l and suspended solids exceeding 250 mg/l plus a fixed charge or fee for each discharge into the public sewers or at the wastewater treatment plant.

(1) The category C septage sewer service charge shall be computed under the following formula:

T = (V x CV) + .00834 V (B x CB + S x CS) + FC + ALC	
Where:	
T =	Total sewer service charge
B =	Concentration of BOD in mg/l in the wastewater minus 200 mg/l but not less than zero
S =	Concentration of suspended solids in mg/l in the wastewater minus 250 mg/l, but not less than zero
V =	Wastewater volume in 1,000 gallons
CV =	Volume charge per 1,000 gallons
CB =	Surcharge per pound of BOD
FC =	Fixed charge per 1,000 gallons of septage discharged Surcharge per pound of suspended solids
CS =	Surcharge per pound of suspended solids

ALC =	Additional laboratory charges, where applicable
.00834 =	Conversion factor

(2) The default category C septage sewer service charge shall be computed under the same formula set forth in subsection (E)(1) of this section, however, the value of category B shall be presumed to be 7,000, if there is no other applicable data available or submitted by the permit holder and the value of "S" shall be presumed to be 40,000, if there is no other applicable data available or submitted by the permit holder.

(F) Reassignment of sewer users: The approving authority will reassign category A, B and C sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.

(G) Operation, maintenance, and replacement fund accounts:

(1) All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in section 8-5-1 of this chapter.

(2) All sewer charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

(3) All revenues for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

(4) Sufficient revenues to cover all capital costs, including clean water fund loan principal and interest, will be generated through user charges.

(H) Disposal of septic tank sludge and holding tank sewage: Except as otherwise authorized by section 8-5-12 of this chapter, no person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into the wastewater treatment plant or any public sewer without first making application and obtaining a permit for disposal of septage from the approving authority. Permits shall be nontransferable and expire on April 15 following their approval by the approving authority. The person disposing of and discharging septage into the city's wastewater treatment plant or public sewers shall indemnify and hold harmless the city from liability and claims for damages arising out of or resulting from work and labor performed.

(1) No person may dispose of septage, transfer or introduce such material into any disposal area or public sewer in the city without first having been issued a license from the WDNR under chapter NR 113 of the Wisconsin administrative code.

(2) Exception for owner operated motor home and motor bus: The owner, lessee or licensed operator of a motor home, motor bus or similar vehicle having a toilet or holding tank for septage may discharge such septage from the vehicle into the city's wastewater treatment plant during normal working hours and under the supervision and direction of the director upon payment, in advance, of a fixed charge for each vehicle to be discharged. No owner, lessee or licensed operator of a motor home, motor bus or similar vehicle may discharge any prohibited waste materials enumerated in section 8-5-6 of this chapter. The penalty for discharge of any prohibited substances by a lessee, owner or licensed operator of a motor home, motor bus or similar vehicle shall be as set forth in section 8-5-21 of this chapter. The fixed charge for disposal of septage from a motor home, motor bus or similar vehicle as allowed by this subsection shall be established by resolution of the council.

(I) Charge for excessive or toxic pollutants: Any person discharging excessive or toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the city's wastewater treatment facility shall pay for such increased costs, as may be determined by the approving authority.

(J) Cesspools, privies prohibited: Where there is access to a municipal sewer within reasonable distance, as determined by the board of public works, no privies, cesspools or septic tanks shall be permitted or built.

(K) Outside connections: Any person owning or controlling premises located beyond the corporate limits of the city and desiring to install a plumbing system for discharging domestic sewage or industrial waste into the sanitary sewers of the city must obtain permission from the council. If permission is granted, the user must comply with all of the requirements of this chapter and will be required to pay a permit fee in an amount set by resolution of the council. Each service connected must include a meter, approved by the approving authority, for flow measurement. Any construction costs for sewer main, laterals, manholes or other related sanitary sewer facilities required for the proper sanitary sewer service to a person outside the corporate limits of the city shall be borne by the person desiring sanitary sewer service.

8-5-16: Billing practice:

(A) Calculation of sewer service charges: Sewer service charges shall be computed according to the rates established by resolution of the council and the formulas presented in this chapter.

(B) Sewer service charge billing period: Sewer service charges shall be billed by the city to sewer users on a quarterly basis and to septage disposers on a monthly basis.

(C) Payment of sewer service charges: Except as requested by subsection (E) of this section, those persons billed by the city for sewer service charges shall pay such charges at the city hall within 20 days after the billing date.

(D) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating those penalties of subsection 8-5-14(F) of this chapter.

(E) The director may, in his or her discretion, require a person discharging septage into the wastewater treatment plant or the public sewers to make an advance payment of the estimated cost of sewer service charge before discharge of septage into the city's public sewers or wastewater treatment plant. The approving authority may provide written guidelines to the director for requiring advance payment of sewer service fees.

8-5-17: Right of entry; safety and identification:

(A) Right of entry: The approving authority or other authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observation, or testing that may be necessary under this chapter, at any reasonable time and with due regard for industrial health, safety, and security rules, and the reasonable expectations of individual privacy.

(B) Safety: While performing the necessary work on private premises referred to in subsection (A) of this section, the authorized city employees shall observe all safety rules applicable to the premises.

(C) Identification; right to enter easements: The approving authority or other authorized employees of the city bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement.

8-5-18: Validity:

(A) Superseding previous codes: This chapter governing sewer use, industrial wastewater discharges, septage disposal, sewer service charges, and sewer connections and construction shall supersede all previous codes of the city.

(B) Invalidation/severability clause: Invalidity of any section, clause, sentence or provision in this chapter shall not affect the validity of any other section, clause, sentence or provision of this chapter which can give effect without such invalid part or parts.

(C) Amendments: The city, through its authorized officers, reserves the right to amend this chapter in part or in whole whenever it may consider necessary.

8-5-19: Audit, notification, and records:

(A) Annual audit: The city shall review annually the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, and the sewer service charge system. based on this review, the city shall revise the sewer service charge system, if necessary, to accomplish the following:

(1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the waste water volume and pollutant loadings discharged by the users;

(2) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities;

(3) Apply excess revenues collected from class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

(B) Annual notification: The city shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses and debt service costs of the wastewater collection and treatment facilities.

(C) Records: The city shall maintain records regarding wastewater flow and loadings, costs of the wastewater collection and

treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the clean water act.

8-5-20: Damages to equipment: No person may damage, tamper with, or uncover any equipment or materials belonging to the city used for making tests or examination of the sewers or wastewaters discharged into the sewers.

8-5-21: Discharges causing damage:

(A) Any damages which occur to the wastewater collection or treatment facilities, or to the receiving waters downstream of the wastewater treatment facilities, which are caused by a discharge from a person and which must be repaired or corrected by the city are the liability of the person causing the discharge. The approving authority will assess all costs for such repair and correction to the person responsible for the discharge.

(B) A person who violates any provision of this section shall upon conviction be subject to a Class 1 forfeiture. A separate offense exists each calendar day during which a discharge causing damage occurs or continues.

8-5-22: Penalty:

(A) A person who violates any provision of sections 8-5-6, 8-5-7 or 8-5-8 of this chapter shall upon conviction be subject to a Class 1 forfeiture.

(1) In addition to that penalty set forth in subsection (A) of this section, a person who violates any provision of sections 8-5-6, 8-5-7 or 8-5-8 of this chapter shall be liable for all costs of repairs and corrections to remedy the circumstances caused by such violation. Such costs may be imposed by the court as part of the penalty for violation, or may be recovered through a separate civil suit by the city.

(2) Such costs may be imposed by the court as part of the penalty for violation, or may be recovered through a separate civil suit by the city.

(3) A separate offense exists each calendar day during which a violation occurs or continues.

(B) A person who violates section 8-5-20 of this chapter shall upon conviction be subject to a Class 2 forfeiture.

(C) A person who violates any provision of this chapter for which no specific penalty is provided shall upon conviction be subject to a Class 1 forfeiture.

8-5-23: Liability to the city for losses: Any person violating any provision of this chapter shall be liable to the city for any expense, loss, or damage suffered by the city that results from such violation.

Chap. 8-5 history: 8-5-1*: 1999-1-5; 2016 code;* ***8-5-2****: 1999-1-5; 2016 code;* ***8-5-3****: 1990-10-16; 1999-1-5; 2016 code;* ***8-5-4****: 1990-10-16; 1999-1-5; 2016 code;* ***8-5-5****: 1990-10-16; 1997-4-15; 1999-1-5; 2016 code;* ***8-5-6****: 1990-10-16; 1991-12-17; 1999-1-5; 2016 code;* ***8-5-7****: 1999-1-5; 2016 code;* ***8-5-8****: 1999-1-5; 2016 code;* ***8-5-9****: 1999-1-5; 2016 code;* ***8-5-10****: 1999-1-5; 2016 code;* ***8-5-11****: 1999-1-5; 2016 code;* ***8-5-12****: 1999-1-5; 2016 code;* ***8-5-13****: 1999-1-5; 2016 code;* ***8-5-14****: 1990-10-16; 1999-1-5; 2004-7-6; 2008-6-17; 2016 code;* ***8-5-15****: 1990-10-16; 1992-9-15; 1999-1-5; 2016 code;* ***8-5-16****: 1999-1-5; 2016 code;* ***8-5-17****: 1999-1-5; 2016 code;* ***8-5-18****: 1999-1-5; 2016 code;* ***8-5-19****: 1999-1-5; 2016 code;* ***8-5-20****: 1990-10-16; 1999-1-5; 2016 code;* ***8-5-21****: 1999-1-5; 2016 code;* ***8-5-22****: 1991-12-17; 1999-1-5; 2016 code;* ***8-5-23****: 1990-10-16; 1999-1-5; 2016 code*

TITLE 8: HEALTH AND SANITATION

Chapter 6: OBJECTIONABLE MATERIALS

8-6-1 Definitions
8-6-2 Duty to conduct cleanup
8-6-3 Failure to clean up
8-6-4 Schedule of charges
8-6-5 Nonexclusive remedies

8-6-1: Definitions: In this chapter:

"Cleanup costs" means the actual costs incurred by any department, agency or utility of the city in the response, control or abatement of any objectionable material, including, but not limited to, expenses for equipment, including assumed depreciation, personnel, including benefits, costs of materials used, meals for all personnel involved, costs of specialists, medical expenses for exposures, injuries or illnesses resulting from an incident, experts or other contract labor not in the full-time employment of the city, costs incurred by area police and fire departments requested through mutual aid agreements with the city, and any other incidental costs incurred by the city as a result of such incident.

"Extra territorial jurisdiction" means all areas outside of the boundaries of the city where the city, by virtue of contracts with towns, fire departments, other municipalities or federal, state, or local agencies, allows any department, agency or utility of the city to enter to provide assistance required by such contract.

"Facility" ,means any area, place, or property where an objectionable material has been released, deposited, stored, disposed of, or otherwise comes to be located.

"Objectionable material" means material, waste, or a combination of waste and material including solid, liquid, semisolid or contained gaseous material which, because of its quantity, quality, concentration or other physical, chemical or general characteristic, if improperly treated, stored, transported, disposed of or otherwise managed, poses a substantial present or potential hazard to human health or the environment or which represents a public nuisance by virtue of its consistency, appearance, odor or other characteristic.

"Responsible party" means the following persons who, by their actions, cause a release or threatened release of an objectionable material: a) The owner or operator of a facility; b) The owner or operator of the facility since the time of disposal of any objectionable material; c) The owner or operator of the facility since the time of disposal of an objectionable material not included in subsections a) and b) of this definition; d) A person that by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment of an objectionable material owned or possessed by the person, by any other person, at the facility owned or operated by another person and containing the objectionable material; e) A person that accepts or accepted any objectionable material for transport to the facility selected by that person; f) The owner or operator of any vehicle, trailer or other transportation device from which an objectionable material escapes.

8-6-2: Duty to conduct cleanup: It shall be the duty of a responsible party who accidentally, negligently, or intentionally causes or is responsible for a release, spill or other dissemination of any objectionable material affecting property within the city or its extra territorial jurisdiction to immediately undertake and complete the total cleanup of such objectionable material. The cleanup shall be conducted in such a manner as to ensure that all such objectionable material is fully removed and properly disposed of and the area is fully restored to its condition before the release, spill or other dissemination of such objectionable material.

8-6-3: Failure to clean up: If after having been notified by the city, a responsible party fails to conduct a cleanup of any objectionable material within the time specified in the notice, the city may enter into such property and to conduct a cleanup and proper disposal of all such objectionable material either by city employees or by contractors or other agents of the city. the responsible party shall be liable to the city for all cleanup costs incurred by the city for removal, disposal and the restoration of the property to its former condition.

8-6-4: Schedule of charges: The amounts that may be charged by any department, agency or utility of the city and assessed to a responsible party as cleanup costs shall be established from time to time by resolution of the council.

8-6-5: Nonexclusive remedies: The remedies provided by this chapter shall be in addition to any other remedies provided by law.

***Chap. 8-6 history: 8-6-1**: 1999-11-2; 2016 code; **8-6-2**: 1999-11-2; 2016 code; **8-6-3**: 1999-11-2; 2016 code; **8-6-4**: 1999-11-2; 2016 code; **8-6-5**: 1999-11-2; 2016 code*

TITLE 8: HEALTH AND SANITATION

Chapter 7: STORM WATER UTILITY

8-7-1 Findings and declarations of policy
8-7-2 Establishment
8-7-3 Authority
8-7-4 Definitions
8-7-5 Basis of storm water utility charges
8-7-6 Equivalent runoff unit
8-7-7 Classifications
8-7-8 Storm water utility charge formulas
8-7-9 Credits and adjustments
8-7-10 Billings
8-7-11 Budget and excess revenues
8-7-12 Interpretation
8-7-13 Severability

8-7-1: Findings and declarations of policy: The council finds that the management of storm water and other surface water discharges within and beyond the city 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 storm water affects the sanitary sewer utility operations of the city by, among other things, increasing infiltration to the sanitary sewer. In addition, surface water runoff causes erosion of lands, damages to businesses and residences, sedimentation, and other environmental damage in the city and surrounding area. To protect the health, safety and welfare of the public, the city is exercising its authority to establish a storm water utility for storm water management services.

8-7-2: Establishment: There is hereby established a storm water utility in the city. The operation of the storm water utility shall be under the supervision of the storm water utility manager.

8-7-3: Authority: The city, acting through the storm water utility, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage and finance such facilities, operations and activities, as are considered by the city to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, sewers, watercourses, retaining walls, ponds, streets, roads, ditches and such other facilities as will support a storm water management system.

8-7-4: Definitions. In this chapter:

"Developed property" means a property for which a) A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or b) Construction of an improvement on the property is at least 50 percent completed and such construction has ceased for at least three months, whether consecutive or not.

"ERU" means equivalent runoff unit, the basic unit by which the storm water utility charge is calculated under this chapter. It is the statistical average impervious area of residential units within the city.

"Impervious area" means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, sidewalks, parking lots, pavement, gravel, compacted clay, and loading docks, all as measured on a horizontal plane.

"Living unit" means a room or group of rooms including cooking accommodations, which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

"Multi-family unit" means any residential property comprised of two or more living units, including without limitation duplexes, apartments and condominiums.

"Nonresidential property" means a lot or parcel of land, with improvements such as a building, structure, other impervious area, grading or substantial landscaping, which is not a residential property, including, but not limited to, commercial, industrial, institutional, mixed-use, and governmental property, and excluding publicly-owned right-of-way and publicly-owned or privately-owned rail beds.

"Residential property" means a lot or parcel of land, regardless of zoning classification, developed exclusively for living units,

including single-family units and multi-family units.

“Single-family unit” means any residential property, including manufactured homes, trailers, and condominiums, consisting of one living unit.

“Storm water utility” means the utility established under this chapter to manage storm water and imposing charges for the recovery of costs connected with such storm water management.

“Storm water utility charge” means the fee imposed under this chapter for storm water utility services provided by the city.

“Storm water utility manager” means the city’s director of public works or such other person appointed by resolution of the council to manage the storm water utility.

“Undeveloped property” means property that is not developed by the addition of an improvement such as a building, structure, other impervious area, grading or substantial landscaping which increases storm water runoff.

8-7-5: Basis of storm water utility charges. Storm water utility charges shall be based on the actual and necessary cost of operating the storm water utility apportioned among tax parcels in the city based on the number of ERUs assigned to each parcel pursuant to this chapter.

8-7-6: Equivalent runoff unit.

(A) Statistical average square feet. The ERU is hereby established as 2,738 square feet.

(B) ERU Fee. The council shall by resolution set or adjust the ERU fee to reflect the costs of the storm water management program.

8-7-7: Classifications.

(A) Rate classification. For the purposes of imposing the storm water utility charge, all lots and parcels within the city shall be classified into the following rate classes.

(1) Residential -single family unit

(2) Residential -multi-family unit

(3) Nonresidential property

(4) Undeveloped property

(5) Right-of-way

(B) Parcel classification. The storm water utility manager shall assign a rate classification to each lot and parcel within the city.

8-7-8: Storm water utility charge formulas: Storm water utility charges assessed to a parcel in the city shall be determined as follows:

(A) Residential -single family unit. The storm water utility charge imposed for single family unit on a residential property shall be the fee established for one ERU.

(B) Residential -multi-family unit. The storm water utility charge imposed for a multi-family unit on a residential property shall be the fee established for one ERU multiplied by the number of living units on the property multiplied by 0.5.

(C) Non-residential property. The storm water utility charge imposed for a non-residential property shall be the fee established for one ERU, multiplied by a numerical factor obtained by dividing the total square footage of impervious area of the property by the square footage of one ERU rounded down to the nearest 1/10 of an ERU.

(D) Undeveloped property. The storm water utility charge imposed for an undeveloped property shall be the fee established for one ERU multiplied by 0.5.

(E) Right-of-way. A publicly owned or controlled street, alley, highway, road, recreational trail and rail right-of-way shall be exempt from the storm water utility charge.

(F) Minimum charge. The minimum storm water utility charge for any property that is not exempt shall be the fee established for one ERU multiplied by 0.5.

(G) Impervious area measurement. The storm water utility manager shall be responsible for determining the impervious area of nonresidential property based on the best available information, including, but not limited to, data from aerial photography or data supplied by the city assessor, property owner, tenant, or developer. The storm water utility manager may require additional information as necessary to make the determination. The number of ERUs shall be updated by the storm water utility manager based on any changes to the impervious area.

8-7-9: Credits and adjustments: The council shall adopt, by separate resolution, criteria for establishing adjustments to the storm water utility charge imposed for any parcel. The storm water utility manager shall develop a manual explaining the criteria for calculating such adjustments and an adjustment application.

(A) Credits.

(1) Eligibility. A property owner may be eligible for a credit, in the form of a reduced ERU multiplier for a property where all of the following conditions apply:

A) The city's cost of providing service or making service available to the property has been lessened.

B) The property conforms to all applicable codes and standards of the city in effect when the parcel was developed.

C) The property has been assigned a nonresidential or multi-family residential user classification by the storm water utility manager.

(2) Maximum credit. The maximum aggregate credit for any individual property is 50 percent of its ERU charge, regardless of how many types of credits the property may otherwise be qualified to receive.

(3) Credit types. The following credits may be available for a property that meets all eligibility requirements.

A) Zero discharge credit. Credits shall be considered for properties that discharge storm water directly into a water body not maintained in any way by the city, or directly into a water body downstream of where it is maintained by the city, or is otherwise contained entirely upon the property.

B) Peak discharge control credit. Credits shall be considered for owners who maintain private storm water management facilities such as retention or detention basins that exceed state and local peak discharge rate requirements applicable to the site.

C) Water quality credit. Credits shall be considered for owners who maintain private storm water management facilities that improve the quality of runoff from the property to a degree that exceeds state and local water quality requirements applicable to the site.

(B) Adjustments. An owner may be eligible to have the number of ERUs assigned to the owner's property adjusted under the following conditions:

(1) Undeveloped property. Properties which have been assigned an undeveloped user classification may be eligible to reduce the number of ERUs assigned to the property if either of the following conditions exist:

A) The property owner can show that the cumulative impervious area on the parcel is less than half of the impervious area of one ERU, in which case the number of ERUs assigned to the property shall be reduced to zero.

B) The property owner can show that the parcel assigned an undeveloped user classification is adjacent to another owned residential parcel with an assessed ERU.

(2) Nonresidential property. The owner of a nonresidential property who believes the number of ERUs allocated to such property to be incorrect may submit an adjustment request to the storm water utility manager. The allocated ERUs may be adjusted if the owner can provide information showing that the impervious area measurement is incorrect.

(C) Review procedure.

(1) Storm water utility manager administrative decision. Within 30 days following submission of a request to the storm water utility manager for an adjustment to the number of ERUs allocated to a property, the storm water utility manager shall issue a written administrative decision as to whether the request for adjustment should be granted, denied or granted in part. The written administrative decision shall also set forth the reason or reasons for such decision. The administrative decision

shall be delivered to the property owner by certified mail or personal delivery, and a copy thereof shall be provided to the board of public works.

(2) Board of public works appeal. Within 30 days following delivery of the administrative decision of the storm water utility manager, the affected property owner may file with the city clerk a written appeal of such decision. Such appeal shall be heard by the board of public works within 30 days following the filing thereof. Notice of the meeting at which the appeal will be considered shall be delivered to the property owner by certified mail or personal delivery not less than five days before such meeting.

(3) Board of public works review. The board of public works may at any time on its own initiative review a decision of the storm water utility manager, provided however, that notice of the meeting where such decision will be reviewed shall be delivered to the affected property owner in the same manner as is required for an appeal.

(4) Board of public works decision. Upon appeal or independent review, the board of public works shall decide whether the administrative decision should be approved, rejected, or modified. The affected property owner shall be given an opportunity to be heard before the board's final decision. The final decision shall be in writing and shall set forth the reason or reasons for its decision. Minutes of the board of public works meeting where such decision was made shall be a sufficient record of the board's decision. A copy of such decision shall be delivered to the affected property owner by certified mail or personal delivery.

(5) Review considerations. In reviewing an administrative decision by the storm water utility manager or the board of public works, the considerations set forth in section 66.0821(4)(c) of the Wisconsin statutes shall be applied.

(D) Effective date. Any ERU adjustment or reduced multiplier granted shall thereafter be used to calculate the storm water utility charge for the affected property. The reduction shall only apply for the period after the filing of the request for adjustment. There shall be no retroactive adjustment for user charges imposed before the filing of the request.

8-7-10: Billings: The services provided for by this chapter shall be billed each calendar quarter and the water utility billing procedures shall apply to such bills.

8-7-11: Budget and excess revenues: The city shall separately account for the storm water utility finances. The storm water utility manager shall prepare an annual budget, which is to include all operation and maintenance costs, costs of borrowing and other costs related to the operation of the storm water utility. The budget is subject to approval by the council. Any excess of revenues over expenditures in a year shall be deposited in a storm water maintenance fund, which will be used to defer the costs of capital improvements or to retire debt.

8-7-12: Interpretation: The provisions of this chapter shall be interpreted liberally to secure the ends sought hereby and shall not be considered a limitation or repeal of any other power granted by law.

8-7-13: Severability: If any section, provisions or portion of this chapter is adjudged unconstitutional or invalid by a court, the remainder of this chapter shall not be affected thereby.

Chap. 8-7 history: 8-7-1*: 2007-5-15; 2016 code;* ***8-7-2****: 2007-5-15; 2016 code;* ***8-7-3****: 2007-5-15; 2016 code;* ***8-7-4****: 2007-5-15; 2016 code;* ***8-7-5****: 2007-5-15; 2016 code;* ***8-7-6****: 2007-5-15; 2016 code;* ***8-7-7****: 2007-5-15; 2016 code;* ***8-7-8****: 2007-5-15; 2016 code;* ***8-7-9****: 2007-5-15; 2016 code;* ***8-7-10****: 2007-5-15; 2008-6-17; 2016 code;* ***8-7-11****: 2007-5-15; 2016 code;* ***8-7-12****: 2007-5-15; 2016 code;* ***8-7-13****: 2006-9-5; 2007-5-15; 2016 code*

TITLE 9: POLICE REGULATIONS

Chapter 1 POLICE DEPARTMENT
Chapter 2 ANIMAL CONTROL REGULATIONS
Chapter 3 UNIFORM FORFEITURE CLASSIFICATIONS
Chapter 4 GENERAL OFFENSES
Chapter 5 ABANDONED VEHICLES

TITLE 9: POLICE REGULATIONS

Chapter 1: POLICE DEPARTMENT

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9-1-2 Compensation
9-1-3 Restrictions on department members
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9-1-5 Conservators of the peace; powers
9-1-6 Police department records

9-1-1: Creation; appointment of members: The police department of the city shall consist of a chief and subordinates. The number of subordinates shall be determined by resolution of the council. Appointments to the department shall be made as follows:

(A) Chief: The board of police and fire commissioners shall appoint the chief who shall hold office during good behavior subject to suspension or removal by the board for cause.

(B) Subordinates: The chief shall appoint all subordinates subject to approval by the board. Such appointments shall be made by promotion when this can be done to advantage, otherwise from an eligible list furnished by the board and kept on file with the city clerk. The chief may appoint such persons for temporary duty as he or she shall consider necessary and advisable.

9-1-2: Compensation: The salaries of the chief and subordinates shall be fixed by resolution of the council. Such salaries, when so fixed, may be increased but not decreased by the council without a previous recommendation of the board.

9-1-3: Restrictions on department members:

(A) Other employment: No regular member of the police force shall engage in any other business, except upon written permission from the chief.

(B) Fees: No member of the police force shall receive any fees for the performance of services while on duty as an employee of the city that exceed the compensation payable by the city for such services, and any fees paid that exceed the compensation payable by the city for such services shall be paid to the city treasurer for the use of the city. Any fees so collected shall be appropriated to the general fund of the city.

9-1-4: Powers and duties of chief:

(A) Duties:

(1) Supervision: The chief shall be administratively responsible to the city administrator and shall obey all lawful orders of the mayor or council. He or she shall exercise general supervision of the police department. He or she shall cause the public peace to be preserved by enforcement of codes and resolutions enacted by the council and by suppression of all riots and disturbances that may occur.

(2) Arrest: The chief shall cause to be arrested and prosecuted all persons who shall be found violating any codes or regulations of the city. He or she shall likewise arrest all persons chargeable with offenses punishable by the laws of the state or county or applicable federal laws, and bring such persons before the proper tribunal for prosecution.

(3) Investigations: The chief and members of the police department shall cause to be conducted, investigations into reports of crimes or violations of this code, and shall conduct investigations into the backgrounds of all persons applying for employment with the city, or applying to the city for licensing purposes, reporting the results of such investigations to the proper authority.

(B) Powers: The chief shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables and be taken as included in all writs and papers addressed to constables; shall arrest or cause to be arrested, with or without process, and with reasonable diligence take before the proper court, every person found in the city violating any law of the state, this code or county or applicable federal law.

9-1-5: Conservators of the peace; powers:

(A) Arrest powers: The chief and members of the police department of the city are also hereby authorized, empowered and directed, with or without process or complaint, to arrest, retain and confine in such place as may be provided by the council, until a trial can be had in a proper court, all persons violating this code, and any person who shall be detected in the act of

offending against any of the laws of the county, state or federal government.

(B) Bail: The chief or other police officers shall be incompetent to provide bail for any person arrested and shall in no case provide bail for any person under arrest.

Chap. 9-1 history: 9-1-1*: 2002-3-5; 2016 code;* ***9-1-2****: 2002-3-5; 2016 code;* ***9-1-3****: 2002-3-5; 2016 code;* ***9-1-4****: 2002-3-5; 2005-12-20; 2016 code;* ***9-1-5*** *2002-3-5; 2016 code*

TITLE 9: POLICE REGULATIONS

Chapter 2: ANIMAL CONTROL REGULATIONS

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9-2-1: Definitions: in this chapter:

“Animal” means any a) living warm-blooded creature, except a human being; b) reptile; c) fish; or d) amphibian.

“Animal shelter” means a facility operated by a humane society, or municipal agency or its authorized agents, for impounding or caring for animals held under the authority of this chapter or state law or both.

“At large” means an animal that is off the premises of the owner and not under the restraint of the owner or another person.

“Attack” means to confront in an aggressive and hostile manner such that a reasonable person would believe that there is an imminent threat of bite or injury to the person or animal so confronted.

“Chicken” means a domestic chicken of the subspecies Gallus gallus domesticus.

“Chicken run” means a fenced enclosure attached to a coop.

“Commercial animal establishment” means an establishment that: a) bathes, clips, plucks, or otherwise grooms animals, not their own; b) breeds, boards, buys, sells or donates animals; c) trains, or sports animals; or d) displays or exhibits animals.

“Coop” means a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.

“Defense of persons or property” means incidents in which the person attacked, bitten, or injured was, at the time of the incident, committing or attempting to commit a crime or violating or attempting to violate a code which protects persons or property; and incidents in which the licensable animal is protecting or defending a person from attack or assault by another person or animal; excluding an attack on a mail carrier or delivery person in performance of their duties.

“Farm animal” means an animal normally raised on farms in the United States for use or profit including but not limited to chickens, turkeys, geese, ducks, fowl, cattle, bovines, bison, sheep, goats, swine, potbelly pigs, horses, donkeys, mules, and llamas.

“Government zoological park” means a facility that displays or exhibits one or more species of untamed animals, not

considered a pet or work animal, operated by a state, county, local, or other government agency.

"Humane officer" means a person appointed by the council who is qualified to perform duties of animal control as provided by the laws of the state of Wisconsin or the city or both.

"Humane society" means a society organized primarily for the care and shelter of homeless, stray or abused animals, on a nonprofit basis, no part of the net income of which inures to the benefit of any member, officer or shareholder, if the property is used exclusively for the primary purposes of the humane society.

"Owner" means a person or entity that owns, keeps or harbors one or more animals. An animal is considered harbored if it is fed or sheltered for seven consecutive days or more.

"Pet" means an animal that is kept for pleasure rather than utility.

"Provoked" means an animal that is: a) teased, tormented, abused, or assaulted by a person or another animal; b) acting in defense of persons or property; or c) under the control of a law enforcement officer, and acting in performance of its duties.

"Rooster" means a male chicken of any age, including a capon or otherwise neutered male chicken.

"Vicious animal" means an animal that: a) other than when provoked, bites or injures a person or another animal twice within a period of 12 consecutive months; b) other than when provoked, attacks a person or another animal three times within a period of 12 consecutive months; c) other than when provoked, bites a person or animal once and attacks a person or animal twice within a period of 12 consecutive months; or d) has been trained or used for fighting against other animals.

"Wild animal" means any live nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lynx, coyote, wolf, alligator, crocodile, or other animal or hybrid which can normally be found in the wild.

9-2-2: Licenses and permits:

(A) Except as expressly provided, all licenses and permits shall be granted by the council and issued by the city clerk.

(B) All license, permit and related fees in this chapter shall be set by resolution of the council.

9-2-3: Dog license required: Any person owning, keeping, harboring or having custody of a dog over five months of age within this city must obtain a license.

9-2-4: Dog license application:

(A) An application for a dog license shall be made to the city treasurer. A valid rabies certificate shall accompany the application stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the center for disease control of the U.S. department of health, education and welfare and the city, village or town where the dog is required to be licensed.

(B) Written proof of neutering or spaying shall accompany the application to qualify for reduced license fees.

(C) The license shall be issued for one year, commencing on January 1, and is not transferable.

(D) Upon acceptance of the license application, rabies certificate and fee, a license and durable tag with an identifying number and the year of issuance shall be issued by the city treasurer. Upon issuance of the license and tag, the owner shall attach the tag to the collar of the licensed dog. The dog must wear the tag at all times when off the premises of the owner unless during competition or training, securely confined indoors, or herding or controlling farm animals under the control of its owner. An untagged dog shall be considered a stray.

(E) A renewal license and tag will be issued upon acceptance of the renewal license application, payment of the renewal fee, and proof of rabies vaccination by the city treasurer.

9-2-5: Exceptions and exemptions to dog licensing:

(A) No license shall be required of any animal kept at an animal shelter.

(B) Every dog specifically trained to lead blind or deaf persons, provide support for mobility-impaired persons or aid law enforcement officers shall receive annually a free dog license and tag from the city treasurer upon application.

9-2-6: Cat license:

(A) The owner of a cat more than five months of age may pay a onetime fee and obtain a cat license for the purposes of identification and safety. Upon acceptance of the license application, a valid rabies certificate and a fee, a durable tag with an identifying number shall be issued by the city treasurer.

(B) The license shall remain effective for the life of the cat and is not transferable.

(C) An untagged cat at large in the city shall be considered a stray.

9-2-7: Rabies vaccination: The owner of a dog or cat shall have the animal vaccinated by a licensed veterinarian on or before the date the animal reaches five months of age. Upon the issuance of a rabies certificate, the veterinarian shall provide a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given, and the name, address and telephone number of the veterinarian. The dog or cat must wear the tag at all times when off the premises of the owner unless during competition or training, securely confined indoors, or herding or controlling farm animals under the control of its owner

9-2-8: At large: No person owning, keeping, harboring or having custody of an animal shall allow it to run at large within the city. The owner or person in control of an animal shall keep such animal on a leash no more than six feet in length or appropriately restrained for the species other than the physical body of the person while off the premises of the owner.

9-2-9: Number of animals limited: Not more than a combined total of six dogs and cats over five months old may be maintained on any lot or residence, and there may not be more than three dogs or three cats as a part of such combination. A litter of pups or kittens may be kept for a period not exceeding five months from birth.

9-2-10: Care and treatment:

(A) No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death.

(B) No person shall cause unnecessary pain or suffering or unjustifiable injury or death to an animal.

(C) Any person owning, keeping, harboring or having custody of an animal shall provide good and wholesome food, potable water, proper shelter and protection from the weather, veterinary care when needed, and other humane care and treatment as needed.

(D) No animal shall be abandoned or turned loose by its owner.

(E) No person shall cause or permit any animal fighting.

(F) If an operator of a motor vehicle is involved in an accident resulting in the injury or death of a dog, cat or other animal that appears to be a pet, the operator shall immediately notify the police department.

9-2-11: Noise: No person shall own, keep, harbor or have custody of an animal that barks, whines, howls or makes sounds common to its species in an excessive, continuous or untimely fashion.

9-2-12: Animal defecation: The owner or person in control of an animal shall promptly remove and dispose of any feces in a sanitary manner deposited by such animal upon any public or private property without permission of the owner, except if the owner or person in control of the animal is blind.

9-2-13: Animals in public places: No animals shall be permitted in any city park, except Forest Prairie Park, or cemetery unless exempted from licensing under section 9-2-5(B) of this chapter.

9-2-14: Access to the public: No animal shall be tied, staked, or fastened in such a manner to allow the animal access to any portion of a street, alley, sidewalk, or other public place. No animal shall be tied, staked, or fastened in such a manner that may interfere with delivery persons or mail carriers during their employment.

9-2-15: Injury to property by animals: It shall be unlawful for any person owning, keeping, harboring or having custody of an animal to permit such animal to go upon any public or private premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner, or to defecate or urinate thereon.

9-2-16: Disturbing birds and squirrels: The owner or person in control of an animal shall not cause the animal to injure or kill any wild birds or squirrels in the city, except under a program directed by the humane officer, police department, health department, or other government agency.

9-2-17: Animals prohibited:

(A) Unless expressly authorized elsewhere in this code, it shall be unlawful for any person to own, keep, harbor or have custody of any of the following on any property or in any residence, household or dwelling unit within the city:

(1) Any farm animals, except rabbits;
(2) Any poisonous animal; and
(3) Any vicious animal.

(B) This section shall not apply to animals that are in the care, custody or control of a veterinary clinic, agricultural fair, 4-H Club show, display for judging purposes, performing animal exhibit, circus, commercial carnival, theatrical exhibit, public or private institution, or government zoological park.

9-2-18: Wild animals:

(A) No person or entity shall own, keep, harbor or have custody of any wild animal.

(B) Ferrets, rabbits, birds, fish, nonpoisonous snakes less than six feet in length, lizards, frogs, spiders, turtles, chinchillas, hamsters, guinea pigs, gerbils, mice and rats are excluded from this section.

(F) This section shall not apply to animals that are in the care, custody or control of a veterinary clinic, agricultural fair, 4-H Club show, display for judging purposes, performing animal exhibit, circus, commercial carnival, theatrical exhibit, public or private institution and government zoological park.

9-2-19: Animals as prizes: No person or entity shall offer as a prize or give away any animal in a contest, raffle or lottery, as an enticement to enter any place of business, or to exploit any animal for fundraising.

9-2-20: Commercial animal establishment permit required:

(A) No person or entity shall operate a commercial animal establishment without first obtaining a permit.

(B) An application for a commercial animal establishment permit shall be made to the city clerk, and the applicant shall pay a fee before the city clerk issues a commercial animal establishment permit. No permit shall be granted without an inspection of the premises to determine compliance with this code and state law.

(C) The permit shall be issued for one year, commencing on January 1. Renewal applications for permits shall be made 30 days before and up to 30 days after the start of the calendar year.

(D) If there is a change in ownership of a commercial animal establishment, the new owner shall have the current permit transferred to his or her name upon payment of a fee.

(E) No permit is required of any animal shelter or government zoological park or person who sells or donates less than 10 animals per year.

9-2-21: Operation of commercial animal establishments:

(A) Every commercial animal establishment is subject to all applicable provisions of this chapter and state law.

(B) Every commercial animal establishment shall be maintained in a clean and sanitary condition and not to allow any refuse or waste material to accumulate.

(C) Every commercial animal establishment shall have impervious, smooth and cleanable floors.

(D) Every commercial animal establishment shall keep and maintain records for all animals except fish for one year that fully detail the health, status and disposition of each animal that was trained, groomed, bought, sold, kenneled, or was otherwise in the custody of the establishment.

(E) Every commercial animal establishment permit shall be posted in a conspicuous place open to the public.

(F) Any animal having any disease, injury, or abnormality shall be properly isolated and treated and shall not be sold without full disclosure to the buyer of the condition of the animal.

(G) Upon the sale of any animal except fish, the seller shall furnish the buyer with a written statement of sale showing the date

of sale, approximate age of the animal, immunization and medication type and date administered, and the names of both the seller and buyer.

(H) A violation of this chapter shall be cause for revocation of the commercial animal establishment permit.

9-2-22: Possessing chickens: No person shall, without first obtaining a permit under this section, possess any live chicken, nor construct any coop or chicken run.

(A) Definitions: Terms used in this section for which a definition is contained in section 5-2-1 of this code shall have the meaning set forth in section 5-2-1 of this code.

(B) Chickens allowed: Pursuant to a permit issued under this section a person may possess up to 6 female chickens in a coop or in a coop and connected chicken run on any lot in the city that contains only a one-family dwelling. No roosters shall be allowed to be kept under this section.

(1) Rear yard only: Coops and chicken runs shall be located in the rear yard. No part of the coop or chicken run shall be located in the front yard or side yard of any lot.

(2) Setback requirements: No part of the coop or chicken run shall be located within 10 feet of any lot line, unless the rear or side lot is contiguous to an alley in which case the coop or chicken run shall not be located within 3 feet of the lot line abutting such alley. No portion of the coop or chicken run shall be located within 25 feet of any principal structure located on any adjacent lot.

(3) Cleanliness: Coops and chicken runs shall be kept clean, dry, odor free and in a sanitary condition at all times in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.

(4) Construction and maintenance of coop: A coop shall have an interior enclosed area of not less than 4 square feet per chicken and a total enclosed area of not more than 24 square feet and shall be constructed from conventional building materials in a workmanlike fashion or be a pre-manufactured enclosed structure designed specifically for the keeping of urban chickens. Such coop shall be constructed and maintained in a manner that is resistant to rodents, wild birds and predators, including dogs and cats, and shall be constructed or modified in a fashion to provide a humane environment for the chickens, including adequate ventilation, adequate sun, adequate shade and adequate protection from adverse weather.

(5) Construction and maintenance of chicken run: A chicken run shall not exceed in size the greater of 40 square feet or one percent of the rear yard area, but in no case more than 100 square feet, and shall be constructed in a workmanlike fashion of wire normally used for the containment of chickens.

(6) Confinement: Between sunrise and sunset, chickens may be allowed outside of the coop in the chicken run. Chickens shall be secured within the coop between sunset and sunrise.

(C) Application for permit: An application for a chicken permit shall be made using forms provided by the city clerk and shall contain an accurately scaled drawing showing the location of the proposed coop and any chicken run, distances to lot lines and distances to the nearest adjoining principal structure, together with dimensions of the coop and chicken run.

(1) If the applicant is not the owner of the parcel, the property owner shall sign the application before a notary public certifying approval for the use of the premises for this purpose and such notary shall affix his or her seal upon the application.

(2) The application shall be accompanied with satisfactory evidence that the applicant has registered the proposed location with the Wisconsin department of agricultural trade and consumer protection pursuant to section 95.51 of the Wisconsin statutes and section ATCP 17 of the Wisconsin administrative code.

(3) A permit fee shall be paid by the applicant when the application is submitted.

(D) Review of application: The city clerk shall review each application to determine whether the application is complete. The city clerk may conduct such investigation into the content of the application as he or she considers necessary and shall within 10 days following the filing thereof refer such application to the building inspector for review and comment. Within 20 days following the filing of the application the city clerk shall refer such application to the license committee for review and a recommendation to the council to approve or deny the application.

(E) Permit year: The permit year shall be August 1 through July 31 of the succeeding year.

(F) Assignment of permit: No permit shall be issued, assigned, or otherwise transferred to any person other than the person to whom such permit is originally issued.

(G) Miscellaneous:

(1) All food supplies maintained for the chickens kept under this section shall be stored in a secure and rodent-proof container.

(2) Food meant for human consumption or scraps of such food shall only be fed to chickens within the coop and such food shall be prohibited within a chicken run.

(3) All waste generated by the operation of the coop or chicken run, or both, including, chicken carcasses, manure, droppings and spoiled feed, shall be properly disposed of in a sanitary manner.

(4) The zoning administrator or any law enforcement officer may enter a lot at any reasonable time to determine if a property is in compliance with this section.

(H) Penalty: A person who violates any provision of this section shall upon conviction be subject to a class 4 forfeiture for the first offense in a 12 month period, a class 3 forfeiture for the second offense in a 12 month period and a class 2 forfeiture for the third or subsequent offense in a 12 month period. A person who is convicted of more than two violations of this section in a 12 month period shall be ineligible to receive a renewal permit under this section for a period of one year after the date of the last conviction.

9-2-23: Impoundment of animals:

(A) Any law enforcement officer or humane officer may impound an animal the officer has reasonable grounds to believe is:

(1) Unlicensed or untagged;

(2) At large;

(3) Abandoned or a stray;

(4) Rabid or has been exposed to a rabid animal;

(5) A vicious animal; or

(6) Receiving inadequate care and treatment in violation of section 9-2-10 of this chapter.

(B) If the humane officer or law enforcement officer impounds an animal under subsection (A) of this section with the consent of the owner, the officer shall explain how the owner may recover the animal and the procedure to be followed if the animal is not returned to its owner.

(C) If the humane officer or law enforcement officer impounds an animal under subsection (A) of this section without the consent of the owner, the officer shall promptly notify the owner in writing if the owner can be identified and located with reasonable effort. The notice shall explain the procedure by which the owner may recover the animal and the procedure to be followed if the animal is not returned to its owner.

(D) Whenever an animal bites a person, the humane officer or law enforcement officer shall inform the owner that the animal shall be quarantined for at least 10 days, during which time the animal shall be examined by a veterinarian.

(1) If the animal has a current rabies immunization, the animal may remain on the owner's premises. If the animal has no current rabies immunization, the animal will be quarantined at an isolation facility and will be released from quarantine at the end of the 10 day observation period if there are no signs of rabies.

(2) If an animal exhibits symptoms of rabies during quarantine, the owner shall be notified and the animal shall be killed by a law enforcement officer or veterinarian in a humane manner. All actions shall be under state law.

(3) The owner is responsible for all expenses of quarantine and if the owner is unknown, the city is responsible for those expenses.

(E) A person must report to the humane society, humane officer or the city police or health department the existence of an animal which is known or suspected to be infected with rabies.

9-2-24: Release from impound:

(A) The humane society may release a dog or cat to its owner or a representative under the following conditions:

(1) The owner of the dog or cat or representative provides his or her name and address;

(2) The owner or representative shows proof of dog licensing or shows prepayment of dog licensing, and that the dog or cat is vaccinated against rabies or prepayment of rabies vaccination from a licensed veterinarian;

(3) The owner or representative pays the humane society an impoundment fee plus a boarding fee for each day or fraction of a day that a dog or cat is impounded. The boarding fee may not exceed the actual average daily cost for boarding and caring for the dog or cat; and

(4) If a law enforcement officer or Humane Officer ordered the impoundment and withholding of the animal, the law enforcement officer or Humane Officer agrees to the release.

(B) The Humane Society may release a dog or cat to a person other than the owner under the following conditions:

(1) The owner is unknown or does not claim the dog or cat within seven days after the dog or cat has been impounded;

(2) The person to whom the dog or cat is released provides his or her name and address, and pays the boarding and impoundment fee, if required;

(3) The person to whom a dog is released shows proof of licensing or shows prepayment of licensing, and shows proof of rabies vaccination or prepayment of rabies vaccination from a licensed veterinarian; and

(4) The person to whom a cat is released shows proof of rabies vaccination or prepayment of rabies vaccination from a licensed veterinarian. (12-18-2007)

9-2-25: Rabies quarantine:

(A) If an aldermanic district or other area is quarantined for rabies, all dogs and cats within the city shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The city clerk shall promptly post in at least three public places in the city notices of quarantine.

(B) A dog or cat which is immunized against rabies, as evidenced by a rabies vaccination tag or substitute tag attached to the collar of the dog or cat is exempt from the city quarantine provisions of subsection (A) of this section.

9-2-26: Revocation and inspection:

(A) Any person whose permit or license is revoked shall, within 10 days following such revocation, humanely dispose of all animals owned, kept or harbored.

(B) Inspection of the premises of a permit or license holder may be made by a city official designated by resolution of the council or the humane officer to determine compliance with this chapter.

9-2-27: Enforcement.

(A) An owner of a licensed cat found to be at large in the city shall upon conviction be subject to a class 5 forfeiture upon proof of license.

(B) Except as expressly provided, a person who violates any provision of this chapter shall upon conviction be subject to a class 4 forfeiture. A separate offense exists for each calendar day during which a violation occurs or continues.

Chap. 9-2 history: 9-2-1*: 2007-12-18; 2016-2-17; 2016 code;* ***9-2-2****: 2007-12-18; 2016 code;* ***9-2-3****: 2007-12-18; 2016 code;* ***9-2-4****: 2007-12-18; 2016 code;* ***9-2-5****: 2007-12-18; 2016 code;* ***9-2-6****: 2007-12-18; 2016 code;* ***9-2-7****: 2007-12-18; 2016 code;* ***9-2-8****: 2007-12-18; 2016 code;* ***9-2-9****: 2007-12-18; 2016 code;* ***9-2-10****: 2007-12-18; 2016 code;* ***9-2-11****: 2007-12-18; 2016 code;* ***9-2-12****: 2007-12-18; 2016 code;* ***9-2-13****: 2007-12-18; 2016 code;* ***9-2-14****: 2007-12-18; 2016 code;* ***9-2-15****: 2007-12-18; 2016 code;* ***9-2-16****: 2007-12-18; 2016 code;* ***9-2-17****: 2007-12-18; 2016-2-17; 2016 code;* ***9-2-18****: 2007-12-18; 2016 code;* ***9-2-19****: 2007-12-18; 2016 code;* ***9-2-20****: 2007-12-18; 2016 code;* ***9-2-21****: 2007-12-18; 2016 code;* ***9-2-22****: 2016-2-17; 2016 code;* ***9-2-23****: 2007-12-18; 2016 code;* ***9-2-24****: 2007-12-18; 2016 code;* ***9-2-25****: 2007-12-18; 2016 code;* ***9-2-26****: 2007-12-18; 2016 code;* ***9-2-27****: 2007-12-18; 2016 code*

TITLE 9: POLICE REGULATIONS

Chapter 3: UNIFORM FORFEITURE CLASSIFICATIONS

9-3-1 Use of forfeiture classes
9-3-2 Definitions
9-3-3 Class 1 forfeiture
9-3-4 Class 2 forfeiture
9-3-5 Class 3 forfeiture
9-3-6 Class 4 forfeiture
9-3-7 Class 5 forfeiture
9-3-8 Deposit schedule
9-3-9 Alternative sentences

9-3-1: Use of forfeiture classes: When a forfeiture in this code is set out as a forfeiture of a certain class, the forfeiture shall be as set forth in this chapter.

9-3-2: Definitions: In this chapter:

"Adult" means any person who has attained 17 years of age as defined in section 938.02(1) of the Wisconsin statutes.

"Juvenile" means any person who has not attained 17 years of age as defined in section 938.02(10m) of the Wisconsin statutes.

9-3-3: Class 1 forfeiture: Any adult or juvenile who violates a code punishable by a class 1 forfeiture shall be subject to a forfeiture of not less than $200.00 nor more than $500.00. Any adult or juvenile who has attained 14 years of age shall also be subject to applicable costs.

9-3-4: Class 2 forfeiture: Any adult or juvenile who violates a code punishable by a class 2 forfeiture shall be subject to a forfeiture of not less than $100.00 nor more than $300.00. Any adult or juvenile who has attained 14 years of age shall also be subject to applicable costs.

9-3-5: Class 3 forfeiture: Any adult or juvenile who violates a code punishable by a class 3 forfeiture shall be subject to a forfeiture of not less than $50.00 nor more than $200.00. Any adult or juvenile who has attained 14 years of age shall also be subject to applicable costs.

9-3-6: Class 4 forfeiture: Any adult or juvenile who violates a code punishable by a class 4 forfeiture shall be subject to a forfeiture of not less than $25.00 nor more than $100.00. Any adult or juvenile who has attained 14 years of age shall also be subject to applicable costs.

9-3-7: Class 5 forfeiture: Any adult or juvenile who violates a code punishable by a class 5 forfeiture shall be subject to a forfeiture of not less than $10.00 nor more than $50.00. Any adult or juvenile who has attained 14 years of age shall also be subject to applicable costs.

9-3-8: Deposit schedule:

(A) Any person arrested for a violation of this code may make a deposit of money as directed by the officer making the arrest at the police station 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 as authorized by this section, the person need not appear in court at the time fixed in the citation and the person shall be considered to have tendered a plea of no contest and submitted to a forfeiture and any penalty assessment, jail assessment or other fee or assessment required by law, not to exceed the amount of the deposit.

(2) If the person fails to make a deposit as authorized by this section 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 or her arrest.

(B) The amount of the deposit shall be determined as follows:

(1) The deposit for offenses listed in a deposit schedule established by the Wisconsin judicial conference shall be the amount set forth in the most recent schedule established by the Wisconsin judicial conference.

(2) The deposit for offenses not listed in a deposit schedule established by the Wisconsin judicial conference shall be an amount established from time to time by resolution of the council.

(3) If a deposit amount has not been established by either the Wisconsin judicial conference or the judiciary and ordinance review committee, the arresting officer shall require the alleged offender to deposit not less than the maximum forfeiture permitted under this code plus any penalty assessment, jail assessment or other fee or assessment required by law.

9-3-9: Alternative sentences:

(A) Any adult who fails to pay a class 1, class 2, class 3, class 4, or class 5 forfeiture imposed by this chapter shall be subject to the alternative sentencing provisions set forth in sections 800.09 and 800.095 of the Wisconsin statutes.

(B) Any juvenile who fails to pay a class 1, class 2, class 3, class 4, or class 5 forfeiture imposed by this chapter shall be subject to the provisions set forth in section 938.343(2) of the Wisconsin statutes.

(C) Any juvenile who violates a code punishable by a class 1, class 2, class 3, class 4, or class 5 forfeiture may be ordered to perform community service as provided in section 938.343(3) and defined in section 938.34(5g) of the Wisconsin statutes, or any other disposition available under section 938.343 or 938.344 of the Wisconsin statutes, in addition to or in lieu of a forfeiture.

(D) Any adult who violates a code punishable by a class 1, class 2, class 3, class 4, or class 5 forfeiture may be ordered to perform community service in addition to or in lieu of a forfeiture.

***Chap. 9-3 history: 9-3-1**: 1997-4-15; 2016 code; **9-3-2**: 1997-4-15; 2016 code; **9-3-3**: 1997-4-15; 2016 code; **9-3-4**: 1997-4-15; 2016 code; **9-3-5**: 1997-4-15; 2016 code; **9-3-6**: 1997-4-15; 2016 code; **9-3-7**: 1997-4-15; 2016 code; **9-3-8**: 1997-4-15; 2006-1-3; 2016 code; **9-3-9**: 1997-4-15; 2016 code*

TITLE 9: POLICE REGULATIONS

Chapter 4: GENERAL OFFENSES

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9-4-36 Truancy, habitual truancy, dropout, and contributing to truancy

9-4-1: Aircraft regulations:

(A) No person shall engage in acrobatic or trick flying over the city.

(B) No person shall operate an aircraft over the city at an altitude of less than 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft, except for purposes of taking off from and landing at the Monroe municipal airport.

(C) No person, while flying over the city, shall drop any object except the emergency dropping of loose water or loose sand ballast.

(D) A person who violates any provision of this section shall upon conviction be subject to a class 3 forfeiture.

9-4-2: Disorderly house; disorderly conduct:

(A) Disorderly house: No person, as owner, agent of the owner, lessee, tenant, occupant, visitor, guest or as a trespasser of any building, enclosure, structure, tent, garden, yard, room or other place within the city shall permit or engage in "disorderly conduct" as defined in subsection (B) of this section, or allow any excessive noise which causes a disturbance to others.

(B) Disorderly conduct: No person shall, in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

(C) Annoying phone calls: No person shall telephone another with the intent to frighten, intimidate, threaten, harass, annoy, or offend, or telephone another and use any obscene, lewd, or profane language or suggest any lewd or lascivious act, or threaten to inflict injury or physical harm to the person or property of any person. No person shall attempt to extort money or other thing of value from any person, or to otherwise disturb by anonymous telephone call, the peace, quiet or right of privacy of any person at the place where the telephone call was received whether or not conversation ensues.

(D) Harassment: No person shall, with intent to harass or intimidate another person, do any of the following:

(1) Strike, shove, kick or otherwise subject the person to physical contact or attempt or threaten to do the same.

(2) Engage in a course of conduct or repeatedly commit acts which harass or intimidate the person and which serve no legitimate purpose.

(3) This subsection does not prohibit any person from participating in lawful conduct in labor disputes under section 103.53 of the Wisconsin statutes.

(E) Unlawful assemblies: No person shall fail or refuse to withdraw from an unlawful assembly which has been ordered to disperse.

(1) An "unlawful assembly" is an assembly which consists of three or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

(2) An "unlawful assembly" includes an assembly of persons who assemble to block or obstruct the lawful use by any other person, or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, or dwelling place, or any portion thereof and which assembly does in fact so block or obstruct the lawful use by any other person, or persons of any such private or public thoroughfares, property or any position of access or exit to or from any private or public building, or dwelling place, or any portion thereof.

(F) Penalty: Any person who violates any provision of this section shall upon conviction be subject to a class 3 forfeiture.

9-4-3: Lewd and lascivious behavior:

(A) No person shall commit an indecent act of sexual gratification with another with knowledge that they are in the presence of others.

(B) No person shall publicly and indecently expose his or her genitals or pubic area.

(C) Any person violating any provision of this section shall upon conviction be subject to a Class 3 forfeiture.

9-4-4: Disturbing the peace:

(A) No person shall disturb the peace and good order of the city in any manner as to be annoying to others, whether the disturbance occurs in his or her own home or elsewhere.

(B) No person shall disturb or annoy any congregation, audience, public meeting or lawful assembly or persons or join others in so doing, nor shall any person annoy any person in any public place.

(C) Any person who violates any provision of this section shall upon conviction be subject to a class 2 forfeiture.

9-4-5: Possession of alcohol beverages in public or on a commercial quadricycle:

(A) No person shall be in possession of any alcohol beverage in any open container while in or upon any public park, street, alley, sidewalk or public way, or area held out for public use, or while riding upon a commercial quadricycle as defined in section 340.01(8m) of the Wisconsin statutes, except pursuant to a permit issued by the city authorizing such possession.

(B) No person shall be in possession of any alcohol beverage in an open container while in a motor vehicle in or upon any public street, alley, sidewalk or public way, or area held out for public use.

(C) Any person who violates this section shall upon conviction be subject to a class 4 forfeiture.

9-4-6: Gambling:

(A) Gambling houses: No person shall keep or maintain any house or other place for a gambling purpose, and no person

shall visit any gambling house or other place for a gambling purpose.

(B) Seizure of gambling devices: The mayor, chief of police or any police officer of the city may seize or direct to be seized, any instrument, devices or thing used a gambling purpose and all such instruments, devices or things so seized shall be disposed of under the order of the court.

(C) Penalty: Any person who violates any provision of this section shall upon conviction be subject to a class 1 forfeiture.

9-4-7: Loitering:

(A) Loitering or prowling prohibited: It is unlawful for any person to 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.

(1) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a police officer, refuses to identify himself or herself or attempts to conceal himself or herself or any object.

(2) Unless flight by the person or other circumstances makes it impracticable, a police officer shall, before any arrest for an offense under this section, allow the person an opportunity to dispel any alarm which would otherwise be warranted by requesting such person to identify himself or herself and explain his or her presence and conduct.

(3) No person shall be convicted of an offense under this paragraph if the police officer did not comply with subparagraph (2) of this paragraph, or if it appears at trial that the explanation given by the person, if believed by the police officer, would have dispelled the alarm.

(B) Obstruction to others:

(1) Obstruction of highway: No person shall obstruct any street, bridge, sidewalk or crossing by loitering in or upon the same after being requested to move on by any police officer.

(2) Obstruction to traffic: No person shall loiter individually, in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public places within the city in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, street crossings and bridges or other public places by persons passing along or over the same.

(C) Loitering in buildings or on property owned, leased or operated by the city. No person shall loaf or loiter in any waiting room, lobby or other portion of any building owned, leased or operated by the city, or to remain in or on any such building for longer than reasonably necessary to transact such business as such person may have to transact in such building.

(D) Penalty: Any person who violates any provision of this section shall upon conviction be subject to a class 4 forfeiture.

9-4-8: Property offenses:

(A) Damage to property. Whoever intentionally causes damage to the physical property of another without the person's consent shall upon conviction be subject to a class 3 forfeiture.

(B) Corruption of well. Whoever injures or corrupts any public or private well shall upon conviction be subject to a class 3 forfeiture.

(C) Graffiti. Whoever intentionally marks, draws or writes with paint, ink or another substance on or intentionally etches into the physical property of another without the other person's consent shall upon conviction be subject to a class 3 forfeiture.

9-4-9: Battery:

(A) No person shall cause bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed.

(B) Any person who violates this section shall upon conviction be subject to a class 2 forfeiture.

9-4-10: Trespass to property:

(A) Restricted Use Area: No person shall intentionally enter or remain upon any real property in violation of one or more lawful restrictions placed upon the use of such property by the owner or person in lawful possession thereof, if:

(1) The person present has received oral or written notice of the restrictions applicable to the property from the owner or person in lawful possession of the property, or

(2) There is clearly visible from the location of the person one or more signs stating the restrictions applicable to the property and the sign or signs visible to such person meet the following criteria:

A) The statement of restrictions must be clear, concise and reasonably inform persons of the nature of the restrictions.

B) Lettering stating the restrictions must be at least two inches in height and clearly legible.

(B) Dwelling or structure: No person shall do the following in or about a dwelling or structure of another:

(1) Intentionally enter or remain within such dwelling or structure without the consent of the owner or person in lawful possession thereof.

(2) Prowl about or peek in the windows of such dwelling or structure.

(3) Perform any act which is intended or naturally tends to:

A) Frighten or alarm persons within such dwelling or structure, or

B) Provoke a breach of the peace in or about such dwelling or structure.

(C) Motor vehicle: No person shall climb, lie or sit upon the motor vehicle of another while such vehicle is parked or standing upon any public street, parking lot, or other public place in the city, without the consent of the owner or person in lawful possession thereof.

(D) Penalty:

(1) Any person who violates subsection (A) or (B) of this section shall upon conviction be subject to a class 3 forfeiture.

(2) Any person who violates subsection (C) of this section shall upon conviction be subject to a class 4 forfeiture.

9-4-11: Handbills, advertising materials:

(A) Declaration of purpose: The council finds that unsolicited distribution of printed materials within the city constitutes a serious problem for residents of the city because such printed materials are frequently distributed to private residences contrary to the wishes of the owner or occupant causing disruption of privacy and inconvenience to residents of the city; such materials, if permitted to be distributed without regulation, will be blown about by the wind causing unsightly accumulations of litter and substantial expenditures of public funds for cleanup; such materials may accumulate at a residence during vacations or other absences of the owner or occupant thereby indicating the residence is temporarily vacant and inviting burglary or other criminal activity; and the distribution of such materials on and along public streets and sidewalks can impede the orderly flow of vehicular and pedestrian traffic.

(B) Definitions: In this section:

“Distribution” means the delivery of a handbill to one or more locations within the city by means other than the United States mail. Distribute shall be given the same meaning as "distribution".

“Distributor” means a person who causes, supervises, directs, oversees or is otherwise responsible for distribution.

“Handbill” means any handbill, dodger, circular, booklet, card, pamphlet, sheet or other written or printed notice, or any sample product, any of which advertises any fact, opinion, idea, commodity, article, merchandise, business, meeting, entertainment, person or thing.

“Private residence” means any structure or that part of a structure which is used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

(C) Distribution regulated:

(1) Prohibited practices: No person shall:

A) Knowingly distribute a handbill, in or upon any lands owned or leased by the city, to a natural person unwilling to

accept such handbill.

B) Distribute a handbill in or upon an unattended vehicle within the city which is either parked on a public street or in a parking area open to the general public and when such unattended vehicle has posted thereon, in a conspicuous place, a sign or signs of at least eight square inches in area bearing the words "no advertising".

C) Distribute a handbill in such a manner as to impede the free flow of traffic upon any street or sidewalk.

D) Tack, nail, paste, paint or otherwise affix a handbill upon public property, including any bridge, fence, sidewalk, building, monument, pole or post. Handbills may be affixed upon private property, buildings or billboards with consent of the owner or other authorized person if the same is not otherwise prohibited by this code. This subsection shall not prohibit otherwise lawfully posted legal notices.

E) Distribute a handbill from an aircraft or any place above ground level without first obtaining permission from the council. The council shall grant such permission only if it determines that such distribution is not detrimental to the public health and safety. Said distribution shall also be subject to the other requirements of this section.

F) Distribute a handbill to the address of a person who has provided written notice to the distributor requesting that future distribution be stopped to such address. Notice shall be considered given on the fifth day after the day of mailing if the mail is addressed to a point within the state and the eighth day after the day of mailing in all other cases.

G) Distribute a handbill when a handbill left from a previous distribution by the same distributor remains in the same location. A handbill shall be considered to be in the same location if it is located outside the structure or other premises to which it was originally distributed and is clearly visible from the location of the second handbill placed by the same distributor.

(2) Special provisions relating to private residences: Except pursuant to a written subscription or other written authorization by the occupant of a private residence, no person shall distribute a handbill to or upon any private residence in the city:

A) When such private residence has posted thereon, in a conspicuous place, a sign or signs of at least eight square inches in area bearing the words "No Advertising".

B) Between the hours of 9:00 PM of any day and 8:00 AM of the following day.

(3) Disclosure of names: A distributor shall maintain at all times a current written list containing the name and address of each person authorized or directed by the distributor to engage in distribution. A legible copy of such list shall be provided to an authorized representative of the city upon request.

(D) Severability: The several subsections, paragraphs and subparagraphs of this section are hereby declared to be severable. If any subsection, paragraph or subparagraph of this section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the section or of the subsection of which the invalid portion may be a part.

(E) Penalty: Whoever violates this section shall upon conviction be subject to a class 3 forfeiture.

9-4-12: Obstruction of aisles, exits:

(A) No person shall permit the approaches, passageways or aisles leading to or between the seats of any room used for public meetings to be obstructed by any means that impairs free passage to, through or from such seats.

(B) Any person who violates any provision of this section shall upon conviction be subject to a class 5 forfeiture.

9-4-13: Scaffolds:

(A) All scaffolds erected in the city for use in the erection of buildings shall be properly supported, secured, and of sufficient width to ensure the safety of persons using such scaffolds, and to ensure proper support for all materials upon such scaffolds.

(B) Any scaffold erected or maintained contrary to the provisions of this section shall be considered a nuisance.

(C) Any person erecting or maintaining a scaffold contrary to the provisions of this section shall upon conviction be subject to a class 4 forfeiture.

9-4-14: Barbed wire and electric fences:

(A) No person shall build or maintain any barbed wire or electric fence along any public street adjacent to any sidewalk.

(B) No person shall build or maintain any barbed wire or electric fence as a division fence between any lots or parts of lots occupied for residence purposes.

(C) A fence shall be considered to be a barbed wire or electric fence if it is constructed, in any part, of barbed wire or electric fence.

(D) Any person violating any provision of this section shall upon conviction be subject to a class 5 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

9-4-15: Noxious weeds:

(A) The term "noxious weeds" as used in this chapter shall have the meaning set forth in section 66.0407(1)(b) of the Wisconsin statutes.

(B) Every person shall destroy all noxious weeds on all lands which he or she shall own, occupy or control. The person having immediate charge of any public lands shall destroy all noxious weeds on such lands.

(C) The term "destroy" means the complete killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at such time and in such manner as will effectually prevent such plants from maturing to the bloom or flower stage.

(D) The mayor shall annually before May 16 publish a class 2 notice, under chapter 985 of the Wisconsin statutes, that every person is required by law to destroy all noxious weeds on lands in the city which the person owns, occupies or controls.

(E) Duties; powers; collection of tax:

(1) The weed commissioner shall investigate reports of noxious weeds in the city; if any person neglects to destroy any noxious weeds as required by this section the weed commissioner shall cause all such weeds to be destroyed in the manner he or she considers most economical. For each day devoted to the destruction of weeds the weed commissioner shall receive such compensation as is determined by the council; the accounting, itemized by parcel of land, shall be presented to the city clerk. The city clerk shall bill the property owner to recover the cost of the destruction of the weeds. Bills not timely paid shall be entered on the next tax roll in a column headed "for destruction of weeds", as a tax upon the land on which such weeds were destroyed, which tax shall be collected as other taxes are, or as taxes are collected on personal property under section 74.11 of the Wisconsin statutes, except lands which are exempt from taxation in the usual way. For railroad or other lands not taxed in the usual way, the amount chargeable against the same shall be certified by the city clerk to the Wisconsin secretary of administration who shall add the amount designated to the sum due from the company owning, occupying or controlling the lands specified, and the treasurer shall collect the same therefrom as prescribed in sub-chapter I of chapter 76 of the Wisconsin statutes, and return the amount collected to the city.

(2) The weed commissioner may enter upon any lands upon which any noxious weeds are growing and destroy them without being liable, either personally or as an agent or independent contractor or servant of the city, to an action in trespass or any other action for damages resulting from the performance of these duties, if reasonable care is exercised in the performance of the duties imposed by this section.

(F) References to a specific statute section wherever used in this section shall mean the Wisconsin statutes of 2013-2014 and acts amendatory and supplementary thereto.

9-4-16: Fireworks:

(A) Wisconsin statutes adopted: Except as expressly provided in this section, the provisions of section 167.10 of the Wisconsin statutes and all acts amendatory and supplementary thereto, and in replacement thereof, relating to the sale, possession or use of Fireworks are hereby adopted by reference. Any act required to be performed or prohibited by section 167.10 of the Wisconsin statutes is by reference required to be performed or prohibited by this chapter.

(B) Definitions. In this chapter:

“Fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include an excluded combustible.

“Excluded combustible” means any of the following: a) Fuel or a lubricant. b) A firearm cartridge or shotgun shell. c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle. d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater. e) A cap containing not more than one-

quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion. f) A toy snake which contains no mercury. g) A model rocket engine. h) Tobacco and a tobacco product. i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects. j) A device containing less than one-quarter grain of explosive mixture that is designed to spray out paper confetti or streamers. k) A fuseless device containing less than one-quarter grain of explosive mixture that is designed to produce audible or visual effects. l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures at a controlled rate while remaining on the ground and that produces audible or visual effects and showers of sparks, but not objects, and does not explode. m) A cylindrical fountain that is classified by the federal department of transportation as a division 1.4 explosive, as defined in 49 CFR 173.50, that consists of one or more tubes that remain on the ground while emitting showers of sparks, but not objects, and does not explode. n) A cone fountain that is classified as a Division 1.4 explosive, as defined in 49 CFR 173.50, that remains on the ground while emitting showers of sparks, but not objects, and does not explode.

(C) Sale: No person may sell or possess with intent to sell fireworks except:

(1) To a person holding a permit granted under this chapter.

(2) To a city, town or village.

(3) Under sections 167.10(3)(b)2 to six of the Wisconsin statutes.

(4) Under sections 167.10(4) and (6) of the Wisconsin statutes.

(D) Possession and use: No person may possess or use fireworks except pursuant to a permit granted by the council and issued under this chapter.

(1) Permit: A permit authorizing the possession and use of fireworks may be issued under this chapter only to a public authority, fair association or civic organization and shall specify all of the following:

A) The name and address of the permit holder.

B) The date by which fireworks shall be purchased.

C) The kind and quantity of fireworks that may be purchased.

D) The date, time and exact location of use.

(2) Inspection: A copy of the permit application shall be given to the fire chief at least two weeks before the date of authorized use. The fire chief shall make recommendation to the council as to whether to approve or deny the permit.

(3) Permit fee: The fee for a permit issued under this chapter shall be set by resolution of the council.

(4) Indemnity bond: The city shall require an indemnity bond under section 167.10(3)(e) of the Wisconsin statutes, as recommended by the fire chief, with good and sufficient sureties, or a policy of liability insurance for payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of Fireworks under the permit. The bond or policy shall be taken in the name of the city, and a copy of the bond or policy and a copy of the permit shall be filed with the city clerk.

(5) Storage: Fireworks used under a permit shall not be stored, kept, sold or discharged within 300 feet of any structure, other than a motor vehicle, which contains more than one gallon of a volatile substance.

(E) Possession at public fireworks display: No person may possess or use fireworks or an excluded combustible, other than a match, cigarette lighter, tobacco or a tobacco product, while attending a fireworks display for which a permit has been issued under this chapter if such fireworks display is open to the general public.

(F) Penalty:

(1) Any person who violates section 9-4-16(C) of this chapter shall upon conviction be subject to a class 1 forfeiture.

(2) Any person who fails to obtain a permit required by section 9-4-16(D) of this chapter shall upon conviction be subject to a class 1 forfeiture.

(3) Any person who possesses or uses fireworks in violation of section 9-4-16(D) of this chapter shall upon conviction be subject to a Class 4 forfeiture.

(4) Any person who possesses or uses fireworks or an excluded combustible in violation of section 9-4-16(e) of this chapter shall upon conviction be subject to a class 5 forfeiture.

9-4-17: Discharge of firearms:

(A) No person shall fire or discharge any gun, pistol or other firearm within the city limits, except when necessary to protect his or her person and except a police officer in the lawful discharge of his or her duty. This section shall not apply to a shooting gallery, nor to military funerals.

(B) Any person who violates this section shall upon conviction be subject to a class 2 forfeiture.

9-4-18: Carrying concealed weapon:

(A) Unless expressly authorized by section 11-6-10(H) of this code or by a clearly preemptive state or federal law, no person shall go armed with a concealed and dangerous weapon.

(B) Any person who violates this section shall upon conviction be subject to a class 1 forfeiture.

9-4-19: Radio interference:

(A) Interference prohibited: It shall be unlawful for any person knowingly to operate or cause to be operated, any machine, device, apparatus or instrument in the city between the hours of 8:00 AM and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference with radio or television reception, within the city; provided, however, that x-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and not negligently operated.

(B) Exceptions: This section shall not be held or construed to regulate any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by any act of the Congress of the United States.

(C) Penalty: Any person violating any provision of this section shall upon conviction be subject to a class 5 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

9-4-20: Nuisance noise and sound levels regulation:

(A) Statement of purpose. The city recognizes that objectionable sounds and nuisance noise is a serious threat to the public health and welfare, public safety, quality of life and property values. Current science and technology permit abatement of sound sources which was not available in the past. Therefore, it is the policy of the city to prevent and abate objectionable sounds and nuisance noise which may jeopardize the public health, safety or welfare or which would cause harm to property values or which would impair the quality of life within the city.

(B) Definitions. All terms used in this section that are not defined in this code, shall have the meaning provided by applicable publications of the american national standards institute (ANSI) or its successor body. In this section:

“A-weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated as db(A) or dBA.

“Ambient sound” means the all-encompassing sound associated with a given environment being usually a composite of sounds from near and far.

“Amplified sound” means voice or other sound, other than background music, that is amplified by a mechanical or electronic device, or multiple mechanical or electronic devices, whenever the sound amplified is intended to be audible outside a dwelling or business enclosure by an audience located within a geographically defined area.

“Authorized emergency vehicle” shall have the meaning set forth in section 340.01(3) of the Wisconsin statutes.

“Background music” means amplified music that plays continuously for extended periods of time and that is intended to serve as a background for other activities that occur within a geographically defined area such as shopping or dining.

“Construction” means a non-emergency related activity necessary or incidental to the erection, demolition, assembling, altering, installing, repairing or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.

"Emergency work" means work necessary to restore property to a safe condition following a public calamity, work required to restore public utilities, or work required to protect persons or property from imminent exposure to danger.

"Impulse sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulse sound include explosions, drop forge impacts and the discharge of firearms.

"Muffler" means a sound dissipative device or system for abating sound of escaping gases on equipment where such device is part of the normal configuration of powered equipment.

"Nuisance noise" means any sound which tends to disturb reasonable persons in the vicinity thereof or tends to cause an adverse psychological or physiological effect on humans, regardless of whether such sound exceeds the stationary sound limits imposed by this section.

"Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in the american national standards institute ANSI S1.4-1983 (revised 2001) with amendments s1.4A-1995 or its successor.

"Receiving zone" means the zoning district in which is located the real property at which the sound being measured is received. The zoning classification shall be that as set forth in section 5-1-3 of this code.

"Stationary sound" means sound emanating from a source that is either affixed to or operated upon a fixed point of land, building or other real property.

"Traffic sounds" means sounds emanating from the normal operation of motorized vehicles, including all-terrain vehicles, upon public or private roads, streets and highways and trails. Nuisance noise which emanates from the operation of one or more motorized vehicles upon private property shall be considered as stationary sound for the purposes of this section.

(C) Exemptions.

(1) General exemptions. The provisions of this section shall not apply to the following:

A) The emission of sound for alerting persons to the existence of an emergency, the emission of sound in the performance of emergency work, or the emission of sound brought about by emergency conditions where such sound is a byproduct of activities necessary for the preservation of public safety or the protection of the health, safety and welfare of any person or property.

B) Warning devices necessary for the protection of public safety, the emission of any sound necessary for the protection of the health, safety, or welfare of person or property or to the emission of any sound which is required by law.

C) The operation of authorized emergency vehicles.

D) Outdoor sporting events sponsored by a public or private school that is listed in the Wisconsin public school district directory or the Wisconsin private school directory maintained by the Wisconsin department of public instruction or by an organization the membership of which consists of schools listed in either of such directories.

E) Public works projects as authorized by the United States government, the state of Wisconsin or other political subdivisions.

F) Sounds emanating from the operation of construction machinery when engaged in bona fide, temporary construction work between 7:00 AM and 8:00 PM of the same day.

G) Sounds emanating from the operation of lawn or garden equipment, chainsaws or power tools between 7:00 AM and 8:00 PM of the same day when used in bona fide short term property maintenance or repair activities.

H) Any fireworks display authorized by a permit issued under to section 9-4-16 of this chapter.

I) Any bells or chimes of any building clock, public or private school building, church, synagogue, or other place of religious worship.

J) Traffic Sounds emanating from a public street, highway or recreational trail.

K) Events sponsored by the city or any of its departments.

L) Sounds emanating from vehicles, machinery or equipment when operated by or at the direction of city employees or work performed by or at the direction of city employees, when such sounds are the product of bona fide city sponsored activities.

M) Train whistles activated from a moving train to warn of the approaching train.

(2) Partial exemption. Subsection (F) of this section shall not apply to sounds emitted pursuant to and in conformance with an amplified sound permit issued under this section.

(D) Enforcement. The chief of police shall be responsible for the enforcement of this section unless otherwise noted. The chief of police shall:

(1) Investigate all complaints regarding alleged violations of this section.

(2) Issue orders requiring violators to comply with this section and issue citations for violations of this section.

(3) Maintain permanent and current records of all matters arising out of the enforcement of this section.

(E) Determining Sound Levels. Sound levels shall be measured using the following procedures:

(1) Instruments used to measure sound levels must, as a minimum standard, conform to the specifications of the american national standard institute ANSI S1.4-1983 (revised 2001) with amendments S1.4A-1995 for Type 1 or Type 2 sound level meters. Sound level meters shall be capable of both fast and slow meter response.

(2) The following steps must be followed when preparing to take sound level measurements:

A) The instrument manufacturer's specific instructions for preparation and use of the instrument shall be followed.

B) The sound level meter shall be calibrated periodically, under the manufacturer's instructions.

C) When outdoor measurements are taken, a windscreen shall be placed over the microphone of the sound level meter under the manufacturer's instructions.

D) The sound level meter shall be placed at an angle to the sound source, as specified by the manufacturer's instructions, and placed at least 4 feet above the ground. The meter shall be placed so as not to be interfered with during the taking of sound measurements.

E) Measurements shall be taken at any point within a receiving zone which point is outside of the property line of the source of the stationary sound.

F) Impulse sound shall be measured with the sound level meter set for fast meter response. All other sound shall be measured with the sound level meter set for slow meter response.

G) Under this section, sounds capable of being accurately measured are those sounds which cause no more than (+ or -) 2 decibels fluctuation of the sound level meter or, in the case of impulse sound, the mean average of four peak readings measured over the period of an hour.

(F) Maximum permissible sound levels.

(1) General Limitations. In the following zoning districts the A-Weighted Sound Level emitted from any source of stationary sound shall not exceed the following limits at any point within a receiving zone which point is outside of the property line of the source of the stationary sound:

Receiving Zone	Maximum dBA
R-1, R-2, R-3, A-1, A-2	60 dBA
B-1, B-2 & PUD	70 dBA
M-1, M-2 & M-3	75 dBA

(2) Additional restrictions on impulse sound. A reduction of 5 dBA shall apply to each of the limitations set forth under subparagraph (F)(1) of this paragraph for all impulse sounds.

(G) Special exception for ambient sound. When the ambient sound at the source of a stationary sound equals or exceeds the decibel limits provided in this section, the owner or operator of the property that is the source of such stationary sound may

seek a special exception from the sound limitations of this section. Application for a special exception from the sound limitation shall be made to the city clerk. The public safety committee shall hear and act upon all applications for a special exception under this subsection. The committee may grant the appeal where the committee finds that the ambient sound equals or exceeds the decibel limits for a property in a receiving zone and that the combination of the ambient sound and the sound from the stationary sound producing source does not exceed the limit for the receiving affected property by more than 10 dBA.

(H) Nonconforming source. Any source of stationary sound that does not conform to the requirements of this section, which existed lawfully when this section was adopted and which remains nonconforming, or which shall became nonconforming upon the adoption of this section, or of any subsequent amendments thereto, may continue, as provided in this subsection.

(1) Any such nonconforming source of stationary sound shall not be modified, altered, added to, or enlarged in any manner unless such modifications, alterations, additions, or enlargements thereto are made to conform with all of the sound or noise control regulations applicable to the source.

(2) Any such nonconforming source of stationary sound which is discontinued for one year shall not be used unless the use is made to conform with all of the sound or noise control regulations applicable to the source.

(3) Any such nonconforming source of stationary sound shall not be repaired or restored to the extent that the cost of repair or restoration exceeds 50 percent of the full market value of the source. In the event that damage or destruction requires repairs or restoration which is less that 50 percent of such market value, repairs or restoration may be made if work is commenced within one year from the date of the partial destruction and is diligently prosecuted to completion.

(I) Effect of zoning change of affected property. When the zoning classification of a receiving property is changed in a manner which would result in a then existing sound source being in noncompliance with this section, the sound source shall be considered a nonconforming and shall be subject to the provisions of subsection (H) of this section.

(J) Prohibition of nuisance noises.

(1) It shall be unlawful for any person to make or assist in making any nuisance noise unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

(2) It shall be unlawful for any person, firm, corporation, or other entity occupying or having charge of any building or premises, or any part thereof, to cause or allow any nuisance noise in the operation or use of any radio, stereo or other mechanical or electrical device, instrument or machine.

(3) No person shall make nuisance noise with a motor vehicle by squealing tires, excessive acceleration of engine or by emitting unnecessary and loud muffler sounds.

(K) Amplified sound permit.

(1) Permit. No person shall produce or cause to be produced amplified sound without a permit issued by the city authorizing such amplified sound.

(2) Short term amplified sound.

A) Permits for amplified sound to be emitted within a period of not more than 6 consecutive days may be approved by the city clerk upon filing of proper application and the payment of a fee in an amount established by resolution of the council.

B) No short term amplified sound permit shall be issued for any time that does not fall within a given period of 6 consecutive days. No more than 3 short term amplified sound permits shall be issued to the same person in any consecutive 12 month period.

(3) Long term amplified sound.

A) Permits for amplified sound that will be emitted during a period exceeding 6 consecutive days may be approved by the public safety committee upon filing of proper application and the payment of a fee in an amount established by resolution of the council.

B) All long term amplified sound permits shall expire on a date certain which shall be no later than the next succeeding June 30 following issuance.

C) A long-term amplified sound permit may authorize multiple amplified sound events if such events are part of a series of coordinated events sponsored by a single person, company or organization.

(4) Issuance by clerk. All amplified sound permits shall be issued by the city clerk.

(5) No amplified sound permit shall be issued except upon showing by the applicant that the peace and good order of the city will not be disturbed, nor shall any permit be construed to authorize an act which does disturb the peace and good order of the city.

(L) Regulation of background music.

(1) Permit required. No person, company or organization may play any form of background music audible in a public area outside a building or structure without having first obtained a permit.

(2) Requirements for permit. Application for a permit to play background music for which a permit is required shall be made to the city clerk, who shall be authorized to grant and issue a permit in compliance with the regulations established in this section.

A) Term. All background music permits shall expire on a date certain which shall be no later than the next succeeding June 30 following issuance.

B) Permit fee. The fee for a background music permit shall be established by resolution of the council.

(M) Revocation of permit: A permit issued pursuant to this section may be subject to revocation at any time the permitted music or sound exceeds the maximum permissible sound levels contained in this section or becomes a nuisance noise. The procedure for revocation shall be as follows:

(1) Notice. The holder of a permit shall be notified, in writing, of the city's intent to revoke a permit not less than 10 days before the proposed revocation.

(2) Hearing. The permit holder shall be permitted a hearing before the council, which will hear such evidence as may be presented. Witnesses will be sworn, and the proceedings will be electronically recorded or otherwise preserved. Witnesses will be subject to examination by the city and by the permit holder. The permit holder may be represented by an attorney, but shall otherwise be required to present evidence pertaining to the revocation of the permit in person. The permit holder shall in all cases be present at the revocation hearing. Hearings will take place at regularly scheduled or special meeting of the council and a majority vote of shall be required to revoke a permit.

(N) Penalty.

(1) Any person who violates subsection (F) or (J) of this section shall upon conviction be subject to a class 4 forfeiture for the first offense in a 12 month period, a class 3 forfeiture for the second offense in a 12 month period and a class 1 forfeiture for the third or subsequent offense in a 12 month period.

(2) Any person who violates subsection (K) or (L) of this section shall upon conviction be subject to a class 5 forfeiture for the first offense in a 12 month period, a class 4 forfeiture for the second offense in a 12 month period and a class 1 forfeiture for the third or subsequent offense in a 12 month period.

(3) A separate offense exists each calendar day during which a violation occurs or continues.

(O) Severability. If any provision, clause, sentence, paragraph, or phrase of this section or the application thereof to any person or circumstances is held, for any reason by a court of competent jurisdiction, to be invalid or unconstitutional, such decision shall not affect the validity of other provisions or applications of the provisions of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

9-4-21: Resisting or obstructing officer:

(A) Lawful authority: No person shall knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority.

(B) Definitions: In this section:

(1) "Officer" means a peace officer or other public officer or public employee having the authority by virtue of his or her office or employment to take another into custody.

(2) "Obstruct" includes, without limitation, knowingly giving false information to the officer with intent to mislead him or her in the performance of his or her duty including the service of any summons or civil process.

(C) Serving or executing summons: Whoever, by violating this section, hinders, delays or prevents an officer from properly serving or executing any summons or civil process, is civilly liable to the person injured for any actual loss caused thereby and to the officer or his or her superior for any damages adjudged against either of them by reason thereof.

(D) Penalty: Any person who violates this section shall upon conviction be subject to a class 2 forfeiture.

9-4-22: Issue of worthless check:

(A) Unlawful acts. It shall be unlawful for any person to issue any check or other order for the payment of any amount which, at the time of issuance, he or she intends shall not be paid.

(B) Prima facie evidence. Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(1) Proof that, at the time of issuance, the person did not have an account with the drawee; or

(2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within 5 days after receiving written notice of nonpayment or dishonor to pay the check or other order, delivered by regular mail to either the person's last-known address or the address provided on the check or other order; or

(3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within 5 days after receiving written notice of nonpayment or dishonor to pay the check or other order, delivered by regular mail to either the person's last-known address or the address provided on the check or other order.

(C) Inapplicability. This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.

(D) Restitution. Pursuant to section 800.093 of the Wisconsin statutes, in addition to the other penalties provided for violation of this section a judge may order a violator of this section to make restitution.

(E) Penalty. A person who violates any provision of this section shall upon conviction be subject to a class 2 forfeiture for the first offense and a class 3 forfeiture for the second or subsequent offense within a 12 month period.

9-4-23: Sale of poisons:

(A) No person shall knowingly vend, give away or deliver within the city any poison unless the same is conspicuously labeled "Poison".

(B) A person who violates any provision of this section shall upon conviction be subject to a Class 4 forfeiture.

9-4-24: Unauthorized person prohibited on school grounds:

(A) No student under suspension, expulsion or other discipline excluding him or her from attending school, no person not a student who is enrolled at the school or a person not a parent or guardian of a student who is enrolled at the school, and no person not otherwise authorized to be present in the school or upon the school grounds shall be present within the school or upon its grounds, unless in direct route to secure authorization from the school principal or other person in charge of the school.

(B) Any person present within the school or upon its grounds shall, upon the request of the principal or any other person in charge of the school or its grounds, or upon the request of any police officer, display any written authorization which he or she may have to be present, or otherwise explain his or her presence.

(C) All entrances to school buildings shall be posted with a notice stating "Entry into school buildings or premises by unauthorized persons is prohibited" or a notice that conveys substantially the same meaning.

(D) Authorization to be present at one school shall not be construed as authorization to be present at any other school.

(E) This section applies to all schools within the city which are under the jurisdiction of the board of the school district of Monroe.

(F) Any person who violates any provision of this section shall upon conviction be subject to a Class 3 forfeiture.

9-4-25: Littering:

(A) No person may litter any public place by depositing, dropping, or throwing any form of trash or refuse any place other than a waste receptacle, nor may any person deposit, drop or throw any form of trash or refuse upon any private place without the consent of the owner.

(B) Any person violating this section shall upon conviction be subject to a Class 5 forfeiture.

9-4-26: Theft:

(A) Theft: No person may intentionally take and carry away, use, transfer, conceal, or retain possession of the moveable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

(B) Definitions: For this section, definitions may be found in subsection 943.20(2), Wisconsin statutes, and all acts supplementary and amendatory thereto.

(C) Penalty: Any person who violates this section shall upon conviction be subject to a class 3 forfeiture.

9-4-27: Retail theft:

(A) Definitions: In this section:

“Merchant” means any "merchant" as defined in section 402.104(3) of the Wisconsin statutes or any innkeeper, motelkeeper or hotelkeeper.

“Value of merchandise” means: a) For property of the merchant, the value of the property, not to exceed $1,000.00 for each item of property; or b) For merchandise held for resale, the merchant's stated price of the merchandise, not to exceed $1,000.00 for each item of merchandise, or, in the event of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price, not to exceed $1,000.00 difference for each price so altered, transferred or removed.

(B) Penalty: Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise, shall upon conviction be subject to a Class 2 forfeiture.

(C) Evidence of intent: The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment by the person so concealing such goods.

(D) Procedure to detain: A merchant or merchant's adult employee who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose of the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Any merchant or merchant's adult employee who acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.

(E) Evidence; privilege:

(1) In any action or proceeding for violation of this section, identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(2) A merchant or merchant's adult employee is privileged to defend property as prescribed in section 939.49 of the Wisconsin statutes.

(F) Additional penalties:

(1) In addition to the other penalties provided for violation of this section, a judge may order a violator to pay restitution as provided under section 973.20 of the Wisconsin statutes. A victim may not be compensated under both this section and section 943.51 of the Wisconsin statutes.

(2) In actions concerning violations of this section, a judge may order a violator to make restitution under section 800.093 of the Wisconsin statutes. A victim may not be compensated under sections 800.093 and 943.51 of the Wisconsin statutes.

(3) If the court orders restitution under subsections (F)(1) and (F)(2 of this section, any amount of the restitution paid to the victim under one of those subsections reduces the amount the violator must pay in restitution to the victim under the other subsection.

9-4-28: Failure to return library materials:

(A) In this section, "library materials" include any book, plate, pictures, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, equipment, regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a municipal library situated or based within the city.

(B) Any person who takes and carries away any library material with the consent of a library official, agent or employee and fails, after the notice required by this section, to timely return the library material, shall upon conviction be subject to a class 4 forfeiture.

(C) No person shall be charged with a violation of this section unless such person is provided written notice signed by a library official, agent or employee setting forth at least the following: a reasonable description of the library materials; the date that the library materials were due to be returned; the final date by which either the library materials are to be returned or a written explanation made to the library that the library materials are incapable of being returned because they are lost or destroyed; and the statement: "Your failure to comply with the demands of this notice will subject you to being prosecuted for a violation of section 9-4-28 of the this code (failure to return library materials)" or a statement conveying substantially the same information.. Such notice shall be served either by regular, first class mail sent to the person's last known address or by personal service upon such person.

9-4-29: Fraud on residential landlords:

(A) Unlawful acts. It shall be unlawful for any tenant, with intent to defraud, to do any of the following:

(1) Intentionally abscond without paying rent that has been contractually agreed upon in an oral or written lease with a landlord. Prima facie evidence of intentionally absconding will be established if a tenant fails to pay rent due before vacating the rental premise, and the non-payment of rent continues for five days after vacation of the premise; or

(2) Issue any check, money order or any other form of bank or monetary draft as a payment of rent, where such document lacks sufficient funds, where the account is closed, or where such draft is unredeemable in any other form or fashion.

(B) Applicability. This chapter shall apply to rental agreements between residential landlords and tenants only. The words and terms used in this section shall be defined and construed in conformity with the provisions of chapter ATCP 134 of the Wisconsin administrative code, chapter 704 of the Wisconsin statutes, and section 990.001(2) of the Wisconsin statutes.

(C) Penalty. Any person who violates any provision of this section shall upon conviction be subject to a class 3 forfeiture for the first such offense. For the second or subsequent offense, any person who violates any provision of this section shall upon conviction be subject to a class 2 forfeiture.

9-4-30: Obtaining utility service by fraud:

(A) Telecommunications service and video service defined. In this section “telecommunications service” shall have the meaning set forth in section182.017(1g)(cq) of the Wisconsin statutes and the term "video service" shall have the meaning set forth in section 943.46(1)(c) of the Wisconsin statutes.

(B) Unlawful acts. It shall be unlawful for any person, with intent to defraud, to obtain or attempt to obtain telecommunication service, video service, gas service, sewer service or water service by any of the following means:

(1) Rearranging, tampering with or making connections with any facilities or equipment;

(2) Using any contrivance, device or means to avoid payment of the lawful charges, in whole or in part, for such service;

(3) Charging such service to another subscriber without the consent of such subscriber thereto, or the legitimate holder thereof.

(C) Applicability. This section shall apply when the services either originate or terminate, or both, in this city, or when the charges for services would have been billable, in normal course, by a person providing the services in this city but for the fact services were obtained, or attempted to be obtained, by one or more of the means set forth in this section.

(D) Penalty. Any person who violates any provision of this section shall upon conviction be subject to a class 3 forfeiture for the first such offense. For the second and subsequent offense, any person who violates any provision of this section shall upon conviction be subject to a class 2 forfeiture.

9-4-31: Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station:

(A) Recreational attraction defined. In this section, "recreational attraction" means a public accommodation designed for amusement and includes theaters, entertainment venues, racetracks, swimming pools, trails, golf courses, carnivals, and amusement parks.

(B) Unlawful acts. It shall be unlawful for any person, with intent to defraud, to do any of the following:

(1) Having obtained any beverage, food, lodging, ticket or other means of admission, or other service or accommodation at any campground, hotel, motel, boarding or lodging house, restaurant, or recreational attraction, intentionally absconds without paying for it.

(2) While a guest at any campground, hotel, motel, boarding or lodging house, or restaurant, intentionally defrauds the keeper thereof in any transaction arising out of the relationship as guest.

(3) Having obtained any transportation service from a taxicab operator, intentionally absconds without paying for the service.

(4) Having obtained gasoline or diesel fuel from a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail, intentionally absconds without paying for the gasoline or diesel fuel.

(C) Under this section, prima facie evidence of an intent to defraud is shown by:

(1) The refusal of payment upon presentation when due, and the return unpaid of any bank check or order for the payment of money, given by any guest to any campground, hotel, motel, boarding or lodging house, or restaurant, in payment of any obligation arising out of the relationship as guest. Those facts also constitute prima facie evidence of an intent to abscond without payment.

(2) The failure or refusal of any guest at a campground, hotel, motel, boarding or lodging house, or restaurant, to pay, upon written demand, the established charge for any beverage, food, lodging or other service or accommodation actually provided.

(3) The giving of false information on a lodging registration form or the giving of false information or presenting of false or fictitious credentials to obtain any beverage or food, lodging or credit.

(4) The drawing, endorsing, issuing or delivering to any campground, hotel, motel, boarding or lodging house, or restaurant, of any check, draft or order for payment of money upon any bank or other depository, in payment of established charges for any beverage, food, lodging or other service or accommodation, knowing that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

(D) If a person has obtained a ticket, another means of admission, or an accommodation or service provided by the recreational attraction, his or her failure or refusal to pay a recreational attraction the established charge for the ticket, other means of admission, or accommodation or service provided by the recreational attraction constitutes prima facie evidence of an intent to abscond without payment.

(E) The refusal to pay a taxicab operator the established charge for transportation service provided by the operator constitutes prima facie evidence of an intent to abscond without payment.

(F) The failure or refusal to pay a service station, garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale at retail the established charge for gasoline or diesel fuel provided by the service station, garage, or other place constitutes prima facie evidence of an intent to abscond without payment.

(G) Penalty.

(1) Any person who is convicted of an offense under subsections (B)(1), (B)(2), or (B)(3) of this section shall be subject to a class 2 forfeiture for the first such offense. Any person who is convicted of an offense under subsections (B)(1), (B)(2), or (B)(3) of this section a second or subsequent time within a 12 month period shall be subject to a class 1forfeiture.

(2) Any person who is convicted of an offense under subsection (B)(4) of this section shall be subject to a class 3 forfeiture for the first such offense. Any person who is convicted of an offense under subsections (B)(4) of this section a second or subsequent time within a 12 month period shall be subject to a class 2 forfeiture.

9-4-32: Purchase or possession of tobacco products prohibited:

(A) State statute adopted: Section 254.92 of the Wisconsin statutes regulating the purchase or possession of tobacco products by a person under 18 years of age is hereby adopted by reference.

(B) Penalty: Any person violating any provision of this section shall upon conviction be subject to a class 5 forfeiture.

9-4-33: Restrictions on sale or gift of cigarettes or tobacco products:

(A) State statute adopted: Section 134.66 of the Wisconsin statutes establishing restrictions on the sale or gift of cigarettes or tobacco products is hereby adopted by reference.

(B) Penalty: Any person violating any provision of this section shall upon conviction be subject to a Class 3 forfeiture.

9-4-34: Curfew:

(A) Definitions: In this section:

“Curfew hours” means a) one minute after 11:00 PM on any day, until 5:00 AM the following day, for any person under 16 years of age; b) one minute after 1:00 AM on any day, until 5:00 AM the same day, for any person 16 years of age or older, but less than 18 years of age.

“Emergency” means any unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Establishment” means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

“Guardian” means a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom the minor has been placed by a court.

“Minor” means any person under 18 years of age.

Parent” means a person who is a natural parent, adoptive parent, or stepparent of another person; or a person at least 18 years of age and specifically authorized by a parent or guardian to have care and control of a minor.

“Public place” means any place to which the public or a substantial group of the public has access and includes streets, highways, sidewalks, public parking lots, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and businesses.

“Remains” means to linger or stay; or fail to leave premises when requested to do so by a police officer or the operator or person in control of the premises.

“Serious bodily injury” means bodily injury that creates substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) Offenses:

(1) A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if the parent or guardian knowingly permits, or by insufficient

control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(C) Defenses:

(1) It is a defense to prosecution under subsection (B) of this section if the minor was:

A) Accompanied by the minor's parent or guardian;

B) On an errand specifically authorized by the minor's parent or guardian, without any detour or stop;

C) In a motor vehicle involved in interstate travel, without any detour or stop;

D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

E) Involved in an emergency;

F) On the sidewalk abutting the minor's residence or abutting the residence of a next - door neighbor if the neighbor did not complain to the police department about the minor's presence;

G) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, school, civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, school, civic organization, or another similar entity that takes responsibility for the minor.

(D) Enforcement: Before taking any enforcement action under this section, a police officer shall ask the suspected offender's age and reason for being in the public place or on the premises. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) of this section is present.

(E) Penalty: Any person who violates any provision of this section shall upon conviction be subject to a class 5 forfeiture for the first such offense. For the second and subsequent offense, any person who violates any provision of this section shall upon conviction be subject to a Class 4 forfeiture.

9-4-35: Marijuana, synthetic cannabinoids and drug paraphernalia:

(A) Definitions: In this section:

"Marijuana" shall have the meaning set forth in section 961.01(14) of the Wisconsin statutes.

"Drug paraphernalia" shall have the meaning set forth in section 961.571 of the Wisconsin statutes.

"Synthetic cannabinoids" shall mean the substances set forth in section 961.14(4)(tb) of the Wisconsin statutes.

(B) Wisconsin statutes adopted: Sections 961.14(4)(tb), 961.573(1) and (2), 961.574(1) and (2), and 961.575(1) and (2) of the Wisconsin statutes are hereby adopted by reference.

(C) Possession of marijuana prohibited: No person shall possess 25 grams or less of marijuana within the city.

(D) Possession of synthetic cannabinoids prohibited: No person shall possess synthetic cannabinoids within the city.

(E) Possession of drug paraphernalia: No person shall possess drug paraphernalia within the city.

(F) Penalty:

(1) Any person who violates subsections (C) or (D) of this section shall upon conviction be subject to a class 2 forfeiture. The forfeiture provided in this subsection shall be doubled for any person who is convicted of violating subsections (C) or (D) of this section on or within a school bus, or within 500 feet of any private or public school, church, park or playground.

(2) Any person who violates subsection (E) of this section shall upon conviction be subject to a class 3 forfeiture. The forfeiture provided in this subsection shall be doubled for any person who is convicted of violating subsection (E) of this section on or within a school bus, or within 500 feet of any private or public school, church, park or playground.

9-4-36: Truancy, habitual truancy, dropout, and contributing to truancy:

(A) Definitions: In this section:

"Acceptable excuse" means any of the following: a) The pupil has graduated from high school; b) A pupil, age 16 or over and who qualifies as a child at risk as defined in the general school operations section of the Wisconsin statutes, and upon written approval by the school board and the pupil's parent or guardian, in lieu of high school or on a part-time basis, may attend a vocational or technical college program leading to the pupil's high school graduation; c) The pupil, age 16 and over, may be excused by the school board if the pupil's parent or guardian agrees in writing that the pupil will participate in a program or curriculum leading to the pupil's high school graduation or high school equivalency diploma, including, but not limited to modifications within the pupil's current academic program, a school work training or work study program, enrollment in any alternative public school or program located in the school district in which the pupil resides, enrollment in any nonsectarian private school or program, homebound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the pupil is enrolled or enrollment in any public educational program located outside the school district in which the pupil resides; d) Any pupil who is excused by the school board because the pupil is temporarily not in proper physical or mental condition to attend a school program, but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the pupil to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist, psychologist, or Christian science practitioner as sufficient proof of the physical or mental condition of the pupil. An excuse under this subsection shall be in writing and shall state the time period for which it is valid, not to exceed 30 days; e) A pupil excused in writing by his or her parent or guardian before the absence. A pupil may not be excused for more than 10 days in a school year under this subsection; f) Instruction in a home-based private educational program, as approved by the school board; g) Any other reason established by the school board specifying when pupils may be permitted to be excused from a public school.

"Act of commission or omission" means anything that contributes to the truancy of a pupil, whether or not the pupil is adjudged to be in need of protection or services, if the natural and probable consequences of that act would be to cause the pupil to be truant.

"Dropout" means a pupil, who has ceased to attend school, continues to reside in the school district, does not attend a public, private or vocational, technical and adult education district school or home-based private educational program on a full-time basis, and has not graduated from high school and does not have an acceptable excuse.

"Habitual truant" means a pupil who is absent from school without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

"Operating privilege" means the authorization to operate a motor vehicle, or to obtain any license, including the authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted or occupational driver's licenses.

"Pupil" means a child between the ages of six and 18, who is a resident of the city, or who attends a school in the city, and who is required under the compulsory school attendance laws of Wisconsin to attend school regularly.

"School attendance officer" means an employee, or employees, designated by the school board to deal with matters relating to school attendance and truancy.

"Truant" means a pupil who is absent from school without an acceptable excuse for part or all of any day on which school is held during a school semester.

(B) Offenses:

(1) No pupil shall be a truant.

(2) No pupil shall be a habitual truant.

(3) No pupil shall be a dropout.

(4) No person, 18 years of age or older, who has care, custody, or control over a pupil shall fail to cause the pupil to attend school regularly, and no person shall perform any act of commission or omission, which act encourages or contributes to a pupil's truancy or habitual truancy from school. It is a defense to this section if the person can show that he or she cannot comply with this section due to the disobedience of the pupil.

(C) Disposition: If a pupil is adjudged to be a truant, a habitual truant, or a dropout, or a person adjudged to have contributed to truancy, then the court shall enter a dispositional order including one or more of the following:

(1) Truant:

A) An order for the person to attend school.

B) A class 5 forfeiture plus costs for a first violation, or a class 4 forfeiture plus costs for any second or subsequent violation committed within 12 months, subject to the juvenile justice code of the Wisconsin statutes and subject to a maximum cumulative forfeiture amount of not more than the maximum class 4 forfeiture multiplied by 5 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the pupil, the parents or guardian of the pupil, or both.

(2) Habitual truant:

A) An order for the person to attend school.

B) A class 1 forfeiture plus costs, subject to the juvenile justice code of the Wisconsin statutes. All or part of the forfeiture plus costs may be assessed against the pupil, the parents or guardian of the pupil, or both.

C) Suspension of the pupil's operating privilege, for not less than 30 days, nor more than one year. The court shall immediately take possession of any suspended licenses and forward it to the department of transportation and a notice stating the reason for and the duration of the suspension.

D) An order for the pupil to participate in counseling or a supervised work program or other community service work as described in the juvenile justice code of the Wisconsin statutes. The costs of any such counseling, supervised work program or other community service work may be assessed against the pupil, the parents or guardians of the pupil, or both.

E) An order for the pupil to remain at home except during hours in which the pupil is attending religious worship or a school program, including the travel time required to and from the school program or place of worship. The order may permit a pupil to leave his or her home if a parent or guardian accompanies the pupil.

F) An order for the pupil to attend an educational program as described in the juvenile justice code of the Wisconsin statutes.

G) An order for the Wisconsin department of workforce development to revoke, under section 103.72 of the Wisconsin statutes, a permit under section 103.70 of the Wisconsin statutes authorizing the employment of the pupil.

H) An order for the pupil to be placed in a teen court program as described in the juvenile justice code of the Wisconsin statutes.

I) An order placing the pupil under formal or informal supervision, as described in the juvenile justice code of the Wisconsin statutes, for up to one year.

J) An order for the pupil'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 pupil, or both.

K) 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.

(3) Dropout:

A) The court may suspend the operating privilege of a pupil, age 16 or older, until the pupil reaches the age of eighteen (18). The court shall immediately take possession of any suspended licenses and forward it to the Wisconsin department of transportation and a notice stating the reason for and the duration of the suspension.

(4) Contributing to truancy:

A) Any person found to be contributing to truancy or contributing to habitual truancy shall upon conviction be subject to a class 5 forfeiture for the first offense, and subject to a class 4 forfeiture for the second or subsequent offense.

(D) Prerequisites for conviction of habitual truancy, dropout, and contributing to truancy: No parent or guardian having control of a pupil may be convicted of contributing to truancy, nor any pupil may be convicted of habitual truancy or being a dropout, unless appropriate school personnel or the school attendance officer has, within one year before the commencement of prosecution, done all of the following:

(1) Met with the pupil's parent or guardian to discuss the pupil's truancy or attempted to meet with the pupil's parent or guardian and received no response or were refused.

(2) Provided an opportunity for educational counseling to the pupil and considered curriculum modifications.

(3) Evaluated the pupil to determine whether learning problems are the cause of the truancy and, if so, taken steps to overcome the learning problems.

(4) Conducted an evaluation to determine whether social problems are the cause of the pupil's truancy and, if so, taken appropriate action or made appropriate referrals.

(E) Applicability: Subsections (D)(2), (D)(3), and (D)(4) of this section shall not apply if the school attendance officer provides evidence that appropriate school personnel were unable to carry out the activity due to the pupil's absences from school.

***Chap. 9-4 history: 9-4-1**: 1991-12-17; 2016 code; **9-4-2**: 1983-10-18; 1995-9-5; 2016 code; **9-4-3**: 1991-12-17; 2016 code; **9-4-4**: 1983-10-18; 2016 code; **9-4-5**: 2014-11-5; 2016 code; **9-4-6**: 1985-7-2; 2016 code; **9-4-7**: 1984-6-19; 1986-3-18; 1993-5-5; 2010-10-19; 2016 code; **9-4-8**: 2012-8-10X; 2016 code; **9-4-9**: 1984-6-19; 2016 code; **9-4-10**: 1997-7-9; 2016 code; **9-4-11**: 1990-11-20; 2001-9-4; 2002-11-6; 2016 code; **9-4-12**: 1991-12-17X; 2016 code; **9-4-13**: 2016 code; **9-4-14**: 1991-12-17; 2016 code; **9-4-15**: 1981-9-1; 2016 code; **9-4-16**: 1988-6-21; 2005-3-1; 2016 code; **9-4-17**: 1984-9-4; 2016 code; **9-4-18**: 2011-12-29; 2016 code; **9-4-19**: 1969 code; 1991-12-17; 2016 code; **9-4-20**: 2014-5-20; 2016 code; **9-4-21**: 1984-6-19; 2016 code; **9-4-22**: 2014-1-7; 2016 code; **9-4-23**: 1991-12-17; 2016 code; **9-4-24**: 1983-6-7; 2016 code; **9-4-25**: 1983-9-20; 2016 code; **9-4-26**: 1996-1-16; 2016 code; **9-4-27**: 1994-3-1; 2016 code; **9-4-28**: 1984-2-7; 1984-7-3; 2016 code; **9-4-29**: 2012-10-16; 2016 code; **9-4-30**: 2012-10-16; 2016 code; **9-4-31**: 2012-10-16; 2016 code; **9-4-32**: 1994-3-1; 2016 code; **9-4-33**: 1994-3-1; 2016 code; **9-4-34**: 1998-6-2; 2016 code; **9-4-35**: 2015-6-16; 2016 code; **9-4-36**: 2001-3-6; 2016 code*

TITLE 9: POLICE REGULATIONS

Chapter 5: ABANDONED VEHICLES

9-5-1 Abandonment prohibited
9-5-2 Impoundment and disposition of abandoned vehicles
9-5-3 Penalty

9-5-1: Abandonment prohibited: No person shall leave unattended any motor vehicle, trailer, semi-trailer or mobile home on any public highway or private or public property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any vehicle has been left unattended without the permission of the property owner for more than 48 hours, the vehicle is considered abandoned and constitutes a public nuisance.

9-5-2: Impoundment and disposition of abandoned vehicles:

(A) Any vehicle found in violation of section 9-5-1 of this chapter shall be impounded until lawfully claimed or disposed of according to section 342.40 of the Wisconsin statutes.

(B) The chief of police shall be the designated representative of the city under this section.

(C) Storage fees shall be set by action of the council. Towing will be based on actual costs incurred.

9-5-3: Penalty: Any person who violates the provisions of this chapter shall upon conviction be subject to a class 4 forfeiture.

Chap. 9-5 history: 9-5-1*: 1972-1-4; 2016 code;* ***9-5-2****: 1983-5-17; 2016 code;* ***9-5-3****: 1985-7-2; 2016 code*

TITLE 10: VEHICLES AND TRAFFIC

Chapter 1 DEFINITIONS
Chapter 2 TRAFFIC CODE
Chapter 3 BICYCLE REGULATIONS
Chapter 4 PLAY VEHICLES REGULATIONS
Chapter 5 USE AND OPERATION OF SNOWMOBILES
Chapter 6 ALL-TERRAIN VEHICLES
Chapter 7 NEIGHBORHOOD ELECTRIC VEHICLES

TITLE 10: VEHICLES AND TRAFFIC

Chapter 1: DEFINITIONS

10-1-1 Definitions

10-1-1: Definitions: In this title:

"All-terrain vehicle" means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

"All-terrain vehicle route" means a highway or sidewalk designated by the city for use by all-terrain vehicle operators.

"Bicycle" means every device propelled by the feet acting upon pedals and having wheels, any two of which are not less than 14 inches in diameter.

"Bicycle identification tag" means a sticker issued by the city indicating that a bicycle is properly registered.

"Bicycle lane" means that portion of a roadway three feet in width measured from the curb, or if there is no curb the edge of the paving, designated by resolution of the council for the use of bicycles, electric personal assistive mobility devices or other modes of travel.

"Bicycle route" means any bicycle lane, street or alley which has been designated as a bicycle route by resolution of the council and which is identified by appropriate signs and markings.

"Business district" means the territory abutting a street when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

"Engine brake" means a device that converts a power-producing diesel engine into a power-absorbing air compressor, resulting in a net energy loss.

"Golf cart" means a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

"Gross vehicle weight rating" means the value specified by the vehicle manufacturer, including secondary or final stage manufacturer, as the loaded weight of a vehicle.

"Immediate family" means father, mother, brother, sister, son or daughter.

"In-line skates" means any skates with wheels arranged singly in a tandem line rather than in pairs.

"Low-pressure tire" means a tire which has a minimum width of six inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed six pounds per square inch as recommended by the manufacturer.

"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 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 model homes, are not mobile recreational vehicles.

"Neighborhood electric vehicle" means a four-wheeled motor vehicle that is propelled by electric power, that is capable of traveling at a speed on a paved level surface of more than 20 miles per hour and not more than 25 miles per hour, 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. "Neighborhood electric vehicle" does not include a golf cart.

"Neighborhood electric vehicle route" means that portion of state trunk highway 69 lying within the city and within and between its intersections with 2nd Street and 30th street, and any street, alley or highway within the city having a posted speed limit of 35 miles per hour or less, but not including any part of a state trunk highway other than that portion of state trunk highway 69 expressly set forth herein.

"Operate or operation" means to exercise physical control over the speed or direction of a vehicle, an all-terrain vehicle or a

snowmobile, or to physically manipulate or activate any of the controls of a vehicle, an all-terrain vehicle, or a snowmobile necessary to put it in motion.

“Operator” means, unless the context otherwise requires, a person who operates a vehicle, an all-terrain vehicle or a snowmobile, or who is responsible for or exercises control over the speed or direction of a vehicle, an all-terrain vehicle or a snowmobile or a person who is supervising an all-terrain vehicle.

“Parking stall” means an area delineated by markings on the pavement or other surface with a width and length sufficient to contain a single vehicle.

“Person” means a natural person, whether minor or adult.

“Play vehicle” means a coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride, but does not include in-line skates.

“Residence district” means the territory abutting or within 175 feet of any street not comprising a business district where the frontage on such street for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

“Ride or riding” means either wholly or partially sitting, standing or lying upon a play vehicle, bicycle or in-line skates by a person whether such play vehicle, bicycle or in-line skates is in motion or stationary.

“Right-of-way” means the right of one operator or pedestrian to proceed in a lawful manner in preference to another operator or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

“Row of parking stalls” means a series of parking stalls designed and arranged to accommodate vehicles facing in a single direction where each parking stall in the series shares at least one common boundary with another parking stall in the series.

“Semitrailer” means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle, but does not include a mobile home or a mobile recreational vehicle. A vehicle used with a ready−mix motor truck to spread the load is considered a semitrailer.

“Snowmobile” means an engine driven vehicle that is manufactured solely for snowmobiling, that has an endless belt tread and sled type runners, or skis, to be used in contact with snow but does not include such a vehicle that has inflatable tires or a vehicle that is driven by a motor of four horsepower or less and that is operated in sanctioned races, derbies, competitions or exhibitions or only on private property.

“Street” means a way or thoroughfare within the city that is used for vehicular travel by the public, including both streets and avenues, but not including an alley.

“Unmuffled engine brake” means an engine brake that is not equipped with a muffler in good working order.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except railroad trains. A snowmobile or neighborhood electric vehicle shall not be considered a vehicle except for purposes made specifically applicable by law.

“Trailer” means a vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

“VIN” means a series of Arabic numbers and roman letters that is assigned to a motor vehicle for identification purposes under the requirements of 49 CFR 565.

Chap. 10-1 history: 10-1-1*: 2010-2-2; 2012-5-25; 2015-2-17; 2016 code*

TITLE 10: VEHICLES AND TRAFFIC

Chapter 2: TRAFFIC CODE

10-2-1 State traffic laws adopted
10-2-2 Speed limits
10-2-3 General parking regulations
10-2-4 Parking permits
10-2-5 Parking during snow removal
10-2-6 Pedestrian safety
10-2-7 Unmuffled engine braking prohibited
10-2-8 Penalties
10-2-9 Enforcement

10-2-1: State traffic laws adopted

(A) Wisconsin statute: Except as otherwise specifically provided in this chapter, the provisions in chapters 340 to 348 of the Wisconsin statutes, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted by reference made a part of this chapter.

(B) Wisconsin administrative code: Except as otherwise specifically provided in this chapter, the provisions in the following chapters of the Wisconsin administrative code are hereby adopted by reference made a part of this chapter

TRANS 146: Reciprocity – nonresident motor carriers.
TRANS 300: Transportation of school children
TRANS 302: Lettering on vehicles, display of evidence of registration and dual permit.
TRANS 305: Standards for motor vehicle equipment.
TRANS 308: Requirements for trailer and semi-trailer brake, hitch and coupling, safety chains, cables and leveling bars.
TRANS 326: Transportation of explosives by motor vehicles.

(C) Any act required to be performed, or prohibited, by any statute or administrative code incorporated by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of statute or administrative code sections incorporated by reference are intended to be made part of this chapter.

10-2-2: Speed limits: The council hereby finds that the speed limits that would apply on the following streets, or portions thereof, under the statutes adopted by reference, are unreasonable, unsafe and imprudent and such speed limits shall be as follows:

(A) 15 Miles per hour: The speed limit shall be 15 miles per hour on the following streets:

10th street: from 15th avenue to 18th avenue.
11th street: from 15th avenue to 18th avenue.
16th avenue: from 9th street to 12th street.
17th avenue: from 9th street to 12th street.

(B) 25 Miles Per Hour: The speed limit shall be 25 miles per hour on the following streets:

West 2nd street: from 6th avenue west to 4th avenue west.
4th street: from 18th avenue to 22nd avenue
6th street: from 1st avenue to 10th avenue.
West 7th street: entire length
8th street: from 1st avenue to 10th avenue west.
11th street: from sth 69 to 17th street.
17th street: from sth 69 west to the city limits.
21st street: from 4th avenue to the west city limits.
1st avenue: from 3rd street to 8th street.
3rd avenue: from 2nd street to 8th street.
4th avenue west: from west 21st street to north city limits.
6th avenue west: from west 8th street to west 2nd street.
8th avenue: from 2nd street to 8th street.
9th avenue west: entire length
17th avenue: from 26th street south to the city limits.
18th avenue: from 6th street to the badger state recreational trail crossing.

27th avenue: from 18th street south to the city limits.

(C) 35 Miles per hour: The speed limit shall be 35 miles per hour on the following streets:

STH 69: between the south city limits and its intersection with state highways 11 and 81.
18th avenue: from the state highway 11 overpass to the badger state recreational trail crossing.
county trunk k: from 13th street to 18th street.

(D) 45 Miles per hour: The speed limit shall be 45 miles per hour on the following streets:

STH 69: from the state highway 11 overpass of 18th avenue to the north city limits.
Aebly road: from north city limits to state highway 69.

(E) 55 Miles per hour: The speed limit shall be 55 miles per hour on those segments of state highways 11, 69 and 81 lying within the city between the highway 59 overpass and a point where the roadbed would intersect with 10th avenue west if 10th avenue west were projected across such roadbed.

10-2-3: General parking regulations:

(A) Parking Restrictions:

(1) 48 hour vehicle parking: It shall be unlawful for the owner or operator of a vehicle to cause or permit such vehicle to be parked on any street, alley or public parking lot in the city for more than 48 consecutive hours. This subsection shall not preclude placement of a vehicle that has been expressly authorized in a permit issued by the city.

(2) City-wide large vehicle and semitrailer parking restrictions: It shall be unlawful for the operator of any vehicle having a gross vehicle weight rating of 16,000 pounds or more, or a semitrailer, to cause or permit such vehicle or semitrailer to be parked on any street, alley or public parking lot within the city during the period commencing at 12:00 midnight and ending at 7:00 AM, Sunday through Saturday, inclusive, except to comply with official traffic signs or signals, directions of a traffic officer or for such limited time as is reasonably necessary for the loading, unloading or emergency repairs of such vehicle or semitrailer. This subsection shall not preclude placement of a vehicle that has been expressly authorized in a permit issued by the city.

(3) Residence district parking restrictions: It shall be unlawful for the operator of any vehicle having a gross vehicle weight rating of 16,000 pounds or more, or a trailer, to park or leave standing such vehicle or trailer within a residence district with engines or auxiliary motors operating, except to comply with official traffic signs or signals, directions of a traffic officer, or for such limited time as is reasonably necessary for the loading or unloading or emergency repairs of such vehicle or trailer.

(4) Size and weight limitations: It shall be unlawful for the owner or operator of a vehicle to cause or permit such vehicle to be parked upon any city parking lot if such vehicle does not comply with size and weight limits established for such location if appropriate signage stating the applicable size and weight limits has been posted. Size and weight limitations shall be established from time to time by resolution of the council.

(5) Mailboxes: It shall be unlawful for the owner or operator of a vehicle to park or leave parked any vehicle on that portion of any street in the city that lies within 15 feet of a mailbox used for rural delivery of U.S. mail or otherwise park in the vicinity of such mailbox in such a manner as to prevent a mail carrier from driving up to and placing mail in such mailbox from his or her vehicle.

(6) Parking in terrace: It shall be unlawful for the owner or operator of any vehicle or other object to cause or permit such vehicle or object to be parked or placed within the terrace or area between curb line and property line along any public street, except for purposes of temporary loading or unloading not to exceed eight hours. This subsection shall not be interpreted to preclude temporary placing for pick up of proper containers for garbage or rubbish if such placing is not contrary to any other provision of law, nor shall this subsection preclude parking in such area where a permit has been obtained under this chapter.

(7) Handicapped parking: It shall be unlawful for the owner or operator of any vehicle to park, stop or leave standing such vehicle, whether attended or unattended, upon any portion of a street or public or private parking facility reserved by official signs or markings for those vehicles used by physically disabled persons, or to cause any vehicle to obstruct, block or otherwise limit the use of those areas, unless the vehicle is displaying special registration plates, a special registration card, emblem or other visible permit of whatever type or nature, issued by the state of Wisconsin department of transportation, or another jurisdiction with the lawful authority to issue such permits, which allows the person to use such restricted parking areas.

(8) Parking on state highway. It shall be unlawful for the owner or operator of any vehicle to park or to leave parked such vehicle on any state highway within corporate limits of the city during the period commencing at 2:00 AM and ending at 5:30

AM on any day during the months December, January, February and March if appropriate signs have been posted under section 349.13 of the Wisconsin statutes.

(9) Restricted parking zones: The council, by resolution, may prohibit or restrict vehicle parking in any location. Upon passage of such resolution so designating a location where vehicle parking is prohibited or restricted, the board of public works shall procure, erect and maintain appropriate, standard, traffic signs, signals and markings conforming to the rules of the Wisconsin Department of Transportation giving notice of the particular restrictions applicable to such location and said signs, signals or markings shall be erected in such locations and areas in such a manner as to give adequate warning to the users of said location and area of the restriction placed thereon. Signs shall be placed designating such areas under section 349.13 of the Wisconsin statutes.

(10) Vehicle to be entirely in parking stall. It shall be unlawful for the owner or operator of any vehicle to park or to leave parked any such vehicle in a city owned or managed parking stall unless such vehicle is positioned entirely within a single parking stall.

(11) Timed parking: The council may by resolution establish timed limits applicable to vehicles parked in parking stalls located in rows of parking stalls designated in such resolution.

A) Expired time: It shall be unlawful for the owner or operator of any vehicle leave such vehicle parked in the same parking stall after the timed limit has expired.

B) Vehicle to be moved: It shall be unlawful for the owner or operator of any vehicle to move such vehicle after the timed limit has expired directly to another parking stall in the same row of parking stalls containing the parking stall for which the timed limit has expired, unless a period of time equal to the maximum amount of time a vehicle is allowed to remain in the original parking stall has elapsed between the time the vehicle was removed from the original parking stall and the time the vehicle was parked in another parking stall in the same row of parking stalls.

C) Enforcement: The times during which timed parking limits are enforced shall be set from time to time by resolution of the council.

(12) Winter parking restrictions:

A) It shall be unlawful to park any motor vehicle on any street in the city during the period commencing at 12:00 midnight and ending at 7:00 AM on any day between November 15 of any year and March 31 of the succeeding year, except as provided in this chapter.

B) Between November 15 of any year and March 31 of the succeeding year, parking on city streets shall be allowed on the even-numbered side of the street on the even-numbered days of the month and on the odd-numbered side of the street on the odd-numbered days of the month.

C) Sides of streets are hereby defined as odd or even based upon the last digit of the house or building number of the buildings on that side of the street.

D) The following shall be exempted from the winter parking regulations contained in this subsection:

1) The following streets, and any segments of alleys which intersect with any two of the following streets:

9th street: from 15th avenue to 18th avenue.
10th street: from 14th avenue to 19th avenue.
11th street: from 14th avenue to 19th avenue.
12th street: from 13th avenue to 20th avenue.
17th street: from 13th avenue to 15th avenue.
14th avenue: from 12th street to 13th street.
15th avenue: from 9th street to 12th street.
16th avenue: from 8th street to 13th street.
17th avenue: from 8th street to 13th street.
18th avenue: from 9th street to 12th street.

2) The opposite side of a street where one side of that street is designated “no parking this side of street.”

3) Those areas where 30 minute parking is permitted, during the hours in which such 30 minute parking is permitted.

E) Any vehicle that is parked in violation of the winter parking regulations contained in this subsection may be towed

away by the city at the owner's risk and the cost of towing and storage charged to the registered owner of the vehicle.

(B) Traffic officer may move vehicles: Whenever any traffic officer shall find a vehicle standing upon a street or alley in violation of the provisions of this section, he or she may move such vehicle or require the operator in charge thereof to move such vehicle to a position where parking is not prohibited.

10-2-4: Parking permits: Notwithstanding any provision of this chapter to the contrary, a permit may be issued authorizing the parking of a vehicle, as follows:

(A) Terrace parking: The board of public works may grant a permit authorizing parking of a vehicle in the terrace of any street in an area where such parking does not constitute a traffic hazard if the area is surfaced with crushed rock, blacktop, or concrete, and outlined with one or more parking stalls.

(B) Temporary parking permit: The chief of police, or his or her designee, may grant and issue a temporary parking permit authorizing the owner or operator of a vehicle to park such vehicle on a street for a specific purpose, and for a limited time, subject to the following:

(1) Fee: The fee for issuance of a temporary parking permit under this subsection shall be established from time to time by resolution of the council.

(2) Conditions or limitations: The temporary parking permit may contain reasonable restrictions on the time and manner of use if such restrictions are designed to promote public safety or avoid traffic congestion.

(3) Use for other than stated purpose prohibited: Use of a temporary parking permit for a purpose other than the purpose stated in the permit is prohibited.

(C) Exempt parking permit: The chief of police, or his or her designee, may grant and issue an exempt parking permit authorizing the parking of a vehicle in any parking stall that is located in a row of parking stalls for which the council has by resolution authorized issuance of exempt parking permits, except a parking stall for which a reserved parking permit has been issued.

(1) Fee: The fee for issuance of an exempt parking permit under this subsection shall be established from time to time by resolution of the council.

(2) Conditions or limitations: The exempt parking permit may contain reasonable restrictions on the time and manner of use if such restrictions are designed to promote public safety or avoid traffic congestion.

(3) Term: An exempt parking permit shall be issued for a term not exceeding one year from the date of issuance.

(4) Exemption of holder of exempt parking permit from time-based parking restrictions: The holder of an exempt parking permit shall be exempt from time-based parking restrictions applicable to any parking stall in any row of parking stalls for which the exempt parking permit has been issued.

(5) Display of exempt parking permit: A vehicle parked in a row of parking stalls for which time-based parking restrictions are in effect shall not be exempt from such time-based parking restrictions unless the exempt parking permit is displayed in a manner that is clearly visible through the windshield from the driver's side of the vehicle.

(D) Reserved parking permit: The chief of police, or his or her designee, may grant and issue a reserved parking permit authorizing the parking of a vehicle in any parking stall that is located in a row of parking stalls for which the council has by resolution authorized issuance of reserved parking permits, subject to the following:

(1) Fee: The fee for issuance of a reserved parking permit under this subsection shall be established from time to time by resolution of the Council.

(2) Conditions or limitations: The reserved parking permit may contain reasonable restrictions on the time and manner of use if such restrictions are designed to promote public safety or avoid traffic congestion. A reserved parking permit authorizes the person to whom such permit is issued to park a vehicle only in the parking stall designated in the reserved parking permit.

(3) Term: A reserved parking permit shall be issued for a term not exceeding one year from the date of issuance.

(4) Exemption of holder of reserved parking permit from time-based parking restrictions: The holder of a reserved parking permit shall be exempt from time-based parking restrictions applicable to the Parking Stall for which the reserved parking permit is issued.

(5) Display of reserved parking permit: A vehicle parked in a parking stall for which a reserved parking permit has been issued shall not be lawfully parked in such parking stall unless the reserved parking permit issued for such parking stall is displayed in a manner that is clearly visible through the windshield from the driver's side of the vehicle.

10-2-5: Parking during snow removal:

(A) Parking during snow removal operations: It shall be unlawful for the owner or operator of a vehicle to park or leave parked such vehicle on that portion of any street in the city where the street department is in the process of removing snow, when the street is posted with signs to that effect.

(B) Impound of vehicles hampering snow removal: The street superintendent or his or her employees, or officers of the police department, are hereby authorized to remove any vehicle parked in violation of this section to a public lot or an impound area, or have the same removed thereto.

(C) Notice to move vehicle. It shall be unlawful to leave any vehicle on any city street in a manner that would hamper snow removal for more than one hour after being notified by an authorized representative of the city that such vehicle is to be moved to another location.

(D) Liability for towing charges: The owner or operator of a vehicle removed pursuant to the authority granted by this section shall be liable for towing charges.

(E) Designation of snow removal routes: The following streets, and any segments of alleys which intersect with any two of the following streets, are designated snow routes, from which accumulated snowfalls of two inches or more shall be both plowed and removed:

9th street: from 15th avenue to 18th avenue.
10th street: from 14th avenue to 19th avenue.
11th street: from 14th avenue to 19th avenue.
12th street: from 13th avenue to 20th avenue.
17th street: from 13th avenue to 15th avenue.
14th avenue: from 12th street to 13th street.
15th avenue: from 9th street to 12th street.
16th avenue: from 8th street to 13th street.
17th avenue: from 8th street to 13th street.
18th avenue: from 9th street to 12th street.

(F) Removal of vehicles parked on snow removal route: A motor vehicle parked on or in the right-of-way of the street or alley designated as a snow removal route by this section, may be removed at the owner's expense on order of the street supervisor or his or her assistant, after an accumulation of two inches or more of snowfall. The one hour notice required by subsection (C) of this section shall not apply to any vehicle parked in violation of this subsection.

(G) Warning signs: The superintendent of streets shall post signs along the sections of the streets affected by this section. The signs shall be conspicuous in size and color, and shall read: "Snow Route.-No parking after two inch snowfall or more until removal is complete. Vehicles will be towed."

10-2-6: Pedestrian safety:

(A) School bus lights: A school bus operator shall use flashing red warning lights when loading or unloading passengers at any location not controlled by a traffic signal, where the passengers must cross the street before being loaded or after being unloaded and a sidewalk and curb is laid on both sides of the street.

(B) Pedestrian safety zones: The council, by resolution, may authorize the establishment of and location of crosswalks, safety zones, loading zones, bus stops and taxi stands. Upon passage of such resolution so designating an area as one of the such classifications, the board of public works shall procure, erect and maintain appropriate, standard, traffic signs, signals and markings conforming to the rules of the Wisconsin department of transportation giving notice of the particular designation of such area and the signs shall be erected in such locations and areas in such a manner as to give adequate warning to the users of such location and area of the restriction placed thereon. Signs shall be placed designating such areas under section 349.13 of the Wisconsin statutes.

10-2-7: Unmuffled engine braking prohibited: No person shall use an unmuffled engine brake within the city.

(A) Affirmative defense: It shall be an affirmative defense to prosecution under this section that an unmuffled engine brake was applied in an emergency and the use of such brake was necessary for the protection of persons or property.

(B) Authorized emergency vehicles: The operator of an authorized emergency vehicle shall be exempt from the prohibition in this section.

10-2-8: Penalties: The penalty for violation of any provision of this chapter shall be as follows:

(A) Violation of statute or administrative code provisions adopted by reference: The forfeiture for a violation of any provision of the Wisconsin statutes or the Wisconsin administrative code adopted by reference in this chapter shall be the same as the forfeiture for such violation if it were charged under the corresponding section of the Wisconsin statutes or Wisconsin administrative code, including any permitted suspension or revocation of driving privilege, demerit points, and any variations or increases for a second or subsequent offense.

(B) Other violations: The forfeiture for a violation of this chapter, other than any provision of the Wisconsin statutes or the Wisconsin administrative code adopted by reference in this chapter, shall be as follows:

(1) Violations of parking regulations: Forfeiture amounts for violations of parking regulations shall be established by resolution of the council.

A) Except as provided in subparagraph (b) hereof, each day that a violation exists shall constitute a separate offense.

B) A separate violation of the timed parking restrictions established under section 10-2-3(A) 11 of this chapter shall exist if following issuance of a citation for a violation of such timed parking restrictions the vehicle originally cited has not been moved to a location that is not in violation of such timed parking restrictions within a period of time that is equal to the amount of time parking is permitted at such location.

(2) Compounded penalty for parking violations: A forfeiture amount for any violation of the parking regulations of this chapter shall double if not paid within 14 days following the date the parking citation was issued.

(3) Violations of unmuffled braking regulations: Upon conviction for a violation of section 10-2-7 of this chapter the following penalties shall apply:

A) A class 4 forfeiture upon conviction for the first offense within a 12 month period.

B) A class 3 forfeiture upon conviction for the second offense within a 12 month period.

C) A class 2 forfeiture upon conviction for the third or subsequent offense within a 12 month period.

(4) Revocation or suspension: In addition to any forfeiture, any permitted suspension or revocation of driving privilege or other license or permit, may be imposed as provided in state statutes and this chapter.

(C) Costs of prosecution: In addition to the forfeiture, a person violating any provision of this Chapter shall pay the costs of prosecution.

(D) Failure to pay: Any person who fails to pay a penalty imposed by this chapter shall be subject to the alternate sentencing provisions set forth in sections 345.47 and 800.09 of the Wisconsin statutes.

10-2-9: Enforcement: This chapter shall be enforced under the provisions of sections 345.20 to 345.52 and section 66.0114 of the Wisconsin statutes, and any acts supplementary or amendatory thereto.

(A) Stipulation of guilt or no contest: Stipulations of guilt or no contest may be made by persons charged with violations of this chapter whenever the provisions of section 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and complaint under section 345.11 of the Wisconsin statutes.

(B) Deposit for parking violations: Any person stipulating guilt or no contest to a parking violation may make a deposit in an amount established from time to time by the chief of police and approved by the council. Deposits may be brought or mailed to the police department. If the deposit is received by the police department within seven days following issuance of the parking citation, the deposit shall constitute the entire penalty and the matter shall not be prosecuted in the circuit court and court costs and assessments shall not be added to the penalty.

(C) Deposit for other than parking violations: Any person stipulating guilt or no contest may make a deposit under section 345.26, Wisconsin statutes, or, if the deposit is not established under such statute, shall deposit a penalty as provided in the schedule established by the chief of police and approved by the council. Deposits may be brought or mailed to the police department or the office of the clerk of circuit court.

(D) Receipt: Every officer accepting a deposit under this chapter shall prepare a receipt as provided in section 345.26(3)(b) of

the Wisconsin statutes.

(E) Forfeitures in treasury: The police department shall forward deposits or forfeited penalties to the city treasurer or clerk of courts within 20 days of receipt.

***Chap. 10-2 history: 10-2-1**: 2010-2-2; 2016 code; **10-2-2**: 2010-2-2; 2016 code; **10-2-3**: 2010-2-2; 2012-5-25; 2015-2-17; 2016 code; **10-2-4**: 2010-2-2; 2016 code; **10-2-5**: 2010-2-2; 2016 code; **10-2-6**: 2010-2-2; 2016 code; **10-2-7**: 2010-2-2; 2016 code; **10-2-8**: 2010-2-2; 2016 code; **10-2-9**: 2010-2-2; 2016 code*

TITLE 10: VEHICLES AND TRAFFIC

Chapter 3: BICYCLE REGULATIONS

10-3-1 Purpose
10-3-2 State statutes adopted
10-3-3 Bicycle regulations
10-3-4 Inspection and registration of bicycles
10-3-5 Bicycle dealers and rental agencies
10-3-6 Vehicles permitted to be operated on bicycle route
10-3-7 Penalty

10-3-1: Purpose: The purpose of this chapter is to establish rules and regulations that provide for the safe and enjoyable use of bicycles, and to establish designated bicycle routes within the city, consistent with public rights and interest.

10-3-2: State statutes adopted: Except as otherwise specifically provided in this chapter, the provisions in chapters 340 to 348 of the Wisconsin statutes describing and defining regulations with respect to bicycles, exclusive of any provisions relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter.

10-3-3: Bicycle regulations:

(A) Rules for Operation.

(1) Mode of operation. No bicycle shall be allowed to proceed upon any street or alley in the city by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street or alley in the city.

(2) Trick riding. No person shall operate a bicycle upon any street or alley of the city without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.

(3) Multiple riders. It shall be unlawful for two or more persons to ride on a bicycle at one time on a street or alley, unless the bicycle is designed for and equipped with a seat for each such person.

(4) Emerging from alley or driveway. The operator of a bicycle emerging from an alley, driveway or building shall upon approaching a sidewalk, or the point in an alley or driveway corresponding to the projected edge of the sidewalk on either side of such alley or driveway that is furthest from the street, yield the right-of-way to all pedestrians and upon entering the street shall yield the right-of-way to all vehicles approaching on such street.

(5) Bicycles not to be pulled by moving vehicles. No person riding upon a bicycle shall cling or attach himself or herself or his or her bicycle to any other moving vehicle upon a street or alley.

(6) Bicycles not to tow or draw other objects. No person riding upon a bicycle shall tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such street or alley, except a trailer that is designed for transporting a child or children or property if such trailer is designed to be used for such purpose and is securely attached to the bicycle by mechanical means.

(7) Speed. No person shall operate a bicycle on a street or alley at a speed greater than is reasonable and prudent under then- existing conditions or in the excess of any posted speed limit.

(8) Bicycles to stop for emergency vehicles. The operator of a bicycle shall pull as close to the curb as possible or if there is no curb upon the shoulder of any street and stop when any authorized emergency vehicle approaches with siren or emergency lights engaged.

(B) Rules for turning.

(1) Right turn. The operator of a bicycle upon a street intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street, and in turning, shall keep as closely as practicable to the right-hand edge or curb of the street.

(2) Left turn. The operator of a bicycle upon a street intending to turn to the left at an intersection or into a private driveway shall first signal such turn by hand gesture or an appropriate mechanical or electronic signal device, and shall make such turn from the traffic lane immediately to the right of the center of the street and shall pass immediately to the left of the

center of the intersection.

(3) Controlled Intersections. At any intersection with a street where traffic is controlled by an official traffic sign, traffic control signal or traffic officer, it shall be unlawful for the operator of a bicycle upon a street to disobey such official traffic sign or signal or the instructions of such traffic officer.

(4) Use of crosswalks. Crosswalks shall be used when walking a bicycle through an intersection.

(C) Riding on sidewalk.

(1) It shall be unlawful to operate a bicycle on any sidewalk located within the area which is bounded by 9th street on the north, 13th street on the south, 15th avenue on the west and 18th avenue on the east. Bicycles may be operated upon any other public sidewalks of the city.

(2) In locations where riding a bicycle is permitted on the sidewalk, every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle rider or pedestrian proceeding in the same direction.

(D) Parking. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else. Bicycles shall be parked either upon a street against the curb, in bicycle racks or, if on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic, and not in such a manner as to obstruct the ingress and egress to buildings used by the public. If there is no bicycle rack or other facility intended to be used for the parking of bicycles in the vicinity, the operator may park a bicycle on the sidewalk in an upright position parallel to and within 24 inches of the curb of a street.

10-3-4: Inspection and registration of bicycles:

(A) Registration required. No person shall operate a bicycle upon any street, alley, bicycle lane, sidewalk, public property or bicycle pathway within the city unless such bicycle shall first have been properly registered and a bicycle identification tag attached as required by this section.

(B) Form of registration.

(1) Identification. Every owner of a bicycle shall list and register his or her bicycle with the police department on a form as provided by the department.

(2) Period of registration. All bicycle registrations shall remain in effect for as long as the bicycle is owned by the original registrant.

(3) Owner to register. The police department shall not register any bicycle which it knows or has reasonable grounds to believe is not owned by or lawfully in the possession of the applicant.

(4) Issuance of multiple bicycle identification tags. The police department may issue several sequentially numbered bicycle identification tags to bicycle sales stores in the city. Those stores shall affix bicycle identification tags to bicycles as they are sold.

(C) Registration fee. The fee for issuance of a bicycle identification tag shall be set by resolution of the council.

(D) Records and transmittal of fees.

(1) The police department shall keep at its office a suitable record of applications and registrations.

(2) A complete report shall be made to the city treasurer by the chief of police, or his or her designee, of funds received for bicycle registration fees, and all such fees shall be paid to the city treasurer for deposit as city revenues.

(E) Bicycles to be kept in safe condition. All bicycles shall be kept in safe mechanical condition. The chief of police, or his or her designee, shall have authority to suspend the registration of and remove the bicycle identification tag from any bicycle or to impound any bicycle which is in unsafe mechanical condition or is operated contrary to any state or city law. Such suspension and removal, or impounding shall continue for a period not to exceed 10 days, but the registration shall not be reinstated or such bicycle identification tag replaced if such bicycle is in unsafe condition. Such suspension and removal shall be in addition to other penalties provided by this chapter.

(F) Change of ownership. Within 10 days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation such information shall be reported to the police department by the person in whose

name the bicycle has been registered. No new bicycle identification tag shall be issued and no registration fee shall be charged when ownership of a bicycle is transferred to a member of the registrant's immediate family.

(G) Registration to be displayed. The bicycle identification tag issued under this section shall be affixed to the registered bicycle so as to be plainly seen and read and shall remain so affixed until ordered removed by the police department for cause. The bicycle identification tag shall be installed on the frame of the bicycle which supports the bicycle seat, facing toward the front of the bicycle.

(H) Exemption from registration. Any nonresident may operate a bicycle in the city which is registered in any other municipality without obtaining local registration if a valid bicycle identification tag issued by such other municipality is attached thereto.

(I) Removal and alteration of bicycle identification tags prohibited.

(1) Removal prohibited. No person shall remove a bicycle identification tag from a bicycle.

(2) Alteration prohibited. No person shall alter or counterfeit any bicycle identification tag.

10-3-5: Bicycle dealers and rental agencies:

(A) Buyers. Every person engaged in the business of buying secondhand bicycles shall make a monthly report to the police department listing the name and address of the person from whom each bicycle is purchased, the name, color, type, size and serial number of each bicycle purchased and the number of the bicycle identification tag, if any, found thereon.

(B) Sellers. Every person engaged in the business of selling new or secondhand bicycles shall make a monthly report to the police department listing the name and address of each person to whom each bicycle is sold, the name, color, type, size and serial number of each bicycle sold and the number of the bicycle identification tag, if any, attached thereto.

(C) Rental agencies. No person shall rent or offer to rent any bicycle within the city if such bicycle is not registered, a bicycle identification tag has not been attached, as provided in this chapter, or such bicycle is not equipped as required by the laws of the state of Wisconsin and this chapter.

10-3-6: Vehicles permitted to be operated on bicycle route: Any of the following vehicles may be operated on a bicycle route:

(A) A bicycle.

(B) Any vehicle upon which there is affixed a valid cheese country trail use sticker, except a snowmobile.

(C) If the bicycle route is also a street or alley, any other vehicle that may be lawfully operated on such street or alley.

10-3-7: Penalty: Any person who violates any provision of this chapter shall upon conviction be subject to a Class 5 forfeiture.

Chap. 10-3 history: 10-3-1*: 2010-2-2; 2016 code;* ***10-3-2****: 2010-2-2; 2016 code;* ***10-3-3****: 2010-2-2; 2016 code;* ***10-3-4****: 2010-2-2; 2016 code;* ***10-3-5****: 2010-2-2; 2016 code;* ***10-3-6****: 2010-2-2; 2016 code;* ***10-3-7****: 2010-2-2; 2016 code*

TITLE 10: VEHICLES AND TRAFFIC

Chapter 4: PLAY VEHICLES REGULATIONS

10-4-1 Declaration of purpose
10-4-2 State statutes adopted
10-4-3 Play vehicles regulated
10-4-4 Penalty

10-4-1: Declaration of purpose: The council finds that unregulated operation of play vehicles on public streets, sidewalks, parking lots and other public areas is a hazard both to the public and to individuals operating such play vehicles because such operation tends to conflict with efficient and safe vehicular and pedestrian use of such areas. The council further finds that unregulated operation of play vehicles on private property without permission from the owner of such property is an infringement upon private property rights and leads to confrontations between property owners and persons riding such play vehicles.

10-4-2: State statutes adopted: Except as otherwise specifically provided in this chapter, the provisions in chapters 340 to 348 of the Wisconsin statutes, describing and defining regulations with respect to play vehicles, exclusive of any provisions relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter.

10-4-3: Play vehicles regulated:

(A) Riding on sidewalks regulated: No person may ride a play vehicle on a sidewalk within that part of the city which is bounded by 9th street on the north, 13th street on the south, 15th avenue on the west and 18th avenue on the east. A person may ride a play vehicle upon a sidewalk in any other part of the city, provided, such person shall yield the right of way to any pedestrian lawfully using such sidewalk.

(B) Riding on streets and parking lots prohibited: No person shall ride a play vehicle on any street or public parking lot within the city unless a permit therefor shall have been granted by the council or by any committee, board or commission authorized to grant such permit by resolution of the council.

(C) Riding on private property prohibited: No person shall ride a play vehicle on any private property or property owned by a public entity other than the city, unless written permission shall have been granted therefor by the owner of such property.

(D) Riding in swiss A.L.P.S. cheeseland playground prohibited: No person may ride a play vehicle within that part of recreation park which is enclosed by a fence and designated as the swiss A.L.P.S. cheeseland playground.

(E) In-line skates: No person shall ride upon in-line skates on the streets of that part of the city which is bounded by 9th street on the north, 13th street on the south, 15th avenue on the west and 18th avenue on the east. No person shall ride upon in-line skates on any private property or property owned by a public entity, other than permitted streets and sidewalks, unless written permission shall have been granted therefor by the owner of such property. Every person riding upon in-line skates on any permitted sidewalk or street shall yield the right of way to any pedestrian or vehicle lawfully using such sidewalk or street.

10-4-4: Penalty: Any person who violates any provisions of this chapter shall upon conviction be subject to a Class 5 forfeiture.

Chap. 10-4 history: 10-4-1*: 2010-2-2; 2016 code;* ***10-4-2****: 2010-2-2; 2016 code;* ***10-4-3****: 2010-2-2; 2016 code;* ***10-4-4****: 2010-2-2; 2016 code*

TITLE 10: VEHICLES AND TRAFFIC

Chapter 5: USE AND OPERATION OF SNOWMOBILES

10-5-1 Snowmobile trails and routes within the city
10-5-2 Procedure to amend snowmobile routes and trails
10-5-3 Sign posting responsibility
10-5-4 Parking regulated
10-5-5 Compliance with trail and route signs and markers
10-5-6 Hours of operation
10-5-7 Insurance responsibility
10-5-8 Penalty

10-5-1: Snowmobile trails and routes within the city: Except as provided in sections 350.02 and 350.045 of the Wisconsin statutes, or for snowmobile events authorized under section 350.04 of the Wisconsin statutes, no person shall operate a snowmobile upon any public right of way, in any public park, or on any other public property in the city, except on routes or trails designated by resolution of the council and in accord with the regulations of this chapter.

10-5-2: Procedure to amend snowmobile routes and trails: The approved routes and trails may be amended or revised as necessary by approval of the public safety committee and upon authorization of the council by resolution.

10-5-3: Sign posting responsibility: The council shall by resolution designate from time to time a responsible party to post and obtain property owner consent to post the approved routes and trails.

10-5-4: Parking regulated: No person shall park or leave unattended any snowmobile on private property without the consent of the owner, nor shall any snowmobile be left parked unattended in any area where parking of a motor vehicle is prohibited or restricted, except in compliance with any regulations applicable to motor vehicles parked in such location.

10-5-5: Compliance with trail and route signs and markers: No person shall fail to obey any route or trail sign, marker or limit erected under this chapter or the Wisconsin statutes.

10-5-6: Hours of operation: No person shall operate a snowmobile within the city, except during the period commencing at 6:00 AM and ending at 1:00 AM on the following day.

10-5-7: Insurance responsibility: The council shall by resolution designate a responsible party to carry liability insurance on the snowmobile routes and trails with the city designated as an additional named insured.

10-5-8: Penalty: Any person who shall violate any provision of this chapter shall upon conviction be subject to a class 4 forfeiture.

Chap. 10-5 history: 10-5-1*: 2010-2-2; 2016 code;* ***10-5-2****: 2010-2-2; 2016 code;* ***10-5-3****: 2010-2-2; 2016 code;* ***10-5-4****: 2010-2-2; 2016 code;* ***10-5-5****: 2010-2-2; 2016 code;* ***10-5-6****: 2010-2-2; 2016 code;* ***10-5-7****: 2010-2-2; 2016 code;* ***10-5-8****: 2010-2-2; 2016 code*

TITLE 10: VEHICLES AND TRAFFIC

Chapter 6: ALL-TERRAIN VEHICLES

10-6-1 Purpose
10-6-2 State statutes adopted
10-6-3 Designated routes
10-6-4 Rules of operation
10-6-5 Hours of operation
10-6-6 Penalty

10-6-1: Purpose: The purpose of this chapter is to enable the establishment of all-terrain vehicle routes in the city and provide safe and enjoyable all-terrain vehicle recreation consistent with public rights and interest.

10-6-2: State statutes adopted: Except as otherwise provided in this chapter, the provisions of section 23.33 of the Wisconsin statutes and for which the penalty for violation thereof is a forfeiture, are hereby adopted and by reference made a part of this chapter.

10-6-3: Designated routes: No person shall operate an all-terrain vehicle except on routes designated from time to time by resolution of the council. Each designated route shall be appropriately and conspicuously marked with route, speed limit, stop and directional signs at the beginning of the route and at such intervals as necessary to enable operators to follow the route.

10-6-4: Rules of operation: No person shall operate an all-terrain vehicle at a speed exceeding 10 miles per hour, unless a different limit is indicated by official signs posted on a designated route. The operator of an all-terrain vehicle shall drive at all times in single file on the extreme right side of the designated route and shall yield to pedestrians and all other forms of vehicular traffic.

10-6-5: Hours of operation: No person shall operate an all-terrain vehicle within the city, except during the period commencing at 6:00 AM and ending at 1:00 AM on the following day.

10-6-6: Penalty: Any person who violates any provision of this chapter shall upon conviction be subject to a class 2 forfeiture.

Chap. 10-6 history: 10-6-1*: 2010-2-2; 2016 code;* ***10-6-2****: 2010-2-2; 2016 code;* ***10-6-3****: 2010-2-2; 2016 code;* ***10-6-4****: 2010-2-2; 2016 code;* ***10-6-5****: 2010-2-2; 2016 code;* ***10-6-6****: 2010-2-2; 2016 code*

TITLE 10: VEHICLES AND TRAFFIC

Chapter 7: NEIGHBORHOOD ELECTRIC VEHICLES

10-7-1 Purpose
10-7-2 Equipment and safety devices
10-7-3 License and registration required
10-7-4 Routes of travel
10-7-5 Rules of operation
10-7-6 Penalties

10-7-1: Purpose: The purpose of this chapter is to enable the operation of neighborhood electric vehicles in the city.

10-7-2: Equipment and safety devices: A neighborhood electric vehicle operated in the city shall be equipped with:

(A) Headlamps.

(B) Front and rear turn signal lamps.

(C) Tail lamps.

(D) Stop lamps.

(E) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear.

(F) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.

(G) A parking brake.

(H) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR 571.205).

(I) A Type 1 or Type 2 seat belt assembly, conforming to 49 CFR § 571.209 (federal motor, vehicle safety standard no. 209, seat belt assemblies), installed at each designated seating position.

10-7-3: License and registration required: o person shall operate a neighborhood electric vehicle in the city unless such person possesses a valid operator's license authorizing the operation of a motor vehicle upon Wisconsin highways. No neighborhood electric vehicle may be operated in the city unless such vehicle has been assigned a VIN and is properly registered under the laws of this state.

10-7-4: Routes of travel: It shall be unlawful to operate a neighborhood electric vehicle in the city except on a neighborhood electric vehicle route.

10-7-5: Rules of operation: Headlamps must be on at all times during operation of a neighborhood electric vehicle. The operator of a neighborhood electric vehicle shall be subject to, and shall comply with, all laws applicable to the operators of motor vehicles on public highways.

10-7-6: Penalties:

(A) The penalty for violation of this chapter shall be the same as the penalty for the same violation committed in the operation of a motor vehicle, other than a neighborhood electric vehicle, provided however, the penalty for a violation of this chapter that would not also be a violation if committed in the operation of a motor vehicle other than a neighborhood electric vehicle, shall be a class 3 forfeiture and the costs of prosecution.

(B) Failure to pay: Any person who fails to pay a forfeiture imposed by this chapter shall be subject to the alternate sentencing provisions set forth in sections 345.47 and 800.09 of the Wisconsin statutes.

Chap. 10-7 history: 10-7-1*: 2010-2-2; 2016 code;* ***10-7-2****: 2010-2-2; 2016 code;* ***10-7-3****: 2010-2-2; 2016 code;* ***10-7-4****: 2010-2-2; 2016 code;* ***10-7-5****: 2010-2-2; 2016 code;* ***10-7-6****: 2010-2-2; 2016 code*

TITLE 11: PUBLIC WAYS AND PROPERTY

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TITLE 11: PUBLIC WAYS AND PROPERTY

Chapter 1: STREETS, ALLEYS AND SIDEWALKS

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11-1-1: Improvements; plans and specifications: All streets and alleys shall be opened, graded, changed, graveled, macadamized, paved, worked or improved, and all sidewalks shall be built and constructed, or rebuilt and all sewers and drains in public streets, alleys and public grounds, all bridges and all other public works, in any streets, sidewalks or other public grounds, shall be built, constructed, erected, or completed according to the plans and specifications therefor adopted, which plans and specifications shall be kept on file in the office of the city clerk or city engineer. Such work shall be done in the manner and of the materials in such specifications prescribed and not otherwise. No bids or proposals for the doing or performing of any of the work mentioned shall be called for, nor any contract therefor let or awarded, nor work thereon commenced until such plans and specifications have been adopted by the council and filed in the office of the city clerk, for inspection by any person concerned.

11-1-2: Permits required: It shall be unlawful for any person, except upon a permit:

(A) To excavate for and build, or cause to be excavated for and built, a cellar, vault or other room under a sidewalk or street in front of his or her store or place of business.

(B) To excavate or cause to be excavated a cellar, cistern, well, hole or other depression, on or so near the line of a street, sidewalk, alley or other public ground within the city, as to endanger the public use thereof, or of life or limb of persons passing thereover.

(C) To excavate for or build, or cause to be excavated for or built, a passageway, trench, drain or sewer, within, along or near such street, sidewalk, alley, park or other public grounds.

(D) To erect, construct, place or maintain, or cause to be erected, constructed, placed or maintained any telephone or electric light pole or poles, or any scaffold, platform, bay window, awning or other extension of a building, or any billboard, sign, illuminated signboard or other advertising device, any rope, wire or chain within or over any street, alley, sidewalk, park or other public ground within the city.

(E) To build any stairway or entrance from a sidewalk or street into a basement or cellar adjoining or within any street, park or other public ground within the city.

(F) To build or cause to be built, or allow to exist, any area, hole or opening within any sidewalk space.

(G) To remove or cause to be removed any building upon, within, along, over or across any street, sidewalk, alley, park or other public ground within the city.

(H) To build or repair any building next to and adjoining any street, sidewalk, or alley where material may be placed or work performed within such street or sidewalk.

(I) To use any street, sidewalk, park or other public ground for the deposit of building materials, or the doing of any work or labor within the same, in the moving, taking down, raising, erection and construction of any building.

(J) To break, dig up, remove or in any way displace, or cause to be broken, dug up, removed or in any way displaced, any pavement, macadam, gravel or earth within any street, sidewalk, alley, park or other public grounds, which might otherwise be

lawfully done.

(K) To remove any trees along any street or sidewalk.

(L) To alter or change, or cause to be altered or changed, the grade of any street, sidewalk, alley, park or other public grounds within the city.

(M) To interfere with, break down or remove, or cause to be interfered with, broken down or removed, any guard protection, barrier or barricade placed in any street, sidewalk, alley or other public ground as a protection of the city against damages to the traveling public against injury, or any work or improvement against damages.

(N) To keep or leave open any cellar door or grating of any vault in any street or sidewalk, or to allow the same to be left open, nor shall any excavation adjacent to any street or sidewalk be left open.

(O) To place in or over any gutter any material or object of any nature which may obstruct the flow of water therein.

(P) To propel any cart or vehicle, pushed or pulled by hand, on any sidewalk in the city, except carriages, carts and sleighs for small children and single passenger handicapped vehicles occupied by a handicapped person.

11-1-3: Application for permit: Every person applying for a written permit for any of the purposes of work required in section 11-1-2 of this chapter shall present to the board of public works his or her application in writing, with such plans and specifications as may be required by the board of public works, signed by himself or herself, or his or her authorized agent, and state his or her name and place of residence, the purpose of the work for which such permit is desired, the time to begin and complete the work and the location thereof, and shall also contain an agreement on his or her part that if a permit is granted, he or she will conform to and comply with all codes, rules and regulations of the city pertaining to the work or purpose for which a permit is asked, and that he or she will pay all damages caused by him, his or her agents, employees or servants in the doing or execution of the work for which the permit may be granted, and that he or she will keep and save the city free and harmless of any damages or claims against it by reason of failure, fault or neglect by himself, his or her agents, servants or employees in the execution of the work for which such permit is granted. He or she shall also satisfy the board, if it be required so to do, that he or she is financially able to pay any damages or claims to which he or she may become liable under such an agreement, or that he or she will file with the city clerk a sufficient bond for such purpose approved by the mayor in writing before the permit is issued.

11-1-4: Issuance of permit: No permit under this chapter shall be issued, except on the vote and the direction of the board of public works upon the application required by Section 11-1-3 of this chapter and on the terms and conditions by such vote fixed, and when so voted and directed, it shall be issued by the city clerk in duplicate over his or her signature, stating the date of issue, the name and address of the person to whom issued and the work or purpose for which issued, the time within which the work is to be completed and the date on which the permit will expire, and such further terms and conditions as the board of public works may have fixed. Such permit shall be subject to all the codes, rules and regulations of the city relative to the subject of such permit, and one such duplicate original shall be delivered to the applicant or his or her agent, and one such duplicate original shall be attached to the application and kept on file by the city clerk; provided, however, that all permits shall be subject to the review of the council.

11-1-5: Warning signs, barricades required: Every person to whom a permit shall be granted to build, repair or remove any building, or to use any street or sidewalk for the deposit of building materials, 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 other depression, passageway, trench, drain, sewer, open area, opening, building, building material, broken up sidewalk, pavement, macadam, gravel, earth or other obstruction, within or adjoining any street, sidewalk, alley, park or other public ground within the city, by guards, fences or barriers, at least three feet high and at night a red light or lights shall be placed and kept, so as to cast a light on such obstruction, and if of any excavation, trench, drain, sewer, cellar, vault, cistern, well, open area or other opening, a red light shall be placed and kept at each end and as often as every 50 feet along the entire side or length thereof. And such person shall replace, rebuild, relay or make, or cause to be replaced, rebuilt, relaid, or made, in all respects as good and safe, substantial and permanent as the same was before any street, sidewalk, crosswalk, alley, park or other public ground which may have been disturbed or displaced by such excavation, trench or obstruction.

11-1-6: Bridges or platforms in right of way: No bridge or platform over any gutter in any street or alley within the city shall be more than 12 feet in width, or if plank, less than two inches thick resting on and securely nailed to four stringers at least four inches square and such bridge or platform shall not extend into any street more than 18 inches beyond the space occupied by a sidewalk, nor obstruct the flow of water in the gutter, and any such bridge or platform, or any culvert or box, or any obstruction to the flow of water in the gutter may be removed summarily by any agent of the city; provided, that no bridge, platform or gutter shall be placed on any street or alley that is improved by pavement, macadam or gravel, with stone or concrete curbings, without a permit from the city.

11-1-7: Blocking sidewalks: No person shall place objects upon, or position themselves upon, the public sidewalk in a manner which unreasonably interferes with pedestrian travel on that sidewalk.

11-1-8: Installation of public utility facilities:

(A) Poles erected; subject to regulations and alterations:

(1) The city shall have the right at any time to designate the location of all telephone, telegraph and electric light poles erected on or in the public streets and alleys. The city may periodically direct any alteration in the location and height of such poles, and the height of all wires that are run on such poles.

(2) Before any alteration is made under this section, at least five days' notice in writing shall be given the owner of the poles, and reasonable opportunity shall be given the owner and all citizens to be heard on the proposed alteration.

(3) When any such alterations are ordered, the owner of such poles shall, at its sole expense, commence alteration within five days, and shall complete the alteration as soon as practicable.

(4) If the owner of such poles does not complete the alteration within a reasonable time after notification of the required alteration, the city may perform the required work.

(5) If the city performs the alteration under subsection (A)(4) of this section, the owner of the poles shall be liable for the cost of such alteration, and shall also be subject to a class 3 forfeiture.

(B) Laying of sewers, water mains and gas mains:

(1) Sewer mains: When laying of sewer mains in the public streets of the city, lateral mains shall be constructed and laid from the sewer main to the curb line of all adjoining improved parcels and improved lots abutting on that part of the street where the sewer main is laid and the cost of the construction of lateral mains shall be charged to the owner or owners of abutting parcels and lots; provided, that if the street where a sewer main is laid is to be permanently improved, lateral mains shall be laid to all parcels and lots adjoining such street.

(2) Water mains: When laying water mains in the public streets of the city, lateral mains shall be constructed and laid from the water main to the curb line of all adjoining improved parcels and improved lots abutting on that part of the street where the water main is laid and the cost of the construction of lateral mains shall be charged to the owner or owners of abutting parcels and lots; provided, that if the street where a water main is laid is to be permanently improved, lateral mains shall be laid to all parcels and lots adjoining such street.

(3) Gas mains: When laying gas pipe or mains in the public streets of the city, lateral mains shall be constructed and laid from the gas mains or lines to all improved lots and improved parcels of land abutting on that part of the street where the gas lines or mains are laid and the cost of the construction of lateral mains shall be borne by the gas company so constructing the mains; provided, that if the street where the gas mains is laid is to be permanently improved, laterals shall be laid to all parcels of land and lots adjoining such street.

(C) Installation and maintenance of underground telecommunication conduits:

(1) Telecommunication conduit: Providers of telecommunication services are hereby are authorized to install and permanently maintain necessary underground conduit and manholes at locations within streets, avenues and alleys in the city in locations approved by the board of public works. During installation such providers shall not unnecessarily obstruct any streets, avenues, alleys or public grounds and shall suitably barricade and protect that part of the street, avenue or alley where the work is being done, and shall close off no portion of streets, avenues or alleys without first having received a permit from the city. Such providers shall complete all installation work as speedily as possible and shall repair and make good any water or sewer pipes previously laid that are damaged or destroyed during such installation. Following such installation such providers shall restore said streets and alleys under direction of the board of public works; shall further.

(2) Installations before December 31, 2015: All underground telecommunication conduit and manhole installations that have been lawfully placed prior to December 31, 2015 are hereby approved.

11-1-9: Construction and repair of sidewalks:

(A) Purpose: The purpose of this section is to provide for the installation or repair of sidewalks throughout the city to provide safe off street paths for pedestrians on all public street frontage within the city.

(B) Mandatory installation: Sidewalks shall be constructed in the city as follows:

(1) Sidewalk shall be installed where curb and gutter are installed during the reconstruction of any street.

(2) Sidewalk shall be installed before issuance of any occupancy permit issued for new construction or change in use. For purposes of this subsection (B)(2), construction of an addition, garage, shed or other improvement on a residential lot which there is located a previously constructed residence does not constitute "new construction".

(3) In addition to the installation or repair of sidewalk as provided in subsections (B)(1) and (B)(2 of this section, the council shall from time to time by resolution determine where other new sidewalks shall be installed.

(C) Board of public works: The board of public works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accord with the standards fixed by the council.

(D) Exceptions to mandatory installation:

(1) A person may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk for an engineering consideration which renders the installation of sidewalk on a particular property unreasonable.

(2) Notwithstanding subsection (D)(1) of this section, a person who owns real property located within the M-1, M-2 or M-3 zoning districts may, by filing a petition with the plan commission, request an exception to the requirement for installation of sidewalk within the public right-of-way of any street or avenue, on the side of such right-of-way that directly abuts such real property. The petitioner shall not be required to show an engineering consideration which renders the installation of sidewalk on the petitioner's property unreasonable, but the plan commission may consider other then-existing or planned uses outside the petitioner's property that generate, or may in the future generate, pedestrian traffic on the segment of sidewalk for which the exception is requested and may deny or condition approval of the exception accordingly. An exception granted pursuant to this subsection may be for a limited time or made subject to such other terms or conditions as the plan commission may determine.

(3) The plan commission shall hear and decide each petition requesting an exception to the installation of sidewalk.

(4) If a petition under this subsection is denied, the petitioner may file a written notice of appeal upon the city clerk within 10 days following the date the plan commission makes its decision. If the city administrator objects to the granting of a petition under this subsection, the city administrator may file a written notice of appeal upon the city clerk within 10 days following the date the plan commission makes its decision. The city clerk shall forward the notice of appeal to the council, which shall consider such appeal within 30 days following receipt of the notice of appeal. The council may affirm, reverse or modify the decision of the plan commission.

(E) Construction standards: The common council shall by resolution establish the width, fix the grade, determine the material and prescribe the method of construction of standard sidewalks throughout the city. The board of public works, plan commission, director of public works and city engineering department shall make such recommendations and presentations as may be requested by the common council in making any such resolution.

(F) Permit, self-repair agreement:

(1) Any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit an application for permit as provided in section 11-1-3 of this chapter.

(2) In addition to the permit required in subsection (F)(1) of this section, any person other than the city seeking to repair sidewalk or remove and replace sidewalk shall first submit a sidewalk self-repair agreement to the city engineering department. Sidewalk self-repair agreement forms shall be available upon request from the city engineering department.

(3) Upon issuance of a permit and approval of the self-repair agreement, a person may repair sidewalk or repair and replace sidewalk.

(G) Payment for repair or construction: Payment for repair or construction of sidewalk shall be charged as provided in section 66.0907 of the Wisconsin statutes.

11-1-10: Sidewalk maintenance:

(A) Every person shall remove all snow, ice, dirt, rubbish or refuse material from the sidewalk in front of or immediately adjacent to the premises owned or occupied by him.

(1) Removal of snow, ice, dirt, rubbish or refuse material shall be completed within a reasonable time after the accumulation of such materials on the sidewalk.

(2) Ice or snow that cannot be removed shall be sprinkled with ashes, sand, salt or other substance to allow safe pedestrian use.

(3) If the person responsible for removal of materials from the sidewalk fails to remove such materials within a reasonable time, the city shall be entitled to remove such material from the sidewalk. Costs incurred by the city shall be billed to the owner of the property to which the sidewalk adjoins. If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate.

(B) Unless otherwise permitted by law, no person shall cause to be deposited any snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, on or upon any public or private property not owned or occupied by such person or without the consent of the owner or occupant thereof.

(1) This subsection (B) shall not apply to city employees or other agents of the city acting within the scope of their duties.

(2) This subsection (B) shall not prevent the deposit of snow and ice from a private residence upon the terrace immediately adjoining the sidewalk of such private residence.

(3) Snow, slush, ice, dirt, debris, rubbish or refuse material of any type or nature, deposited in violation of this subsection (B) is declared to be a public nuisance and in addition to any penalty provided, the city may abate the public nuisance by removing any snow, slush, ice, dirt, debris, rubbish or refuse material of whatever type or nature, and cause the cost of the removal to be charged to the person who deposited or caused the deposit in violation of this subsection (B). If such costs are not paid, such charges shall be entered on the tax roll as a special tax against the property, and shall be collected as other taxes upon real estate.

(C) In addition to any charges for services made under this section, any person who violates any provision of this section shall upon conviction be subject to a Class 5 forfeiture. A separate offense exists each calendar day during which a violation occurs or continues.

11-1-11: Awnings, signs and other projections over sidewalks:

(A) Definitions: In this section:

“Awning” means a roof like structure which projects beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.

“Awning sign” means an identification sign painted on or affixed flat to the surface of an awning and which does not extend vertically or horizontally from the awning.

“Nonprojecting awning” means an awning which projects four inches or less beyond the lot line.

“Nonprojecting sign” means a sign projecting four inches or less beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.

“Projecting awning” means an awning which projects more than four inches beyond the lot line.

“Projecting sign” means a sign, other than an awning sign, projecting more than four inches beyond the lot line, over a public sidewalk, and is fastened to a wall of a building or to a support fastened to a wall of a building.

“Sign” means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, by which anything is made known and which is used to advertise or promote an individual, firm, association, company, profession, business, commodity, event or product.

(B) Projecting awnings: No person shall place, hang or maintain any projecting awning or cause the same to be placed, hung or maintained unless the distance from any point on such projecting awning to the public sidewalk is seven feet or more and the person has obtained a written permit issued following approval of such projecting awning by the board of public works.

(C) Projecting signs: No person shall place, hang or maintain any projecting sign or cause the same to be placed, hung or maintained unless the distance from the bottom of such projecting sign to the public sidewalk is 8 1/2 feet or more and the person has obtained a written permit issued following approval of such projecting sign by the board of public works.

(D) Nonprojecting awnings and signs: No person shall place, hang or maintain any nonprojecting awning or nonprojecting sign or cause the same to be placed, hung or maintained unless the person has obtained a written permit issued following approval of such nonprojecting awning or nonprojecting sign by the board of public works.

(E) Other structures: No porch, gallery, store, platform, entrance to basement, fire escapes, heating or air conditioning units, downspout, railing or grating shall be allowed to extend into, upon or over any public sidewalk without the written permit issued following approval thereof by the board of public works.

(F) Conditions for issuance of permit: The board of public works may, as a condition of the issuance of a permit under this section, require that a projecting awning, nonprojecting awning, projecting sign, nonprojecting sign or other structure be limited in size, installed at a height greater than the minimum set forth in this section or impose other conditions which are reasonably designed to protect public safety or promote an aesthetic image which is consistent with adjoining properties.

(G) Other approvals: Issuance of a permit pursuant to this section shall not relieve the person to whom such permit is issued from obtaining other permits and approvals required by the city or other governmental authority having jurisdiction.

11-1-12: Protection of public:

(A) Every person owning any building in the city having any area between the building and sidewalk or extending into the sidewalk shall keep the same covered by a closed iron, or a closed iron and glass cover laid perfectly even with the surface of the sidewalk, or shall keep the same surrounded on all sides by a sufficient railing or barrier at least three feet high, except stairways leading from the sidewalks to basements which shall have a sufficient railing or barrier at least three feet high on three sides thereof.

(B) Every person who shall take up or remove any portion of any sidewalk, or of any portion of any street or alley within the city, shall take all necessary precautions to guard the public against all accidents therefrom and shall be subject to such rules and regulations for the protection of travel as the council may adopt.

11-1-13: Crossings obstructed by railroad trains:

(A) It shall be unlawful to stop any railroad train, locomotive or car upon or across any street crossing for longer than five minutes without opening the street for at least 10 minutes.

(B) Any person responsible for the stopping of a railroad train, locomotive or car contrary to the provisions of this section shall upon conviction be subject to a class 5 forfeiture.

(C) The owner of any railroad train, locomotive or car stopped in violation of the provisions of this section shall upon conviction be subject to a class 5 forfeiture.

11-1-14: Reports by director of public works: The director of public works shall make a periodic report and statement to the board of public works of the labor and services performed by the city employees who are under his or her supervision, the nature of the work performed, the amount due and owing for such services and the name or names of the person or persons from whom payment is due. The report shall also contain a statement of any material belonging to the city sold by the director of public works, the name of the party who purchased the same and the amount due for such material. It shall be the duty of the city treasurer to make collection of amounts so specified in the report of the director of public works.

11-1-15: Authority of city: The city may do any class of public work or any part thereof directly without submitting the same for bids.

11-1-16: Penalty: Except as specifically provided elsewhere in this chapter, a person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

Chap. 11-1 history: 11-1-1*: 1969 code; 1990-5-15; 1991-11-6; 2016 code;* ***11-1-2****: 1969 code; 2016 code;* ***11-1-3****: 1969 code; 2016 code;* ***11-1-4****: 1969 code; 2016 code;* ***11-1-5****: 1969 code; 2016 code;* ***11-1-6****: 1969 code; 2016 code;* ***11-1-7****: 2002-1-15; 2016 code;* ***11-1-8****: 1969 code; 1991-12-17; 2016 code;* ***11-1-9****: 1994-3-15; 2014-11-5; 2016 code;* ***11-1-10****: 1991-12-17; 2003-11-18; 2016 code;* ***11-1-11****: 2002-1-15; 2015-4-8; 2016 code;* ***11-1-12****: 1969 code; 2016 code;* ***11-1-13****: 1969 code; 1991-12-17; 2016 code;* ***11-1-14****: 2016 code;* ***11-1-15****: 1969 code; 2016 code;* ***11-1-16****: 1991-12-17; 2016 code*

TITLE 11: PUBLIC WAYS AND PROPERTY

Chapter 2: STREET NAMES AND NUMBERING SYSTEM

11-2-1 Street names
11-2-2 Street signs
11-2-3 Numbering plan

11-2-1: Street names: Names may be assigned to streets by action of the council. The names of streets and avenues shall be indicated on the official map of the city. To maintain a systematic numbering of streets within the city, the following plan shall be generally followed:

(A) Streets running east and west shall be called streets and numbered consecutively.

(B) Streets running north and south shall be known as avenues and shall be numbered consecutively.

11-2-2: Street signs: There shall be posted in a conspicuous place and at opposite corners of every street intersection one or more street signs plainly and legibly designating the names of the intersecting streets.

11-2-3: Numbering plan: The owners and occupants of all dwelling houses and places of business shall number the same and shall place and maintain thereon suitable numbers in a conspicuous place on the front of such dwelling and place of business.

(A) System of numbering: To maintain a systematic numbering of buildings within the city, the frontage shall be divided into spaces of 20 feet each as far as practicable and to each such space shall be assigned its appropriate number according to the following plan:

(1) On streets running east and west in the city, the numbering shall commence at fifth avenue with number 500 and Increment by 100 within each block to the east and decrement by 100 within each block to the west. Odd numbers shall be given in progressive or degressive order on the north side of the street, even numbers shall be given in progressive or degressive order on the south side of the street.

(2) On avenues running north and south the numbering shall commence at fifth street with number 500 and Increment by 100 within each block to the south and decrement by 100 within each block to the north. Odd numbers shall be given in progressive or degressive order on the west side of the avenues and even numbers shall be given in progressive or degressive order on the east side of the avenues.

(3) Also, there shall be two base lines: 1st avenue and 1st street: 1st avenue shall be the base line for the east and west halves of the city; 1st street shall be the base line for the north and south halves of the city. The numbering method shall be as follows: Any street west of 1st Avenue shall have a "W" preceding the street number, e.g., W 5th street. Any street north of 1st Street shall end with the direction "north", e.g., 5th street north. Also any avenue north of 1st street shall have an "N" preceding the avenue number, e.g., N 5th avenue. Any avenue west of 1st Avenue shall end with the direction west, e.g., 5th avenue west.

(B) Placing numbers: Every property owner in the city having a residence or any business establishment shall place a number upon each building in a conspicuous place where the same can be seen at all times. Numbers used shall not be less than 2 1/2 inches in height. If any person fails to comply with this requirement, the same shall be done without notice by the city and the actual expense shall be charged to the party owning such property.

Chap. 11-2 history: 11-5-1*: 1969 code; 2016 code;* ***11-5-2****: 1969 code; 2016 code;* ***11-5-3****: 1969 code; 1977 code; 2016 code*

TITLE 11: PUBLIC WAYS AND PROPERTY

Chapter 3: PUBLIC PARKS AND RECREATION FACILITIES

11-3-1 General prohibitions
11-3-2 Exceptions to prohibitions
11-3-3 Penalty
11-3-4 Park rules

11-3-1: General prohibitions: It is unlawful for any person:

(A) To alter or change or cause anything to be altered or changed within any park or recreational facility of the city without prior written permission from the board of park and recreation commissioners.

(B) To operate any motor vehicle in any park or recreational facility except upon established roadway.

(C) To park or leave standing any motor vehicle within any park or recreational facility except upon designated parking areas.

(D) To deface, damage, destroy or cause harm to any park building, or facility within any park building or park equipment.

(E) To destroy, damage or injure or cut down any fruit, shade or ornamental tree or shrub standing or being within any park or recreational facility within the city.

(F) To leave or place any debris or waste material within any park or recreational facility within the city except in containers specifically provided for debris or waste material.

(G) To loiter, lounge or congregate within any city park or recreational facility after being requested to move by any police officer or by any person in authority at such place, between the hours of 11:00 PM and 5:00 AM

(H) To interfere with, break down, deface or remove, or cause to be interfered with, broken down, defaced or removed, any sign, guard, protection, barrier or equipment placed in any park or recreational facility of the city.

(I) To bring or permit to be brought an animal owned or controlled by such person into any park or recreational area within the city, whether on a leash or otherwise unless a permit be first obtained from the park department. This paragraph shall not apply to a service animal as defined in section 106.52 of the Wisconsin statutes or to any park or recreational area within which the council has authorized the presence of an animal without a permit.

(J) To bring in or consume any alcoholic beverage, or fermented malt beverage within any park or recreational facility within the city unless a permit be first obtained from the park department.

(K) To trap within the boundaries of a city park or recreational area without first obtaining a permit from the park department.

(L) To operate any snowmobile on or in any park, playground or other property owned, leased or rented by the city except snowmobiles operated by law enforcement officers in the performance of their duties or snowmobiles used in the maintenance of such property by authorized personnel.

(M) To be within the fenced area of the Municipal swimming pool or within the changing house or concession stand adjacent to the pool when the pool is not open for swimming or to the public, or after being requested to leave by any person in authority.

(N) To loiter, lounge or congregate within that part of Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. Cheeseland playground after being requested to move by any police officer or by any person in authority at such place, between the hours of 9:30 PM and 7:00 AM

(O) To carry a lighted cigar, cigarette, pipe or any other lighted smoking equipment within that part of Recreation Park which is enclosed by a fence and designated as the Swiss A.L.P.S. Cheeseland playground.

11-3-2: Exceptions to prohibitions: No prohibition of this chapter shall apply to any law enforcement officer acting within the scope of that officer's duty, or to any employee of the city acting within his or her scope of employment.

11-3-3: Penalty: Whoever violates any of the provisions of this chapter shall upon conviction be subject to a Class 4 forfeiture.

11-3-4: Park rules: All park and recreation facilities are governed by the rules and regulations of the board of park and recreation commissioners. Those rules and regulations are to be kept on file with the city clerk.

Chap. 11-3 history: 11-3-1*: 1980-3-4; 1985-4-16; 1995-1-17; 2016 code;* ***11-3-2****: 1985-4-16; 2016 code;* ***11-3-3****: 1985-4-16; 2016 code;* ***11-3-4****: 1985-4-16; 2016 code*

TITLE 11: PUBLIC WAYS AND PROPERTY

Chapter 4: TREES AND SHRUBS

11-4-1 Powers of city forester
11-4-2 Planting program
11-4-3 Removal of trees
11-4-4 Activities of utility companies controlled
11-4-5 Violation, penalty

11-4-1: Powers of city forester:

(A) Control over public property:

(1) The city forester, under the control of the board of public works, shall direct the purchase, planting, maintenance, trimming, pruning and removal of all trees and shrubs in any public area of the city. No person shall plant, maintain, trim, prune or remove any tree or shrub on or from any public land without permission from the city forester. Such permit must be obtained from the city clerk and may include specific qualifications and conditions.

(2) The terms "public property", "public area" and "public land" shall include all land within the city not privately owned or not controlled by any other political subdivision.

(3) The city forester shall make due investigation and study of various species of trees and shrubs, with consideration given to length of life, beauty, freedom from disease, care requirements, growth habits, utility future effect of roots on adjacent sidewalks and structures, cleanliness and other pertinent characteristics. Only such species as are approved by the city forester shall be planted on public lands. The following species are specifically prohibited for such planting: Chinese elm, silver maple, mountain ash, poplar, cottonwood, willow, catalpa, box elder, tree of heaven, walnut, chestnut, birch, conifers and Russian olive.

(B) Control over private property:

(1) Any tree or shrub which overhangs any public land of the city, and which, in the opinion of the city forester, endangers the life, health, safety or property of the public, shall be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected, action shall be taken by the city forester to abate the nuisance, and the cost assessed to the owner, recoverable by suit. The owner shall be subject to general penalty provisions of this code.

(2) The owner of property abutting upon any street or sidewalk shall trim branches of all trees standing along such street or sidewalk so that the branches shall not obstruct the passage of light from any street light to the adjacent street or sidewalk, and he or she shall also trim all branches which overhang any street, alley or sidewalk so that there shall be a clear height of 15 feet above the street or alley and a clear height of 10 feet above the sidewalk. The owner shall remove all dead, decayed or broken trees, limbs or branches which overhang any street, alley or sidewalk.

(3) Private Activity: Whenever it is necessary for the work of the city forester to move or protect service wires, the city forester shall serve written notice on the owners of such wires and such owners shall comply with such orders within a reasonable time.

11-4-2: Planting program: Trees purchased other than from the park department, must be planted by the property owner. Property owners will be able to choose from trees approved by the board of park and recreation commissioners, with individual tree approval and location coming from the city forester. Trees to be purchased may be planted on public property only. Whenever the board shall have declared that any trees or shrubbery situated in the space between the curb line and the sidewalk line of any street or improved street do not comply with the regulations of the board relative to style, type, planting and arranging thereof, it shall order the same to be removed or replaced or rearranged to comply with regulations. The following provisions shall apply to all planting:

(A) No trees or shrubs are to be planted at street intersections. Such planting shall be done at least 15 feet from the intersection of the curbs.

(B) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right of way.

(C) The following distances between trees must be adhered to:

Hard maple: 40 feet

Norway maple or ash: 35 feet
Hackberry, locust or linden: 30 feet

(D) No person shall deposit, place, store or maintain, except during construction work for a period not to exceed 30 days, upon any public land, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree or shrub growing thereon, except by written permission of the city forester.

(E) No person shall break, mutilate, injure, kill or destroy any tree or shrub, or permit any fire to burn where it will injure any portion of any tree or shrub on public land.

(F) No person shall knowingly permit any toxic chemical to seep, drain or be emptied on or about any tree or shrub on public land.

(G) No person shall plant or cause to be planted any trees or shrubs of any nature whatsoever within 25 feet of any hydrant or shut-off box, within the street right-of-way.

(H) No hedge or shrubbery shall be planted closer than 18inches to a sidewalk and shall be kept trimmed at all times so that no part shall project over a sidewalk.

(I) No shrub or bush growing at the intersection of any two streets in the city shall be allowed to grow taller than 2 1/2 feet from the ground within a 30 foot radius from the intersection of two curb lines.

(J) No person shall knowingly permit electric wires to come in contact with any trees or shrubs on public land unless protected by approved methods, no person shall attach any electrical insulation to any tree on public land.

(K) Ditches, trenches, tunnels and driveways shall be kept as far away from any trees as possible. Builders shall erect suitable barriers around trees or shrubs on public lands to prevent injury from construction work.

11-4-3: Removal of trees:

(A) All persons desiring to remove a tree located upon the terrace of any lot or parcel of property located within the city shall, before removal of such tree, secure a permit from the city clerk. There shall be no fee for the issuance of such permit.

(B) The holder of such permit shall, within a reasonable time after the removal of such tree or trees, remove any resulting stump or stumps at the permit holder's expense.

(C) A person who violates any provision of this section shall upon conviction be subject to a Class 5 forfeiture.

11-4-4: Activities of utility companies controlled: Public utilities, under the supervision and direction of the city forester, are authorized to trim trees upon and overhanging the streets, avenues, alleys, highways, sidewalks and other public lands in the city, to prevent the branches of such trees from coming in contact with wires and cables. Under the supervision and direction of the city forester, such utilities are authorized to cut roots of trees and shrubs under the streets, avenues, alleys, highways, sidewalks and other public lands in the city, to construct, maintain and operate their facilities in and about the city.

11-4-5: Violation, Penalty: Except as expressly noted elsewhere in this chapter, a person who violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

Chap. 11-4 history: 11-4-1*: 2015-6-16; 2016 code;* ***11-4-2****: 2015-6-16; 2016 code;* ***11-4-3****: 1991-12-17; 2016 code;* ***11-4-4****: 1969 code; 1977 code; 2016 code;* ***11-4-5****: 1991-12-17; 2016 code*

TITLE 11: PUBLIC WAYS AND PROPERTY

Chapter 5: DISEASED OR INFESTED ELM, OAK AND ASH TREES

11-5-1 Finding:
11-5-2 Public nuisances declared
11-5-3 Nuisances prohibited
11-5-4 Inspection
11-5-5 Abatement of nuisances
11-5-6 Assessment of costs of abatement
11-5-7 Transporting of wood prohibited
11-5-8 Removal or pruning of oak trees prohibited
11-5-9 Interference with city forester prohibited
11-5-10 Penalty

11-5-1: Finding: The council hereby finds that the health of elm, oak and ash trees within the city is threatened by invasive diseases and pests, including a fatal disease known as Dutch elm disease, a fatal disease known as oak wilt disease and the Emerald Ash Borer, an exotic wood boring beetle that only feeds on ash trees.

11-5-2: Public nuisances declared: The following are hereby declared to be a public nuisance:

(A) Infected or infested elm trees or elm wood. Any living or standing elm tree or part thereof infected with the Dutch elm disease fungus Ceratocystis ulmi (Buisman) or Ophiostoma ulmi or infested by any of the elm bark beetles Scolytus mulristriatus (Marsh) or Hylurgopinus rufipes (Eichh) or any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or properly treated with an effective elm bark beetle destroying insecticide.

(B) Infected oak trees or oak wood. Any living or standing oak tree or part thereof infected with the oak wilt disease fungus Ceratocystis fagacearum or any dead oak tree or part thereof, including logs, branches, stumps, firewood or other oak material from which the bark has not been removed.

(C) Infested ash trees or ash wood. Any living or standing ash tree or part thereof infested with any Emerald Ash Borer beetles Agrilus planipennis or any Emerald Ash Borer infested dead ash tree or part thereof, including logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned or otherwise disposed of in a manner that destroys any Emerald Ash Borer beetles that may be present.

11-5-3: Nuisances prohibited: No person or entity shall permit any public nuisance as defined in this chapter to remain on any premises owned or controlled by such person or entity within the city.

11-5-4: Inspection: Following receipt of a complaint, or upon his or her own initiative, the city forester shall inspect or cause to be inspected any property within the city to determine whether a public nuisance as defined in this chapter exists thereon.

11-5-5: Abatement of nuisances:

(A) Public property. If the city forester, upon inspection or examination, shall determine that any public nuisance as defined in this chapter exists in or upon any public street, alley, park or other public place within the city, including the terrace strip between curb and lot line, he or she shall immediately abate such public nuisance in such manner as to destroy or prevent as fully as possible the spread of the disease or the insects that have caused such public nuisance.

(B) Private property. If the city forester shall determine with reasonable certainty that any public nuisance as defined in this chapter exists in or upon private property, the city forester shall report the existence of such public nuisance to the board of park and recreation commissioners. If the board of park and recreation commissioners determines that such nuisance exists, it shall set a date and time for a hearing, the objective of which shall be to determine if an order should be made to abate such nuisance.

1. Notice of hearing. Notice of the date, time and location of such hearing shall be mailed, not less than 14 days before the hearing, via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists. If the owner is not known and cannot be determined with reasonable diligence such notice shall be issued to the tenant or other person or entity occupying such property. The notice shall state that the board of park and recreation commissioners has found that a nuisance as defined in this chapter exists on such property and proposes to order abatement of such nuisance and how such abatement will be accomplished. The notice shall specify the general location and number of trees logs, branches, stumps, firewood or other material constituting the nuisance on the property.

2. Hearing procedures. The owner, tenant, or an authorized agent of either, may appear at the hearing and shall have the opportunity to provide evidence relevant to the issues before the board of park and recreation commissioners. If the board of park and recreation commissioners finds that a nuisance as defined in this chapter exists it shall order the abatement of such nuisance and the city forester shall issue a written notice to the owner, agent or tenant or operator of the property to abate such nuisance within a reasonable time as specified in the notice. The notice shall include the method or methods by which the nuisance shall be abated and the proper method or methods of disposal of such trees or parts thereof, logs, branches, stumps, firewood or other material constituting the nuisance, and that failure to abate the nuisance as so ordered will result in the city abating the nuisance at the property owner's expense. The notice shall be mailed via first class mail addressed to the property owner's last known address, and a copy shall be served upon the owner or occupant at the property location or may be posted by attaching such notice to the entrance of any dwelling, building or other structure on the property on which such public nuisance exists.

(C) Appeal to council. If the property owner wishes to appeal the decision of the board of park and recreation commissioners or the methods required by the city forester to abate the nuisance, the property owner may appeal such decision to the council. Such appeal shall be made by filing a notice of appeal with the city clerk within 10 business days following service of the written notice issued by the city forester directing abatement of the nuisance. Within 30 days following receipt of such notice of appeal by the city clerk, the council shall review the decision of the board of park and recreation commissioners or the city forester, or both, and may affirm, deny or modify such decision. If the decision is modified, the council shall file its decision with the city clerk within 7 days following the meeting where the appeal was considered. The council's decision shall state the specific facts and reasons which are the basis for its decision to modify a decision of the board of park and recreation commissioners or the city forester. The council may, but shall not be compelled to, afford the party appealing an opportunity to be heard before the council acts on an appeal.

(D) Abatement by city. If any public nuisance as defined in this chapter is not abated within the time allowed, the city forester may cause the same to be abated. No damages shall be awarded to the property owner for the destruction of any elm trees, elm wood, oak trees, oak wood, ash trees or ash wood, or any part thereof, resulting from such abatement.

11-5-6: Assessment of costs of abatement:

(A) Special charge. Costs of abating any public nuisance as defined in this chapter may be chargeable to and imposed as a special charge against the property upon which the nuisance existed. The cost of abating any such nuisance which is located in or upon any park or public grounds, boulevards or public right-of-way shall be borne by the city.

(B) Records and report. The city forester shall keep strict account of the costs of work done to abate a nuisance as defined in this chapter for which special charges are to be made, the description of the land, lots, parts of lots or parcels of land upon which such work was done and the amount chargeable to each. The city forester shall report to the council the aggregate amounts chargeable to each lot or parcel.

11-5-7: Transporting of wood prohibited: No person or entity shall transport within the city any bark bearing diseased elm wood, diseased oak wood or Emerald Ash Borer infested ash wood or material without first securing the written permission of the city forester.

11-5-8: Removal or pruning of oak trees prohibited: No person or entity shall remove, trim or prune any oak tree or portion thereof between April 1 and August 15 without first securing the written permission of the city forester.

11-5-9: Interference with city forester prohibited: No person or entity shall prevent, delay or interfere with the city forester, or any city agents or employees working under the direction of the city forester, while they are engaged in the performance of duties imposed by this chapter.

11-5-10: Penalty. A person or entity that violates any provision of this chapter shall upon conviction be subject to a Class 3 forfeiture.

Chap. 11-5 history: 11-5-1*: 2013-8-20; 2016 code;* ***11-5-2****: 2013-8-20; 2016 code;* ***11-5-3****: 2013-8-20; 2016 code;* ***11-5-4****: 2013-8-20; 2016 code;* ***11-5-5****: 2013-8-20; 2016 code;* ***11-5-6****: 2013-8-20; 2016 code;* ***11-5-7****: 2013-8-20; 2016 code;* ***11-5-8****: 2013-8-20; 2016 code;* ***11-5-9****: 2013-8-20; 2016 code;* ***11-5-10****: 2013-8-20; 2016 code*

Title 11: PUBLIC WAYS AND PROPERTY

Chapter 6: MUNICIPAL AIRPORT

11-6-1 Declaration of purpose
11-6-2 Zones designated
11-6-3 Zoning maps
11-6-4 Definitions
11-6-5 Airport manager
11-6-6 Commercial activities
11-6-7 Operator licenses; classification and description
11-6-8 Operator license application
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11-6-10 Airport operation
11-6-11 Aircraft operation
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11-6-17 Building regulations
11-6-18 Schedule of charges
11-6-19 Appeals and review
11-6-20 Penalties:
11-6-21 Precedence
11-6-22 Severability

11-6-1: Declaration of purpose: The purpose of this chapter is to facilitate a sound economic base upon which the airport will thrive and grow and to insure the public receives reliable, safe and nondiscriminatory treatment in the conduct of authorized activities at the airport. This chapter is also intended to protect the public health, safety and welfare and to foster and promote the continued development of the airport in a safe and efficient manner.

11-6-2: Zones designated:

(A) Zones: All zones established by this section are as shown on maps entitled "Height limitation zoning map-Monroe municipal airport-Monroe, Wisconsin" and dated January 17, 1989, and shall be and remain on file in the office of the city clerk.

(B) Authority: All other titles and chapters of this code are incorporated in this chapter by reference. Whenever any provision of this chapter conflicts with any other provisions of this code, the provision in this chapter shall apply.

11-6-3: Zoning maps: The board shall identify the zoning areas it adopts and note the boundaries of each area upon zoning maps which shall be made a part of this chapter. The maps shall be identified as "Zoning map A – Monroe municipal airport", and "Zoning map B - Monroe municipal airport". These maps shall be filed with the city clerk. The maps and all notations, references, and other information shown upon the maps shall be as much a part of this chapter as if the matters and information set forth on the maps were fully described in this chapter. The maps may be amended from time to time by resolution of the board.

11-6-4: Definitions: In this chapter:

"Above ground level" means the vertical distance between any aircraft and the ground beneath the aircraft as measured in feet. The elevation of the ground shall be the highest ground surface or top of any structure or obstruction within a 2,000 foot horizontal distance of the aircraft.

"Activity license" means any license, permit or other authorization that is required by the United States government or the state for the conduct of a person's business.

"Aeronautical activities" means all activities that involve, make possible, or are required for the operation of aircraft, or which contribute to or are required for the safety of such operation.

"Aircraft" means all contrivances used for flight in air or space, including, but not limited to, airplanes, airships, dirigibles, helicopters and gliders.

"Airport" means the land, developments, and improvements that are owned, leased, or otherwise controlled by the city and

operated as the Monroe municipal airport.

"Airport activity club" means any nonprofit Wisconsin corporation, nonprofit limited liability company or nonprofit partnership organized for: a) sky diving; b) parachuting; c) balloon flights; d) operation of ultra-light aircraft; e) operation of model or radio controlled aircraft flights; f) any other purpose related to the airport that is not otherwise addressed in a classification of an airport user under this chapter.

"Airport hazard" means any structure, object of natural growth, use of land, or other activity that obstructs the air space required for the flight of aircraft landing, taking off, or otherwise using the Airport.

"Applicant" means a person that makes application for an operator license, a lease authorizing use of a portion of the airport, or both.

"Apron areas" means those areas of the airport represented on zoning map B - Monroe municipal airport labeled "apron".

"Board" means the airport board of management as established by the city.

"Certified air carrier" means any carrier conducting any aeronautical activity operating under federal aeronautical regulations part 121 or 135.

"Club aircraft" means an aircraft that is owned and operated by a flying club or an airport activity club.

"Commercial activity" means any activity conducted at, on, or from the airport, that is intended to produce revenue payable to the person conducting such activity.

"Commercial aviation areas" means those areas of the airport represented on zoning map B - Monroe municipal airport labeled "commercial aviation areas".

"Commercial carrier" means any nonscheduled fare generating aircraft.

"Commercial hangar area" means that area of the airport represented on zoning map B - Monroe municipal airport labeled "commercial hangar area".

"Commercial hangar" means any hangar, other than an industrial hangar, that is used or intended to be used either directly or indirectly for any commercial activity.

"Concession" means any nonaeronautical revenue producing facility or service for the convenience of the public using the airport.

"Crop dusting" means the spraying of powdered or liquid insecticide or fertilizer on crops from the air.

"Emergency equipment" means ambulances, crash rescue and fire fighting apparatus and such other equipment as is necessary to safeguard airport runways, taxiways, structures, ramps, and other property in emergency situations.

"FAA" means the federal aviation administration of the United States government.

"FCC" means the federal communications commission of the United States government.

"Flying club" means a nonprofit Wisconsin corporation, nonprofit limited liability company or nonprofit partnership of five or more individuals, organized for the purpose of making aircraft available to its stockholders, members or partners.

"Gross income" means the monthly gross income of the relevant person derived from the use of airport facilities, calculated by generally accepted accounting methods.

"Hangar" means any structure designed or used for aeronautical purposes, or in which space is provided for aircraft storage or service.

"Hangar approach apron" means the developed area between a taxiway and any hangar over which aircraft may be moved.

"Height zones" means those areas represented on zoning map A - Monroe municipal airport.

"Industrial aircraft" means an aircraft that is owned by a business entity, and operated for free transportation of owners and other individuals or property.

"Industrial hangar areas" means those areas of the airport represented on zoning map B - Monroe municipal airport labeled "industrial hangar areas".

"Industrial hangar" means any hangar owned by a person that is used exclusively for storage or maintenance of industrial aircraft.

"Lease" means a contract for the letting of land or tenement for a specified period of time. For an operator engaged in a short term commercial activity the term of a license issued to such operator authorizing use of airport property for a specified period of time shall be considered a lease of such property for the period of time set forth in the license.

"Leasehold improvements" means any modification, alteration or repair, either structural or nonstructural in nature, performed by or at the direction of a tenant.

"Manager" means the individual empowered by the board to administer, oversee, and control the construction, operation, and maintenance of the airport.

"Municipal hangar" means any hangar owned, leased or otherwise controlled by the city.

"Municipal terminal area" means that area of the airport represented on zoning map B - Monroe municipal airport labeled "municipal terminal area".

"Nonconforming use" means a structure, tree, or use of land that does not conform with the use regulations covering the area in which it is situated as of the effective date of this chapter.

"NFPA" means national fire protection association.

"NOTAM" means a notice containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

"NTSB" means the national transportation safety board of the United States government.

"Operating privileges" means the privilege or right to use the airport or airport facilities for private, commercial, or any other purpose.

"Operator" means any person that has received an operator license.

"Operator license" means written authority, granted by the city, allowing a person to conduct commercial activity on or from the airport.

"Parking space" means a space designated for the parking of a single vehicle by lines painted or otherwise durably marked.

"Private aircraft" means an aircraft owned by an individual and operated for noncommercial purposes by such owner. "Private aircraft" includes an aircraft used in the owner's business, so long as such use is incidental to the business, and no income is directly attributable to the use of the aircraft.

"Private hangar area" means that area of the airport represented on zoning map B - Monroe municipal airport labeled "private hangar areas".

"Private hangar" means any hangar other than a municipal hangar, industrial hangar, or commercial hangar.

"Public area" means any area of the airport open to the public, including the terminal, vehicle parking, and park areas, as designated on zoning map B - Monroe municipal airport.

"Public thoroughfare" means all public areas designed and used for the passage of pedestrians or vehicles.

"Radio hazard" means any use of land or other activity that creates electrical interference with radio communication between the airport and aircraft.

"Ramp" means that area of the airport represented on zoning map B - Monroe municipal airport labeled "ramp".

"Rotorcraft" means all aircraft supported in flight partially or wholly by rotating airfoils.

"Runway" means any sod or hard-surfaced area designated for the taking off and landing of aircraft.

"Shop" means any structure capable of housing one or more aircraft while same are being repaired.

"Short term commercial activity" means a commercial activity that is operated for not more than 30 consecutive days or more than a cumulative total of 60 days in any calendar year.

"Standard construction specifications" means a) FAA "Standards for specifying construction of airports" and b) all other federal, state and city building codes and other rules or regulations controlling construction on public airports.

"State" means the state of Wisconsin and all subdivisions thereof, including, but not limited to, the state department of transportation, bureau of aeronautics.

"Structure" means any object constructed or installed by any person.

"Supervisor" means the operator responsible for the daily operation and management of the airport, under the supervision of the manager with duties as specified in a contract between the operator and the city.

"T-hangar" means a T-shaped area within a hangar capable of housing one airplane, whether such area is demarcated by walls or other means.

"Taxiway" means the sod and paved areas designated solely for the taxiing of aircraft, represented by the area on zoning map B - Monroe municipal airport labeled "taxiway".

"Tenant" means any person that has entered into a written lease with the city for use of facilities at the airport.

"Tie down area" means that area designed for the parking, tying down, and storage of aircraft, and represented by the area on Zoning map B - Monroe municipal airport labeled "tie downs".

"Transient aircraft" means an aircraft not using the airport as a base of operations.

"Tree" means any object of natural growth that will grow to a height of more than five feet, excluding farm crops that are cut to the ground at least once each year.

"Ultra-light aircraft" means any aircraft used or intended to be used for manned operation for recreation or sport purposes that does not have any United States or foreign airworthiness certificate and that: a) If unpowered, weighs less than 155 pounds; or b) If powered 1) weighs less than 254 pounds empty weight, excluding floats and safety devices that are intended for deployment in potentially catastrophic situations; and 2) has a fuel capacity not exceeding five U.S. gallons; and 3) is not capable of more than 55 knots calibrated airspeed at full power in level flight; and 4) has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

"User" means any person that uses any portion of the airport for any purpose.

"Utility and service area" means those areas of the airport represented by zoning map B - Monroe municipal airport labeled "utility and service area".

"Vehicle" means every device, excluding aircraft, in, upon, or by which any individual or property may be transported, including snowmobiles and any other recreation device.

11-6-5: Airport manager:

(A) The manager shall be appointed by the board annually in January. The manager shall serve a one year term, unless removed by the board for violation of this chapter.

(B) The manager shall act within the scope of authority granted to him or her by the board. In addition to the general management of the airport, the manager shall be responsible for all duties delegated to him or her by the board.

(C) The manager or his or her designee shall have the authority to issue a NOTAM closing the entire airport or any part thereof, if, in the manager's opinion, conditions of the airport or any part thereof are unsafe for landing or take-off. The manager shall notify the FAA flight service station of the NOTAM in writing immediately following its issuance. When the manager determines that the airport is again safe, he or she shall provide written notice of that determination to the FAA flight service station and the control tower in writing.

(D) The manager shall have the authority to authorize uses of the airport within the authority granted to him or her, so long as such uses do not interfere with the safe and efficient operation of the airport.

(E) The manager shall be responsible for the safekeeping of all lost items given to him or her for 60 days. If such items are not claimed within 60 days after the manager obtains custody of such item, the manager may dispose of such item as he or she sees fit, without liability to any person. The manager shall be under no duty to determine the owner or other person entitled to possession of such item.

(F) The manager shall attend all meetings of the board, unless excused by the chairperson of the board.

11-6-6: Commercial activities:

(A) License required. No person shall conduct any commercial activity before obtaining an operator license from the city that authorizes such activity. The city may require that a lease be signed by an applicant before issuing an operator license to such applicant.

(B) Other approvals. Every person conducting a commercial activity shall maintain in good standing all necessary state and federal certificates and activity licenses required for the conduct of such commercial activity during the term of any lease or operator license issued under this chapter and shall maintain at all times insurance coverage for such commercial activity conforming to the minimum requirements established from time to time by the board.

(C) Term of license. An operator license issued under this chapter shall be for a term ending on the next June 30 following the date of issuance.

11-6-7: Operator licenses; classification and description:

(A) There shall be 11 categories of operator licenses:

(1) Operator license category I; line services:

A) The operator shall be authorized to sell and dispense aviation fuels, lubricants, or other aviation petroleum products. The operator shall provide all necessary ramp assistance in the parking of aircraft as is necessary to provide such services.

B) The operator shall operate under contract with the city. The terms of this contract and services to be performed shall be negotiated annually.

C) The operator shall have available such emergency aircraft starting equipment, fire extinguishers, aircraft engine heaters, portable pressure tanks, towing equipment, and other service equipment as is necessary for the proper conduct of the operator's duties. The board shall provide an itemized list of such required equipment to any applicant for a category I operator license.

D) The operator shall make available all generally used aviation fuel and shall provide parking and tie down services for aircraft. The operator may provide services for washing aircraft, inflation of tires, changing of aircraft engine oil, and other minor repairs not requiring a certified mechanics rating.

E) The operator may be required to operate the unicom, and to make available pilots' aeronautical maps, weather information, current issues of the "Airman's guide and flight information manual".

(2) Operator license category II; flight instruction:

A) The operator shall be authorized to provide flight training, including, but not limited to, flight review, biannual flight check, advanced rating and ground school instruction, necessary to prepare an individual to take all examinations required to obtain a pilot's license or rating.

B) The operator shall have available at least one FAA certified flight instructor to cover the type of training offered. Such instructor shall be an employee of the operator, or shall have a category II operator license from the city.

C) The operator shall comply with relevant sections of FAA part 141 regulations.

(3) Operator license category III; aircraft charter and air taxi:

A) The operator shall be authorized to provide air transportation of individuals or property to the general public for hire, including charter and commercial operations as defined in the federal aviation act and FAA part 135 regulations as amended or replaced.

B) The operator shall have available at least one pilot rated by the FAA to permit the flight activity offered by the

operator. Such pilot shall be an employee of the operator or shall have a category III operator license from the city.

(4) Operator license category IV; aircraft sales:

A) The operator shall be authorized to sell new or used aircraft through franchises, licensed dealerships, or distributorships.

B) The operator shall provide adequate arrangements for repair and servicing of aircraft during any sales guarantee or warranty period. The operator shall not conduct any repair or servicing of aircraft beyond the sales guarantee or warranty period.

C) The operator shall have available at least one individual having a current private pilot certificate and hour requirements as specified by the FAA for the type and category of aircraft to be demonstrated for sale. Such pilot shall be an employee of the operator or shall have a category IV operator license from the city.

D) An applicant must file proof that it holds a valid sales or distributorship franchise with the city clerk before being granted a category IV operator license.

(5) Operator license category V; aircraft rental:

A) The operator shall be authorized to rent aircraft for operation by student pilots or other pilots not employed by the operator.

B) The operator shall have properly certificated airworthy aircraft available for rental. The operator shall either own such aircraft, or shall rent such aircraft under a written lease. The operator shall provide all documentation regarding the ownership or lease of the aircraft to the city upon demand.

C) The operator shall have on hand, at all times, proper checklists and operating manuals for every aircraft available for rental.

D) Before entering into an agreement to rent or lease an aircraft to any person, the operator shall deliver to such person written notice which contains all of the following information:

1) Whether the operator maintains insurance coverage for liability arising from the use or maintenance of the aircraft.

2) If liability coverage is provided, the limits of such coverage, the amount of any deductible and a statement that the lessee may obtain from the lessor or the lessor's insurance agent a copy of a certificate of coverage that provides further information about any limitations of coverage or other terms of coverage.

E) The operator shall have available at least one FAA certified flight instructor having a current commercial pilot license. This flight instructor shall either be an employee of the operator or shall have a category II operator license from the city.

(6) Operator license category VI; Aircraft airframe and power plant repair and maintenance:

A) The operator shall be authorized to maintain and repair aircraft, power plants, and accessories, and may sell aircraft parts and accessories.

B) The operator shall have available at least one individual who is certified by the FAA with ratings appropriate for the work being performed, who shall hold either an airframe or a power plant rating, or both. This individual shall be an employee of the operator or shall hold a category VI operator license from the city.

C) The operator shall have available the equipment, supplies and parts, sufficient to perform all maintenance and repairs upon airframes or air power plants under manufacturer's recommendations of the aircraft being serviced. If such equipment, supplies and parts are not immediately available, the operator shall have a source of supply from which the same can be obtained upon a reasonable notice.

D) The operator shall file with the city clerk all FAA certifications required to operate its business under this operator license category.

(7) Operator license category VII; Aircraft painting or repair of interiors:

A) The operator shall be authorized to paint aircraft and repair, rehabilitate, and renovate aircraft interiors.

B) The operator shall provide the building necessary for painting operations, if the operator provides that service. Such building shall include a segregated painting area meeting all applicable federal, state and local code requirements.

C) The operator shall have at least one individual available during normal hours of operation who is qualified to do repairs for which the operator is licensed. Such individual shall be an employee of the operator or shall hold a category VII operator license from the city.

(8) Operator license category VIII; FAA authorized repair station for avionic sales and services:

A) The operator shall be authorized to engage in the operation of an FAA authorized repair station to repair aircraft radios, instruments and accessories for general aviation aircraft, and to sell new or used aircraft radios, instruments and accessories.

B) The operator shall have available at least one individual who is a FCC rated repair technician. Such individual shall either be an employee of the operator or shall hold a category VIII operator license from the city.

C) The operator shall file its FAA license and its FCC rating with the city clerk.

(9) Operator license category IX; Aircraft parking and storage: The operator shall be authorized to engage in the temporary or permanent parking or storage of aircraft.

(10) Operator license category X; Specialized commercial flying services:

A) The operator may provide air transportation for only those activities that are expressly authorized by the operator license issued to such operator.

B) The operator shall lease from the city an area of sufficient size from which to safely conduct business.

C) Each operator engaged in the business of crop dusting or other commercial use of chemicals shall:

1) Except as otherwise authorized by the manager, provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing and servicing.

2) Abide by all state and federal regulations relating to safe storage and containment of noxious and hazardous waste and stored chemicals. Where no such regulations exist, the operator shall follow all reasonable procedures for handling such materials as are required by the manager.

3) Provide the city with copies of all applicable permits and approvals required by the Wisconsin department of agriculture, trade and consumer protection and any other applicable regulatory agency.

4) Place facilities related to such operations in a location on the airport which will provide the greatest safeguard to the public, as directed by the manager.

5) Provide tank trucks or similar facilities for the handling of liquid spray and mixing liquids.

6) Provide adequate ground equipment for the safe handling and safe loading of dusting materials.

D) The operator shall have at least one individual on duty during appropriate business hours who holds a current FAA commercial certificate properly rated for the aircraft to be used and the type of operation to be performed.

(B) No operator license shall be transferred without the prior approval of the board. The board may require a complete application from the intended transferee before considering any transfer.

(C) Nothing in this chapter shall be interpreted to give any operator or applicant a right to an exclusive license or right of operation.

11-6-8: Operator license application:

(A) Application requirements: An applicant shall make a written application on forms prescribed by the city. The application shall contain the following information:

(1) Applicant's legal name, business address and business telephone number.

(2) If applicant is other than a natural person, the following information:

A) The legal basis upon which the applicant exists, including the home state of the applicant and if the home state is other than Wisconsin the basis upon which the applicant is authorized to do business in Wisconsin.

B) The legal name, home and business addresses, telephone number and e-mail addresses [if any] of each officer, director or other person possessing authority to act on behalf of the applicant and the nature of such authority.

(3) The business that the applicant intends to conduct at the airport.

(4) A description of the space or area on the airport needed to conduct the commercial activity and a request to use such space or area.

(5) Applicant's intended use of airport land, buildings, and other facilities.

(6) The legal name, home and business address, telephone number and e-mail address [if any] of each person who will be responsible for the operator's day to day operations at the airport.

(7) Proof of compliance with all applicable state and federal requirements. Such proof shall include, but shall not be limited to, proof that the applicant holds current licenses for the business that applicant intends to conduct or proof that the applicant has the qualifications necessary to obtain and maintain such licenses.

(8) Proof of insurance with coverage limits that comply with the minimum requirements established from time to time by the board.

(B) Documents: As a part of the application, the applicant shall provide:

(1) Copies of the owner's aircraft registration and aircraft lease documents.

(2) Copies of all activity licenses, permits, and certificates needed for the type of operation to be performed.

(C) Fees: The fee for processing an application for any license required by this chapter shall be set by the board. Such fee shall be tendered at the time the application is submitted.

(D) Action on the application:

(1) No application shall be considered until the complete application is submitted to the board or the board's designee and the required application fee has been paid. An application that meets all the requirements of subsections 11-6-8(A) and (B) of this chapter shall be considered complete.

(2) The board or the board's designee shall review each complete application to determine whether the applicant has adequately demonstrated that the applicant has complied with those items set forth in this chapter. The board or the board's designee may conduct such investigation into the content of the application as considered necessary. If such investigation is conducted by the board's designee he or she shall within 30 days following the filing of the application refer such application to the board for final action or administratively approve or deny such application if authorized to do so by the board. Failure by the designee to approve or deny an application for which approval authorization has been delegated by the board within 30 days following the filing thereof shall be deemed to be a denial thereof as of the 30th day following the filing of such application unless such application has been referred to the board for final action. The board shall consider an application referred to the board for action within 30 days following the referral. Failure of the board to act upon an application within 30 days following the referral shall be deemed to be a denial thereof as of the 30th day following such referral.

(3) The board's designee, or the board if an application is referred to the board for final decision, may condition approval of the application upon the addition of such terms and conditions as may be considered necessary to protect the public, ensure safe operation of the airport, and ensure appropriate development of the business and of the airport.

(4) A final decision on the application shall be made within 60 days following submission of a complete application, including a decision approving or denying any request for the lease of a municipal hangar. If an application is denied, the reasons for such denial shall be given to the applicant in writing and the application fee shall be refunded to the applicant.

(E) The applicant shall be under a continuing duty to report changes in the information on the approved application to the city clerk.

(F) Issuance of license: Each approved license shall be issued by the city clerk within 10 days following approval thereof. No activity for which a license is required shall be undertaken by an applicant until a license authorizing such activity has been

issued.

(G) Other approvals: Issuance of a license shall not relieve the applicant from obtaining other licenses and approvals required by the city or other governmental authority having jurisdiction.

11-6-9: Leases:

(A) Application. Any person that wants to lease land or improvements on the airport shall file an application with the board or the board's designee. Such application shall include:

(1) The applicant's legal name, business address and business telephone number.

(2) If the applicant's is other than a natural person, the following information:

A) The legal basis upon which the applicant exists, including the home state of the applicant and if the home state is other than Wisconsin the basis upon which the applicant is authorized to do business in Wisconsin.

B) The legal name, home and business address, telephone number and e-mail address [if any] of each officer, director or other person possessing authority to act on behalf of the applicant and the nature of such authority.

(3) The applicant's intended use of airport land, buildings, and other facilities, including the estimated number of takeoffs and landings per year.

(4) An estimate of costs to be incurred by the applicant for development and improvements to the airport to provide the intended service.

(5) A schedule for development and construction of improvements.

(6) The legal name, home and business address, telephone number and e-mail address [if any] of each person who will be involved with the use of the leased premises at the airport.

(7) A current financial statement or other information adequate to demonstrate, to the satisfaction of the board, that the applicant has the financial resources to fulfill the applicant's obligations under the lease.

(8) A statement setting out the involvement of the applicant, or any officer, director or agent of the applicant, with any other person operating at the airport at the time of such application. If the applicant or any officer, director or agent of the applicant, is involved with such other person as an officer, director or agent, the applicant shall also state whether such other person is in conformance with all leases, operator licenses, and other contracts between the city and the such other person.

(9) Copies of the owner's aircraft registration and aircraft lease documents.

(10) Proof of insurance with coverage limits that comply with the minimum requirements established from time to time by the board.

(B) Action on the application:

(1) No application shall be considered until the complete application is submitted to the board or the board's designee. An application that meets all the requirements of subsection 11-6-9(A) of this chapter shall be considered complete.

(2) The board or the board's designee shall review each complete application to determine whether the applicant has adequately demonstrated that the applicant has complied with those items set forth in this chapter. The board or the board's designee may conduct such investigation into the content of the application as considered necessary. If such investigation is conducted by the board's designee he or she shall within 30 days following the filing of the application refer such application to the board for final action or administratively approve or deny such application if authorized to do so by the board. Failure by the designee to approve or deny an application for which approval authorization has been delegated by the board within 30 days following the filing thereof shall be deemed to be a denial thereof as of the 30th day following the filing of such application unless such application has been referred to the board for final action. The board shall consider an application referred to the board for action within 30 days following the referral. Failure of the board to act upon an application within 30 days following the referral shall be deemed to be a denial thereof as of the 30th day following such referral.

(3) Approval of the application may be conditioned upon the addition of such terms and conditions as may be considered necessary to protect the public, ensure safe operation of the airport, and ensure appropriate development of the business and of the airport.

(4) A final decision on the application shall be made within 60 days following submission of a complete application. If an application is denied the reasons for such denial shall be given to the applicant in writing.

(5) The applicant shall be under a continuing duty to report changes in the information on the approved application to the city clerk.

(6) The applicant shall enter into a written lease with the city within 30 days after a final decision approving the application. This time period may be extended for good cause.

(7) If the applicant does not enter into a written lease with the city within the time set forth in this section, the approval shall be considered withdrawn and the application voided. The applicant may then file a new application under this chapter, which application shall be reviewed according to the provisions of this chapter.

(C) Every lease shall contain, at a minimum, the following information and provisions:

(1) The time period covered by the lease;

(2) The amount to be paid for the annual rental of space;

(3) A description of the structures and land to be used by the lessee;

(4) A description of the business to be operated, if any;

(5) A requirement that the lessee obtain and maintain insurance as required by this chapter, with the city named as an additional insured;

(6) A requirement that the lessee maintain the leased premises in good condition and a listing of such maintenance requirements;

(7) A requirement that any modification of the lease shall be made in a writing signed by the lessee and by a representative of the board;

(8) A provision that the lessee shall not sublease the leased premises without prior written authorization from the board;

(9) If the lessee is an operator that is to be open to the public, the lease shall contain a requirement that the lessee have its business open and services available at reasonable hours and provide for qualified personnel to be in attendance during normal operating hours;

(10) If the lessee is an operator whose business involves air transportation, the lease shall contain a requirement that the lessee have available at least one properly certified aircraft equipped for the type of transportation offered;

(D) No lessee shall transfer or assign any lease without prior written authorization of the board. If lessee is an entity, the sale or other transfer of a majority ownership interest in such entity shall be considered to be a transfer. The board's authorization to transfer or assign shall not be unreasonably withheld.

(E) It is in the public interest that the city encourage airport development in those areas where substantial construction costs are incurred by lessees, particularly when such construction is of industrial hangars, commercial hangars or private hangars on airport property. To encourage such construction, the board may approve long-term leases, low-rent leases, leases that provide for re-examination and readjustment of rates and charges at specified times during the lease term, and any other type of lease that furthers this public interest.

(F) Each lessee shall keep its leased property free from all fire hazards.

(G) All lessees shall supply and maintain adequate and readily accessible fire extinguishers approved by underwriters laboratories.

(H) No person shall effect structural or decorative change of any structure without prior written permission of the board.

(I) Lessees shall be fully responsible for all damages to buildings, equipment, real property, and appurtenances in the ownership or custody of the airport caused by negligence, abuse or carelessness by the lessee's employees, agents, customers, visitors, suppliers, or persons with whom the lessee does business.

(J) Lease rates. Rates for leasing city owned or controlled property at the airport shall be set from time to time by resolution of the board.

(K) Insurance. Every lessee of city owned or controlled property at the airport shall maintain at all times insurance coverage conforming to the minimum requirements established from time to time by the board.

11-6-10: Airport operation:

(A) Finances:

(1) All revenue derived from the use of the airport shall be collected by the city treasurer. The city treasurer shall maintain records of all such receipts, and shall deposit such revenue into a separate and segregated fund.

(2) The expenditures from such fund shall be made only upon approval of the board or the board's designee.

(3) The revenues shall be used only for maintenance, operation, improvement, acquisition, and general management expenses of the airport.

(B) Zone uses:

(1) Apron areas shall only be used for temporary parking and servicing of aircraft.

(2) Commercial aviation areas shall only be used for the conducting of business activities by operators, and storage of aircraft and materials connected with such commercial activities.

(3) Commercial hangar areas shall only be used for storage of commercial aircraft and storage of motor vehicles when such aircraft is in use.

(4) Industrial hangar areas shall only be used for storage of industrial aircraft and storage of motor vehicles when such aircraft is in use.

(5) The Municipal terminal area shall be maintained by the city for the use of all patrons of the airport.

(6) Private hangar areas shall only be used for the storage of private aircraft and storage of motor vehicles when such aircraft is in use.

(7) Public areas shall be open for the use of the public for any use reasonably related to the use of the airport and not otherwise prohibited by this chapter.

(8) Tie down areas shall only be used for the long term parking, tying down, and storage of aircraft.

(9) The utility and service area shall be reserved for use by persons expressly authorized by the board.

(C) Special activities: No person shall conduct any of the following activities on, from, or over the airport without the prior approval of the board:

(1) Aerobatic flight.
(2) Ground demonstration.
(3) Fly-in.
(4) Balloon flights.
(5) Parachuting.
(6) Flour bombing.
(7) Sky diving.
(8) Operation of ultra-light aircraft.
(9) Operation of model or radio controlled aircraft flights.
(10) Meetings, conventions, picnics or other such gatherings involving more than 10 people.
(11) Any other activity that is outside of the normal operation of the airport and that may affect the safe or efficient operation of the airport.

(D) Cleaning of Aircraft: No person shall use any volatile, flammable liquid having a flash point of less than 130 degrees Fahrenheit in the cleaning of aircraft, aircraft engines, propellers, appliances, or for any other purpose unless such operations are conducted in a room specifically set aside and state approved for that purpose. Such room shall be properly fireproofed and shall be equipped with adequate, readily accessible, state approved fire extinguishing apparatus.

(E) Flammable and combustible materials storage:

(1) Liquids: Flammable and combustible liquids may be stored in a hangar or other structure at the airport only in strict conformity with NFPA standard no. 30 (Flammable and combustible liquids code-2015 edition) and any subsequent editions amendatory and supplemental thereto.

(2) Signal flares: No person shall keep or store any signal flare or other similar material in any hangar or other structure on the airport, unless such material is stored in rooms or cabinets specifically approved for such purpose by underwriter laboratories. This type of material may be kept in aircraft provided it is in approved receptacles installed in the aircraft for storage of such material.

(F) Doping and painting:

(1) No doping of areas larger than two square feet shall be conducted on the airport, except in properly fireproofed and ventilated rooms or buildings in which all illuminations, wiring, heating, ventilation equipment, switches, outlets and fixtures are explosion-proof, spark-proof and vapor-proof. In addition, all doors and windows in such room shall open easily. Such room shall meet all federal, state and local building codes.

(2) Painting of more than 10 square feet shall not be permitted on the airport except in licensed repair shops.

(3) No aircraft painting or doping is permitted in any municipal hangar.

(G) Fueling and defueling aircraft:

(1) Fueling operations:

A) No aircraft shall be fueled or defueled while the engine is running.

B) No aircraft shall be fueled or defueled while the engine is being warmed by application of heat from the exterior of the engine.

C) No aircraft shall be fueled or defueled while such aircraft is in a hangar or other enclosed space unless such aircraft is fueled or defueled in connection with repair or maintenance operations by an operator holding a license authorizing such repair or maintenance operations.

D) No individual shall smoke within 100 feet of an aircraft being fueled or defueled.

E) No individual shall operate any radio transmitter or receiver in an aircraft during fueling or defueling.

F) No individual shall switch any electrical appliance off or on in an aircraft during fueling or defueling.

G) No individual shall use any material or equipment during fueling or defueling of aircraft which is likely to cause any spark or flame.

H) No person shall start the engine of any aircraft when there is any excess fuel under such aircraft.

I) Fueling hoses and equipment shall be maintained in good, nonleaking condition. All fueling hoses and equipment shall be approved by the national board of fire underwriters.

J) All hoses and equipment used in fueling or defueling operations on the airport shall be equipped with a grounding device approved by the manager.

K) No aircraft shall be fueled or defueled while passengers are on board, unless the aircraft doors are locked open.

L) All persons engaged in the fueling and defueling of aircraft shall exercise due care to prevent the overflow of fuel during such operations.

M) All persons engaged in the fueling or defueling of aircraft shall remove all volatile liquids spilled during such operations.

N) No person shall use any portable container for storage or transport of fuel, except:

1) Under circumstances constituting an emergency under any local, state or federal rule or regulation.

2) Those uses pertaining to airport maintenance.

(H) Weapons and explosives: Unless expressly authorized by a clearly preemptive state or federal law, no person shall carry or cause to be carried any weapon or explosive on the airport, except as follows:

(1) Legally encased sporting guns for transshipment.

(2) Peace officers acting within the scope of their employment.

(3) Post office employees acting within the scope of their employment.

(4) Airport employees acting within the scope of their employment.

(5) Members of the armed forces of the United States on official duty.

(6) Persons with written authorization of the board or the board's designee to harvest game on the airport.

(I) Flammable liquids:

(1) No person shall carry or cause to be carried on the airport any flammable liquid, except petroleum products, solvents, or other liquids used in the normal fueling, repair, or operation of aircraft.

(2) No person shall carry or cause to be carried in the airport terminal any flammable liquid of any type.

(J) Use of roads and walkways:

(1) No person shall travel on the airport other than on the roads, walks or places provided for the particular class of traffic.

(2) No person shall occupy the roads or walkways in such a manner as to hinder or obstruct their proper use.

(K) Animal restrictions: No animal shall be permitted on the airport, except:

(1) Seeing eye dogs, or dogs assisting the handicapped;

(2) Animals that are to be transported by air, and that are properly confined for such transportation;

(3) Animals restrained by leash not more than six feet long, or otherwise properly confined.

(L) Use of shop areas: No shop, garage, equipment or facility shall be used by any person other than one to whom the item is leased, or an employee of such person.

(M) Solicitation: No person shall solicit fares, alms, or funds for any purpose on the airport without prior permission of the board.

(N) Open-flame operations: No person shall conduct open-flame operations on the airport without the written permission of the manager.

(O) Smoking: No person shall smoke on the airport apron, in any hangar or shop, service station area, gasoline storage area or in any building, room or within 100 feet of any fueling or defueling operations or where otherwise prohibited by state law.

(P) Trash:

(1) All waste, rags, and other rubbish shall be kept in metal containers with self-closing covers.

(2) All waste, rags, and other rubbish shall be removed by each operator and lessee daily.

(3) Each operator and lessee shall be responsible for the proper storage, transporting and disposal of all waste, rags, and other rubbish generated by that person. If any such material escapes from the vehicle transporting it, the person transporting it shall be responsible for cleanup of such material. If the person does not clean up such material to the satisfaction of the manager, the manager shall have the material satisfactorily cleaned up, and shall charge the person with the cost of such clean up.

(4) No person shall permit the accumulation or storage of crates, boxes, barrels or other containers on its premises.

(5) Trash and garbage containers shall only be placed in areas designated by the manager.

(6) Every user shall keep the area for which that user is responsible clean and sanitary at all times.

(7) No fuels, oils, dopes, paints, solvents, or acids shall be disposed of or dumped anywhere on the airport. All such materials shall be disposed of as required under federal, state, and local law.

(Q) Property damage: Any person damaging any light or fixture shall report such damage to the manager's office immediately. Such person shall be fully responsible for any costs required to repair or replace the damaged item.

(R) Floor care: Each user shall keep the floors of the hangars, hangar areas and terminal apron and ramp areas used by them clean and clear of oil, grease and other materials or stains, except as specifically authorized by the board.

(S) Storage of Equipment: No person shall store or stack materials or equipment in such a manner as to constitute a hazard to people or property.

(T) Municipal hangar regulations:

(1) Each person using a municipal hangar shall extinguish all lights and disconnect all electrical appliances before leaving such hangar.

(2) Each person using a municipal hangar shall close and secure the hangar doors when leaving the hangar for more than one hour.

(3) Each person using a municipal hangar shall report any malfunctioning of hangar doors or equipment to the manager promptly.

(U) Equipment and miscellaneous in apron area:

(1) All ramp equipment shall be parked and kept in a neat and orderly manner.

(2) No receptacles, chests, cases, or housing shall remain on the apron or ramp areas except as approved in writing by the manager.

(V) Miscellaneous provisions:

(1) No person shall engage in a course of conduct that adversely affects the safe or efficient operation of the airport, airport employees, or other airport personnel.

(2) No person shall resist or obstruct an airport employee while such employee is doing any act in an official capacity and with lawful authority. "Obstruct" includes, without limitation, knowingly giving false information to the employee with intent to
mislead him or her in the performance of his or her duty.

(3) During time of war or national emergency, the board may grant a right of use of any or all airport facilities to the United States of America for military use. All rights of use of all airport users are subject to such grant. If such right of use is granted, it shall suspend all operating privileges of all other users of the airport, and shall not be considered a taking of property.

(W) No person shall engage in any activity that:

(1) Obstructs the view of persons operating aircraft on the ground at the airport.

(2) Makes it difficult for pilots to distinguish between airport lights and other lights.

(3) Results in glare in the eyes of pilots using the airport.

(4) Impairs visibility in the vicinity of the airport.

(5) Endangers or is hazardous to the landing, taking off or maneuvering of aircraft using the airport.

(6) Creates a radio hazard on or in the immediate vicinity of the airport.

11-6-11: Aircraft operation:

(A) Aircraft registration:

(1) The owners of all aircraft based on the airport shall register their aircraft with the manager's office within seven days after bringing the aircraft on the airport, and before beginning operations.

(2) If there is any change in the ownership of a registered aircraft, the registered owner or owners shall report such change of ownership to the manager within seven days following the transfer of ownership. The new owner or owners shall register the aircraft within 14 days following the transfer of ownership.

(B) Aeronautical activities: All aeronautical activities at the airport and above the airport, shall be conducted in conformity with orders issued by the board and the current pertinent provisions of the Wisconsin state aeronautics board.

(C) Accidents and incidents:

(1) Any person involved in any aircraft accident or incident occurring on the airport shall, within 10 business days, make a full written report thereof to the manager. Such report shall be made on a form provided by the manager.

(2) When a written report of an accident or incident is required by FAA regulations, a copy of such report shall be submitted to the manager in lieu of the report required by this section.

(3) All disabled aircraft, parts of such aircraft, and all debris related to such aircraft shall be promptly removed from all areas where the public can see such items and from the landing area.

(4) If any person refuses to move a disabled aircraft as directed by the manager, the manager may have the aircraft towed away at the expense of the aircraft owner or operator. Neither the city, the board, the manager, nor any person towing such aircraft at the direction of the manager shall be liable for any damage that may result in the course of, or at any time following, such towing.

(5) Subsections (C)(1) through (C)(4) of this section shall be subject to NTSB Regulation 830.

(D) Warm-up: No aircraft shall perform warm-up or engine test operations in any area that would result in a hazard to other aircraft, persons or property.

(E) Taxiing rules:

(1) Each individual operating an aircraft shall visually inspect the area surrounding the aircraft before beginning any operation involving the movement of the aircraft.

(2) No person shall taxi an aircraft until he or she has determined that there will be no danger of collision with any individual or object as a result of such taxiing.

(3) No aircraft shall be taxied in a careless or reckless manner.

(4) No aircraft shall be taxied except at a safe and reasonable speed.

(5) All aircraft shall be taxied under prescribed taxiing patterns.

(6) No person shall start or run any engine in any aircraft unless a competent person is in the aircraft attending the engine controls.

(7) Blocks shall be placed in front of the wheels of all aircraft before starting any engine on such aircraft unless such aircraft is provided with adequate brakes.

(8) No person shall run any engine of an aircraft so as to cause damage to other aircraft or property, or in such a manner as to blow paper, dirt, or other materials across taxiways or runways in such manner as to endanger the safety or operations on the airport.

(F) Landing and take-offs:

(1) Each person landing or taking off from the airport shall follow the following procedures:

A) Landing aircraft shall maintain traffic pattern altitude until turning onto base leg before commencing final approach.

B) Aircraft taking off from the airport shall climb out straight ahead from the end of the runway until at least 400 feet above ground level. However, aircraft making practice take-offs and landings, shall make their first turn at a point at least 1,000 feet beyond end of the runway and at an altitude of not less than 400 feet above ground level, continuing to climb after their first turn until the aircraft reaches an altitude of at least 800 feet above ground level.

C) Each person landing or taking off from the airport shall maintain a left-handed rectangular traffic pattern, unless otherwise directed by the manager.

(2) Take-offs and landings over populated areas shall be kept to a minimum for public safety and convenience.

(3) Pilots possessing a student permit only shall only land or take off at the airport while on a cross-country flight to further their aeronautical knowledge, or while under the supervision of a qualified instructor.

(4) No motorless aircraft, nor any aircraft with a total loaded weight of more than 30,000 pounds, shall land or take off from the airport without the prior authorization of the manager.

(G) Aircraft parking: No person shall park any aircraft on other than the apron areas or tie down areas without the prior written permission of the manager.

(H) Rotorcraft shall not operate within 200 feet of any area where light aircraft is parked or operating, except for refueling operations.

(I) Miscellaneous regulations: No person shall use oil warming devices or electrical heating devices for an aircraft unless such devices are an integral part of the aircraft.

(J) Reckless flying; penalty:

(1) In this subsection, "drug" means:

A) Any substance recognized as a drug in the official U.S. pharmacopoeia and national formulary or official homeopathic pharmacopoeia of the United States or any supplement to either of them;

B) Any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or other conditions in persons or other animals;

C) Any substance other than a device or food intended to affect the structure or any function of the body of persons or other animals; or

D) Any substance intended for use as a component of any article specified in subsections (J)(1)A) to (J)(1)C) of this subsection, but does not include gases or devices or articles intended for use or consumption in or for mechanical, industrial, manufacturing or scientific applications or purposes.

(2) In this subsection, "controlled substance" has the meaning set forth in the controlled substances act under the Wisconsin statutes.

(3) No individual may operate an aircraft in the air or on the ground or water while under the influence of intoxicating liquor or controlled substances or a combination thereof, under the influence of any other drug to a degree which renders him or her incapable of safely operating an aircraft, or under the combined influence of intoxicating liquor and any other drug to a degree which renders him or her incapable of safely operating an aircraft, nor operate an aircraft in the air or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In determining whether the operation was careless or reckless the court shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics. The court shall make a written report of all convictions, including bail or appearance money forfeitures obtained under this subsection to the Wisconsin department of transportation, which shall send the report to the proper federal agency.

(4) Any person violating any provision of this subsection shall upon conviction be subject to a class 5 forfeiture for the first offense and a class 2 forfeiture for the second or subsequent offense.

11-6-12: Flying clubs:

(A) Each member of a flying club must be a bona fide partner, member or shareholder in the club. The ownership of a flying club shall be divided equally among the partners, members or shareholders.

(B) No flying club shall derive greater revenue from the use of its aircraft than the amount necessary for the operation,

maintenance, and replacement of its aircraft.

(C) Club aircraft may only be operated by bona fide club members. Such aircraft shall not be used for hire, charter, air taxi, or other commercial activities.

(D) Flight instruction may be given in club aircraft to club members, so long as such flight instruction is given by an operator holding a Category II operator license. The giving of such instruction shall not be considered commercial use of club aircraft.

(E) Each flying club shall file a complete list of the club's membership with the city clerk. Such list shall be updated upon any change of membership, but no less often than annually. Such list shall set forth each club member's name, address, telephone number, type of ownership interest in the club, and the extent of that ownership interest.

(F) Each flying club shall enter into a lease at the airport.

(G) Each flying club shall provide the city with copies of aircraft registrations for each club aircraft.

(H) Each flying club shall maintain a master flight log describing the use category of each of the club's aircraft and the purpose of each flight made. When a flight is made for flight instruction, the log entry shall also include the student's name, the flight instructor's name, and the flight instructor's operator license number. This log shall be made available to the board upon request.

(I) Each flying club shall maintain insurance with coverage limits that comply with the minimum requirements established from time to time by the board and shall file proof of such insurance with the board or the board’s designee.

(J) A flying club may conduct noncommercial ground activities involving club members and their immediate families, in the area leased by it, without prior approval. All other activities of a flying club must be approved by the board before the activity is to take place, and no flying club, nor any member of such a club, shall conduct any such activity at the airport without such prior approval.

(K) The area in which a flying club's activities may be conducted shall be designated by the board. The board may change this area from time to time, in the interests of safe and efficient use of the airport. This area may or may not correspond to the area leased by the club.

11-6-13: Airport activity clubs:

(A) No airport activity club shall derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance, and replacement of its aircraft.

(B) Club aircraft may only be operated by bona fide club members. Such aircraft shall not be used for hire, charter, air taxi, or other commercial activities.

(C) Flight instruction may not be given in club aircraft.

(D) Each airport activity club shall file a complete list of the club's membership with the city clerk. Such list shall be updated upon any change of membership, but no less often than annually. Such list shall set forth each club member's name, address, telephone number, type of ownership interest in the club, and the extent of that ownership interest.

(E) Each airport activity club shall provide the city with copies of aircraft registrations for each club aircraft.

(F) Each airport activity club shall maintain a master flight log describing the use category of each of the club's aircraft and the purpose of each flight made. This log shall be made available to the board upon request.

(G) An airport activity club may conduct noncommercial ground activities involving club members and their immediate families, in the area leased by it, without prior approval. All other activities of an airport activity club must be approved by the board before the activity is to take place, and no airport activity club, nor any member of such a club, shall conduct any such activity at the airport without such prior approval. The board shall not approve an activity unless the applicant provides proof of insurance with coverage limits that comply with the minimum requirements established from time to time by the board.

(H) The area in which an airport activity club's activities may be conducted shall be designated by the board. The board may change this area from time to time, in the interests of safe and efficient use of the airport.

(I) At least 24 hours before each airport activity club activity, except ground activities, the club shall request the manager to file an appropriate NOTAM. Such request shall include the date, beginning time and the ending time of the activity. Such request shall be made by a bona fide officer of the club.

(J) If any aerial activity of an airport activity club is to occur within federal aeronautical regulations part 77 airspace, the club shall provide, at its own expense, appropriate radios, operating on the airport's unicom frequency and meeting all FCC and FAA requirements. No aerial activities shall be conducted by the club unless such radio is operating and attended. The individual attending such radio shall be properly trained in its use and shall notify all nearby aircraft of the club activities. The individual attending such radio shall not be engaged in any other activity during such attendance.

(K) If any aerial activity of an airport activity club is to take place more than 500 feet above ground level the club shall, at all times during such activities, maintain radio contact with VFR advisories with Rockford approach control. The club shall notify Rockford approach control before beginning each such aerial activity and again upon completion of each such activity. The club shall also notify all local air traffic of such activity, on the local unicom frequency, immediately before and upon completion of such activity.

(L) Each airport activity club shall maintain and make available to the manager a club activity record describing each activity conducted by the club, except ground activities on the area leased by the club. Such activity records shall include, at a minimum, names of participants, type of activities, number and times of functions, name and address of radio operator, and the complete radio operation log.

11-6-14: Civil Air Patrol:

(A) Aircraft owned by Civil Air Patrol, Inc., shall not be classified as club aircraft, commercial aircraft, or industrial aircraft.

(B) Civil Air Patrol aircraft shall be operated under Civil Air Patrol regulations.

11-6-15: Vehicular traffic regulation:

(A) Registration: No individual shall operate any motor vehicle on the airport except on public thoroughfare without first registering the motor vehicle with the manager and obtaining written permission for such operation. Emergency equipment is exempt from this provision.

(B) Licensing: No individual shall operate motorized ground equipment on the airport without a valid operating license for such equipment issued by such individual's state of residence.

(C) Speed limits:

(1) No individual shall operate a motor vehicle on the airport in a reckless or negligent manner, or more than the applicable speed limits.

(2) No individual shall operate a motor vehicle more than 15 miles per hour on the ramp, apron, aircraft parking and hangar areas.

(D) Right of way:

(1) Pedestrians and aircraft shall have the right of way over vehicular traffic at all times.

(2) All vehicles shall pass to the rear of taxiing aircraft.

(E) Accident Reports: Any individual involved in an accident on the airport shall file a written report with the city police department as soon as possible, but not later than 24 hours from the time of the accident.

(F) Lighting requirements:

(1) All vehicles operating on the airport between sunset and sunrise shall have fully operating headlights and tail lights visible for at least 500 feet.

(2) All fuel trucks and service vehicles shall carry an overhead 360 degree revolving amber beacon.

(3) In addition to those requirements set forth in subsections (F)(1) and (F)(2) of this section, all vehicles operating on the airport shall meet all applicable FAA lighting requirements.

(G) Every individual operating a motor vehicle on the airport shall give proper signals, and shall comply with all posted traffic signs.

(H) No individual under the influence of liquor or narcotic drugs shall operate a motor vehicle on the airport.

(I) No individual shall operate any motor vehicle on the airport if such motor vehicle is overloaded or carrying more passengers than that for which the vehicle was designed.

(J) No individual shall ride on the running board of a vehicle or otherwise ride on the outside of a motor vehicle while such vehicle is in motion. For purposes of this subsection, the bed of a pickup truck shall not be considered the outside of a motor vehicle.

(K) No individual shall stand up in the body of a motor vehicle while that motor vehicle is in motion.

(L) No individual shall operate a motor vehicle while any other individual's arms or legs are protruding from the body of such motor vehicle.

(M) No motor vehicle shall be operated on the airport if it is so constructed, equipped, or loaded as to endanger people or property.

(N) No individual shall operate a motor vehicle on the airport unless such vehicle is equipped with exhausts protected by screens or baffles to prevent the escape of sparks and the propagation of flame on the airport.

(O) Parking:

(1) No individual shall park a motor vehicle on the airport, other than in areas specifically established for parking and in the manner prescribed by signs, lines, or other means, unless such parking is approved in advance by the manager.

(2) A lessee may park automobiles inside leased space only when the aircraft is in use, or when the lessee is on an extended trip by aircraft.

(3) All employees of firms conducting business at the airport shall park in areas specifically designated for employee parking.

(4) Any motor vehicle parked in violation of this section may be towed or otherwise moved at the direction of the manager and at the owner's or operator's expense.

(P) No person shall abandon any motor vehicle on the airport.

(Q) Ground transportation:

(1) No carrier for hire shall load or unload passengers at the airport at any place other than that designated by the manager.

(2) No carrier for hire shall operate on the airport without prior approval of the board.

(3) Emergency vehicles are exempt from the provisions of this section.

11-6-16: Pedestrians:

(A) No pedestrian is allowed on the airport except in the terminal, on public thoroughfares, or on the apron or aircraft tie-down areas while embarking or disembarking from an aircraft, without first registering with the manager and obtaining written permission for his or her presence elsewhere on the airport.

(B) The manager may give permission for pedestrian traffic into prohibited areas. The authority hereby granted may be delegated to the supervisor by the manager.

(C) Right of way:

(1) Pedestrians shall have the right of way over vehicular traffic at all times.

(2) Aircraft shall have the right of way over pedestrians at all times.

(3) All pedestrians shall pass to the rear of taxiing aircraft.

11-6-17: Building regulations:

(A) Before commencement of any construction, alteration, repair or removal of any structure on the airport, the plans for such

work shall be presented to the board for its approval. The board shall review such plans to determine if the proposed work conforms with zoning map A - Monroe municipal airport and zoning map B - Monroe municipal airport. The board shall also determine whether the proposed work will be consistent with then-existing structures and the plans for future development of the airport. If the proposed work conforms, and is consistent, the board shall approve the plans for submittal to the building inspection department for its approval. No work shall be allowed unless the plans have been approved by the board and the building inspection department.

(B) No structure shall be constructed, altered, repaired or removed, unless the owner or lessee of such structure has obtained a license approved by the board for such work. Such license shall be posted along with the building permit authorizing such work.

(C) No tree may be planted without a permit from the board. The building inspector may order any tree planted without a permit to be removed at the expense of the person that planted such tree.

(D) The board shall not authorize the construction, alteration, or repair of any structure that would become a greater hazard to air navigation than it is when the application for license is made.

(E) As a precondition to the issuance of any license under this section, the applicant for such license shall be required to grant the city permission to install, operate and maintain such markers and lights on such structure as are considered necessary to show the presence of an airport hazard. Installation, operation, and maintenance of such markers and lights shall be at the sole expense of the city.

(F) All hangars shall be of metal or masonry construction, or of a pole-type construction with an exterior metal covering.

(G) All construction, alteration, and repair of structures on the airport shall be in compliance with standard construction specifications.

(H) Nothing in this chapter shall be construed to require the removal, lowering or other change or alteration of any nonconforming use. However, any alteration or modification of a nonconforming use commenced after the effective date of this chapter shall be in conformity with this chapter.

(I) The building inspector of the city shall be responsible for enforcing the building regulations set forth in this chapter. The regulations in this chapter are intended to supplement the city building code. To the extent that the provisions of this chapter are inconsistent with the city building code, the provisions of this chapter shall be controlling.

11-6-18: Schedule of charges:

(A) The board shall set, and periodically review, a schedule of fees for certified air carriers. Such fees shall include, but shall not be limited to, landing fees, and floor rental charges. Landing fees shall be based on aircraft weight and frequency of landings. All fees set pursuant to this subsection shall apply equally to all certified air carriers, whether scheduled or nonscheduled.

(B) The board shall set, and periodically review, a schedule of fees for the rental of municipal hangars, public parking areas, and other airport facilities.

(C) The board may require that payment of charges made under this chapter be paid before granting an aircraft clearance to depart from the airport.

11-6-19: Appeals and review:

(A) Appeal and review of any decision of the board under this chapter shall be conducted under chapter 5 of Title 2 of this code.

(B) The board of appeals may, after investigation and public hearing, grant such variances from the provisions of this chapter if it finds:

(1) The granting of the variance will be in the public interest; and

(2) Special conditions exist, and under such special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship to the person requesting the variance; and

(3) The granting of the requested variance will do substantial justice and will be in accord with the spirit of this chapter; and

(4) The granting of the variance will not create a hazard to the safe, normal operation of the airport.

11-6-20: Penalties:

(A) Except as otherwise noted in this chapter, each violation of this chapter shall be punishable by a Class 1 forfeiture.

(B) Each day or partial day of violation of the provisions of this chapter shall be considered a separate violation.

(C) The board may revoke or suspend any license granted under this chapter for violation of any provision a this chapter, under the procedures set out in chapter 5 of Title 3 of this code for suspension or revocation of licenses.

(D) The board may suspend or revoke the operating privileges of any person for violation of this chapter, or for violation of any other provision of this code, under the procedures set out in chapter 5 of title 3 of this code for suspension or revocation of licenses. A person that has had its operating privileges suspended or revoked shall not be entitled to conduct any commercial or noncommercial activities from or on the airport during the period of such revocation or suspension.

(E) The manager or his or her designee shall be authorized to remove from the airport any individual who violates any provision of this chapter relating to the safe operation of the airport. Such removal may be in addition to, or preceding, any suspension or revocation of a license or operating privileges. The manager shall not be liable to any person for his or her lawful actions under this subsection.

11-6-21: Precedence: This chapter shall not apply to scheduled certificated or scheduled commuter airline operating under FAA part 121 or 135 regulations. However, any scheduled certificated or commuter airline desiring to operate at the airport shall be required to enter into a lease and operating rights agreement with the city, which agreement shall provide for payment of fees, leasing of space and establishment of operating rules and regulations relative to such airlines' operations at the airport.

11-6-22: Severability: The provisions of this chapter are declared to be severable. If any provision of this chapter is declared invalid by a decision of a court of competent jurisdiction, any other provision not specifically invalidated by such decision shall remain valid and in effect.

***Chap. 11-6 history: 11-6-1**: 1991-7-2; 2016-2-17; 2016 code; **11-6-2**: 1991-7-2; 2016-2-17; 2016 code; **11-6-3**: 1991-7-2; 2016-2-17; 2016 code; **11-6-4**: 1991-7-2; 2016-2-17; 2016 code; **11-6-5**: 1991-7-2; 2016-2-17; 2016 code; **11-6-6**: 1991-7-2; 2002-11-6; 2016-2-17; 2016 code; **11-6-7**: 1991-7-2; 1992-10-20; 2003-3-4; 2004-2-18; 2016-2-17; 2016 code; **11-6-8**: 1991-7-2; 2016-2-17; 2016 code; **11-6-9**: 1991-7-2; 2016-2-17; 2016 code; **11-6-10**: 1991-7-2; 2016-2-17; 2016 code; **11-6-11**: 1991-7-2; 2016-2-17; 2016 code; **11-6-12**: 1991-7-2; 2016-2-17; 2016 code; **11-6-13**: 1991-7-2; 2016-2-17; 2016 code; **11-6-14**: 1991-7-2; 2016-2-17; 2016 code; **11-6-15**: 1991-7-2; 2016-2-17; 2016 code; **11-6-16**: 1991-7-2; 2016-2-17; 2016 code; **11-6-17**: 1991-7-2; 2016-2-17; 2016 code; **11-6-18**: 1991-7-2; 2016-2-17; 2016 code; **11-6-19**: 1991-7-2; 2016-2-17; 2016 code; **11-6-20**: 1991-7-2; 2016-2-17; 2016 code; **11-6-21**: 1991-7-2; 2016-2-17; 2016 code; **11-6-22**: 1991-7-2; 2016-2-17; 2016 code*

Public Hearing Date: _____/_____/_____

ORDINANCE ENACTING A NEW CODE OF ORDINANCES FOR THE CITY OF MONROE, WISCONSIN AND PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN

The Common Council of the City of Monroe do ordain as follows:

Section 1: The Code of Ordinances entitled "Monroe City Code" consisting of Titles 1 through 11, each inclusive, is fully incorporated herein by reference and is hereby adopted pursuant to Section 66.0103 of the Wisconsin Statutes. A copy of the Monroe City Code shall be made available for public inspection during normal business hours at the office of the City Clerk.

Section 2: All ordinances of a general and permanent nature enacted before August 16, 2016 and not included in the Monroe City Code or recognized and continued in force by reference therein are repealed.

Section 3: The repeal provided for in Section 2 hereof shall not be construed to revive any code or ordinance, or part thereof, that was repealed by an ordinance that was adopted prior to the date hereof.

Section 4: The Monroe City Code as it exists at the time of adoption of this ordinance shall remain in force until the effective date hereof and adoption of this ordinance shall not affect the following:

A. Prosecution for any violation of the Monroe City Code committed prior to the effective date hereof.
B. Rights under any license or permit issued prior to the effective date hereof.
C. Liability for any license or permit fee assessed prior to the effective date hereof.
D. Liability for any penalty imposed prior to the effective date hereof.
E. The validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited prior to the effective date hereof.
F. The contractual rights of any third party existing prior to the effective date hereof.
G. Any lawful promise made or action taken by the City or its agents prior to the effective date hereof.

Section 5: Additions or amendments to the Monroe City Code when passed in the form as to indicate the intention of the City to make the same a part of the Monroe City Code shall be deemed to be incorporated in the Monroe City Code, so that reference to the Monroe City Code includes such additions and amendments.

Section 6: Page headers, page numbers and history notes added by the City Attorney or City Clerk and all pages preceding the page titled “TITLE 1: ADMINISTRATIVE” shall be for reference purposes only and are not a part of the Monroe City Code.

Section 7: This ordinance shall be in full force the day following its passage and official publication.

Dated this _____ day of _____, 2016.
Passed this _____ day of _____, 2016.
Published this _____ day of _____, 2016.

_____
Louis Armstrong, Mayor

_____
Carol J. Stamm, City Clerk

Recommended for Adoption by Judiciary and Ordinance Review Committee - July 27, 2016

Public Hearing Date: _____/_____/_____

CHARTER ORDINANCE REPEALING SECTION 1-5-1
AND CREATING SECTIONS 1-5-1(A), (B), (C) AND (D)
OF THE MONROE CITY CODE: ALDERPERSONS ELECTED AT LARGE

THE COMMON COUNCIL of the city of Monroe does ordain as follows:

SECTION 1: Section 1-5-1 of the Monroe City Code is hereby repealed and recreated as follows:

1-5-1: Council, mayor and alderpersons:

(A) **Council**. The council shall consist of the mayor and eleven alderpersons.

(B) **Beginning Date of Terms**. The regular terms of the mayor and alderpersons shall begin on the third Tuesday of April succeeding their election.

(C) **Mayor**. The mayor shall be elected for a two year term in the annual spring election of even numbered years.

(D) **Election of Alderpersons**.

1 **Charter Ordinance**. Pursuant to Section 66.0101 of the Wisconsin Statutes, the city adopts the method of choosing alderpersons as set forth herein and hereby elects to not be governed by Sections 62.08 and 62.09(1)(a) of the Wisconsin Statutes with respect to the number and method of choosing of alderpersons. Existing alderpersons shall hold their respective offices as of the effective date hereof for the balance of their terms.

2 **Elected At Large**. Alderpersons shall be elected at large for a two year term in the annual spring election. Six alderpersons shall be elected in each of the odd-numbered years and five in each of the even-numbered years.

SECTION 2: Section 1-9-3 of the Monroe City Code regarding aldermanic districts is hereby repealed.

SECTION 3: This ordinance shall be in full force on the 61st day following passage and official publication.

Dated the _____ day of _____, 2016.
Passed the _____ day of _____, 2016.
Published the _____ day of _____, 2016.

_____
Mayor

_____
City Clerk

Draft - August 11, 2016

Public Hearing Date: _____/_____/_____

CHARTER ORDINANCE REPEALING SECTION 1-5-1
AND CREATING SECTIONS 1-5-1(A), (B), (C) AND (D)
OF THE MONROE CITY CODE: ADDITIONAL ALDERPERSONS ELECTED AT LARGE

THE COMMON COUNCIL of the city of Monroe does ordain as follows:

SECTION 1: Section 1-5-1 of the Monroe City Code is hereby repealed and recreated as follows:

1-5-1: Council, mayor and alderpersons:

(A) **Council**. The council shall consist of the mayor and eleven alderpersons.

(B) **Beginning Date of Terms**. The regular terms of the mayor and alderpersons shall begin on the third Tuesday of April succeeding their election.

(C) **Mayor**. The mayor shall be elected for a two year term in the annual spring election of even numbered years.

(D) **Election of Alderpersons**. Pursuant to Section 66.0101 of the Wisconsin Statutes, the city adopts the method of choosing alderpersons as set forth herein and hereby elects to not be governed by Section 62.09(1)(a) of the Wisconsin Statutes with respect to the number and method of choosing of alderpersons. Existing alderpersons shall hold their respective offices as of the effective date hereof for the balance of their terms. Alderpersons shall be elected as follows:

1 **From Aldermanic Districts**. Aldermanic districts numbered one, three, five, seven and nine shall elect one alderperson each for a two year term in the annual spring election of even numbered years. Aldermanic districts numbered two, four, six and eight shall elect one alderperson each for a two year term in the annual spring election of odd numbered years.

2 **At Large**: Two alderpersons shall be elected at-large for a two year term in which one alderperson is elected in the annual spring election of odd numbered years and the other is elected in the annual spring election of even numbered years.

3 **First Year Implementation of Charter Ordinance**. For proper implementation of this new election process, there shall be two alderpersons elected at the spring election in 2017. The alderperson receiving the most at large votes shall have a two year term. The alderperson finishing with the second most at large votes will have a one year term with successor elections being a two year term as specified in subsection (D)(2) above.

SECTION 2: This ordinance shall be in full force on the 61st day following passage and official publication.

Dated the _____ day of _____, 2016.
Passed the _____ day of _____, 2016.
Published the _____ day of _____, 2016.

_____
Mayor

_____
City Clerk

Draft - August 11, 2016