



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, MARCH 25, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. Roll Call.

B. Approval of the Agenda.

- I. Approval of the agenda for the March 25, 2019 Protection & Policy meeting.

C. Approval of Minutes.

- I. Approval of the minutes of the March 11, 2019 Protection and Policy meeting.

D. Regular Business.

- I. Discussion with possible action on an ordinance amending and creating sections of Chapter 24, Green Bay Municipal code, relating to fire prevention code.
2. Discussion with possible action on an ordinance creating section 27.405, Green Bay Municipal Code, relating to possession of tobacco and vapor products by minors prohibited.
3. Discussion with possible action on a request by Ald. Brunette, which reads: "For the City to develop a resolution, or policy and procedure to notify property owners near parcels of land with a pending or approved application to be transferred from fee to trust status. My overarching concern is for the City and the Oneida Nation-in goodwill- to notify affected property owners of the new governing jurisdiction, code enforcement, and zoning authority of the parcel recently transferred or applied to be transferred, and to provide an official forum for public input and comment."

4. Discussion with possible action on a request by Ald. Dorff, which reads: "I believe that steps must be taken to ensure that infra structure projects, including but not limited to those that the wheel tax will fund, must be chosen very carefully and be placed into a capital improvement plan. I am requesting that P and P develop policy with the help of DPW, legal and other appropriate staff. This policy must be developed so that the special interests and requests of individual alders do not subvert the process of choosing the projects that have been carefully researched by city staff as being appropriate for placement in a five year plan. Parameters for choosing streets to be repaired, reconstructed or resurfaced as well as other infra structure improvements should be clearly identified within this policy."

E. Informational.

- I. Liquor Violation Report from the Police Department for March 25, 2019.

F. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Protection and Policy committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.
- 5) FOR ALL LICENSING ISSUES, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda. If there are any questions regarding the agenda, please call Jaime, City Clerk's Office, at 448-3011.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

March 25, 2019

PREPARED BY

AGENDA ITEM # D.I.

Discussion with possible action on an ordinance amending and creating sections of Chapter 24, Green Bay Municipal code, relating to fire prevention code.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT GO 12-19 Amending and Creating Sections of Chapter 24 Relating to Fire Prevention Code

GENERAL ORDINANCE NO. 12-19

**AN ORDINANCE
AMENDING AND CREATING SECTIONS OF CHAPTER 24,
GREEN BAY MUNICIPAL CODE,
RELATING TO FIRE PREVENTION CODE**

**THE COMMON COUNCIL OF THE CITY OF GREEN BAY DO ORDAIN AS
FOLLOWS:**

SECTION 1. Section 24.02(4), Green Bay Municipal Code, is hereby amended to read:

(4) Where existing structures have components or systems that fail to comply with the current requirements of this ordinance, such existing conditions shall be brought into compliance with the current code at such time where there is a change of use or occupancy type, ~~a change of ownership~~, an addition is made to such premises, or remodeling of 50% of the value of the structure, not including value of the property, is made over a four-year period.

SECTION 2. Section 24.03(4), Green Bay Municipal Code, is hereby amended to read:

(4) (Amd. GO 36-12) International Fire Code® ~~2009~~ **2015** Edition Adopted. (Rep. & Rec. GO 30-09) **The most current edition and any subsequent editions, as amended from time to time, of the** The International Fire Code® ("IFC") 2009 **2015** Edition is hereby adopted and by reference made part of this Chapter as if fully set forth herein.

(a) The following sections contained within the IFC are hereby revised:

1. Section 101.1 – Insert: City of Green Bay
2. Section 109.~~34~~ – Insert: SPECIFY OFFENSE: civil ordinance violation
AMOUNT: ~~\$500.00~~ **1000.00** plus costs
NUMBER OF DAYS: the number of days allowed by law
3. Section 111.4 – Insert: AMOUNT (1): ~~\$500.00~~ **250.00** plus costs
AMOUNT (2): \$1000.00 plus costs

(b) The geographic limits referred to in certain sections of the 2006 **2015** International Fire Code® are hereby established as follows:

1. Section ~~3204.3.1.1~~ **5704.2.9.6.1**: storage of ~~flammable cryogenic fluids in stationary containers~~ **Class I and Class II liquids in above-ground tanks outside of buildings** is governed by **ATCP 93 and** all applicable NFPA standards.

2. Section ~~3404.2.9.5.1~~ **5706.2.4.4**: storage of Class I and Class II liquids in above-ground tanks outside of buildings is governed by **ATCP 93 and** all applicable NFPA standards.

3. Section ~~3406.2.4.4~~ **5806.2**: storage of Class I and Class II liquids in above-ground tanks **flammable cryogenic fluids in stationary containers** is governed by **ATCP 93 and** all applicable NFPA standards.

4. Section ~~3804.2~~ **6104.2**: for the protection of heavily populated or congested areas, storage of liquefied petroleum gas is governed by **ATCP 93 and** all applicable NFPA standards.

~~(5) Where the requirements of the State Code and the express provisions of this chapter conflict, the stricter requirements shall govern.~~

SECTION 3. Section 24.04, Green Bay Municipal Code, is hereby amended to read:

24.04 AUTHORITY. The City of Green Bay Fire Prevention Code shall be enforced by the Chief of the Green Bay **Metro** Fire Department.

SECTION 4. Section 24.06(1), Green Bay Municipal Code, is hereby amended to read:

(1) WHEN TO BE ISSUED. Whenever the Chief finds in any building or upon any premises ~~any of the following~~ dangerous or hazardous conditions or materials which present a clear and present danger due to likelihood of fire or explosion, such materials shall be removed or conditions remedied in a reasonable manner:

- ~~(a) Dangerous or unlawful amounts of combustible or explosive materials.~~
- ~~—— (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive materials.~~
- ~~—— (c) Dangerous or unlawful accumulations of rubbish, waste, paper boxes, shavings, or other flammable materials.~~
- ~~—— (d) Accumulations of dust or waste material in air conditioning or ventilation system or of grease in kitchen or other exhaust ducts.~~
- ~~—— (e) Obstructions of fire escapes, stairs, passageways, doors, or windows which are liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.~~

SECTION 5. Section 24.06(2)(a), Green Bay Municipal Code, is hereby amended to read:

(a) The service of written orders for the correction of violations of this chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises or by mailing such orders to the owner or other responsible person. ~~This subsection shall not preclude the Chief from issuing orders orally or in such other manner as deemed appropriate under the circumstances.~~

SECTION 6. Section 24.06(2)(d), Green Bay Municipal Code, is hereby amended to read:

(d) (Amd. GO 30-09) The owner of any occupancy identified with a fire code violation will typically have 14 days to correct the deficiencies. Violations that present a significant threat to life, as identified in the International Fire Code ® 2006 Edition, must be corrected immediately. The timeframe to correct deficiencies will be identified on the inspection report or through correspondence from the Fire Marshal's office. Any fire code violation not corrected within the specified time allotment will be warned again, and seven days will be given to correct non-Life Safety Code violations. A third warning for the same uncorrected violation will result in a citation being issued by the Fire Chief or designee.

SECTION 7. Section 24.07, Green Bay Municipal Code, is hereby amended to read:

24.07 DEFINITIONS. **All terms used in this section shall have the meaning as defined in Section 202 of the 2015 International Fire Code, as amended from time to time.**

~~(1) The term "approved", as used in this chapter, means approval granted by the Fire Chief or the highest-ranking officer of the Fire Prevention Division under the regulations of this chapter.~~

~~———— (2) The term "authority having jurisdiction", as used in Wisconsin Administrative Code or IFC Codes or Standards adopted herein, means the City of Green Bay, the Fire Department, the Fire Chief, or the highest ranking officer of the Fire Marshall's office.~~

~~———— (3) (Amd. GO 30-09) MARSHAL. Fire Marshal's, a section of the Green Bay Fire Department, which is responsible for fire prevention duties including, but not limited to, code enforcement, conduct of fire inspections, public information work, fire investigation, and other activity which may have as its purpose the prevention of fire and the reduction of life and property losses from fire.~~

SECTION 8. Section 24.08(1), Green Bay Municipal Code, is hereby amended to read:

(1) Fees for Re-inspection. Any person who shall fail or neglect to comply with any lawful order of the Fire Chief or his/her designee issued pursuant to the provisions of this Chapter may be assessed \$30~~50~~ per inspection for compliance inspections in excess of two. Re-inspection fees that are not timely paid shall be entered on the tax roll as a special charge against said lot or parcel of land pursuant to the provisions of Sec. 66.0627, Wis. Stats., for collection and settlement under Ch. 74, Wis. Stats.

SECTION 9. Section 24.09, Green Bay Municipal Code, is hereby created to read:

24.09. RECREATIONAL FIRES, COOKING FIRES AND FIRE PITs.
Recreational fires, barbeque pits, portable fire pits, and portable outdoor fireplaces are permitted on properties zoned residential and occupied by a single- or two-family residence under the following conditions:

1. **Recreational in-ground fire pits shall be at least twenty five (25) feet from any type of a building or structure, combustible material of any form, or property line.**
2. **Recreational fires, barbecue pits, and outdoor fireplaces shall be contained in an area not to exceed three (3) feet wide by three (3) feet long, or a circle larger than three (3) feet in diameter. The flames of the fire shall be no higher than three (3) feet.**
3. **All residential recreational fires and barbecue pits, excluding portable fire pits and outdoor fireplaces as defined, shall be dug into the ground at least six (6) but not more than twelve (12) inches and surrounded on the outside, above ground level, by a non-combustible material extending at least six (6) inches above grade.**
4. **Portable listed and rated fire pits shall be used in accordance with the manufacturer's recommendations and shall be placed on a non-combustible surface that is at least one and a half (1.5) times larger than the size of the portable fire pit. In the absence of manufacturer's recommendations, portable fire pits shall be at least fifteen (15) feet from any type of building or structure, combustible material of any form, or property line.**
5. **Any propane or natural gas fire tables must follow all manufactures specifications. In the absence of manufacturer's recommendations, fire tables shall be at least fifteen (15) feet from any type of building or structure, combustible material of any form, or property line.**

6. All portable fire pits and fire tables must be listed and rated devices. Homemade devices and converted grills are prohibited.
7. Only clean dry wood can be burned. The burning of garbage, trash, refuse, treated wood, painted/varnished wood, plastic, rubber, construction lumber, and flammable liquids, and/or combustible liquids in any form is prohibited. Burning of leaves, yard waste, or brush is prohibited.
8. Burning is prohibited when the wind is in excess of 10 mph as determined by the National Weather Service (<https://www.weather.gov>) or Weather Underground (<https://www.wunderground.com/>).
9. Fire extinguishing equipment shall be readily available as may be necessary for the total control of the fire. Examples include but are not limited to a bucket of water, garden hose, or fire extinguisher.
10. Burning must be attended at all times by a person at least eighteen (18) years of age until the fire has been extinguished.
11. Burning shall not create smoke that causes a public nuisance or a visibility hazard to any form of transportation. Any recreational fire pit shall be extinguished at the request of Fire Department Personnel.
12. When weather conditions warrant, the Fire Chief, may declare a burning ban.

SECTION 10. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 11. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this 1st day of April, 2019.

APPROVED:

Mayor

ATTEST:

Clerk
KKJ
4/1/2019



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

March 25, 2019

PREPARED BY

AGENDA ITEM # D.2.

Discussion with possible action on an ordinance creating section 27.405, Green Bay Municipal Code, relating to possession of tobacco and vapor products by minors prohibited.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT GO 13-19 Creating 27.405 Relating to Possession of Tobacco and Vapor Products by Minors Prohibited

GENERAL ORDINANCE NO. 13-19

**AN ORDINANCE
CREATING SECTION 27.405,
GREEN BAY MUNICIPAL CODE,
RELATING TO POSSESSION OF TOBACCO AND VAPOR
PRODUCTS BY MINORS PROHIBITED**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DO ORDAIN AS FOLLOWS:

SECTION 1. Section 27.405, Green Bay Municipal Code, is hereby created to read:

27.405. – Possession of Tobacco and Vapor Products by Minors Prohibited.

(1) Definitions.

- a. *Minor.* An individual who is less than eighteen (18) years of age.
- b. *Person who sells tobacco products at retail.* A person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to the state sales tax.
- c. *Person who sells vapor products at retail.* A person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.
- d. *Possession of a tobacco product or vapor product.* Actual physical control of the tobacco or vapor product whether or not the person actually owns that product, or the right to control the tobacco or vapor product even though it is in a different room or place than where the person is physically located.
- e. *Public place.* A public street, sidewalk, or park or any area open to the general public in a publically owned or operated building or premises, or in a public place of business or school.
- f. *Tobacco product.* A product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Tax Act, and cigars. Tobacco product does not include a vapor product or a product regulated as a drug or device by the United States Food and Drug Administration.

- g. *Use a tobacco product or vapor product.* To smoke, chew, suck, inhale, or otherwise consume a tobacco product or vapor product.
- h. *Vapor product.* Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(2) *Prohibition.* A minor shall not do any of the following:

- a. Purchase or attempt to purchase a tobacco product or vapor product.
- b. Possess or attempt to possess a tobacco product or vapor product.
- c. Use a tobacco product or vapor product in a public place.
- d. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.

(3) *Exemptions.* Subsection (2) shall not apply to a minor participating in any of the following:

- a. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
- b. An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product or vapor product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
- c. Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are

conducted with the prior approval of the state police or a local police agency.

- d. The handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment.

(4) *Furnishing to minors prohibited.* A person shall not sell, give or furnish any vapor product to a minor, including, but not limited to, through a vending machine.

- a. This section shall not apply to the handling or transportation of a vapor product by a minor under the terms of the minor's employment.
- b. Before selling, offering for sale, giving, or furnishing a vapor product to an individual, a person shall verify that the individual is at least eighteen (18) years of age by doing one (1) of the following:
 - i. Examining a government-issued photographic identification that establishes that the individual is at least eighteen (18) years of age.
 - ii. For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this Day day of Month, Year.

APPROVED:

Mayor

ATTEST:

Clerk

KKJ

Date of first reading



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

March 25, 2019

PREPARED BY

AGENDA ITEM # D.3.

Discussion with possible action on a request by Ald. Brunette, which reads: "For the City to develop a resolution, or policy and procedure to notify property owners near parcels of land with a pending or approved application to be transferred from fee to trust status. My overarching concern is for the City and the Oneida Nation-in goodwill- to notify affected property owners of the new governing jurisdiction, code enforcement, and zoning authority of the parcel recently transferred or applied to be transferred, and to provide an official forum for public input and comment."

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. sharpsscans@greenbaywi.gov_20190320_085319



PETITIONS AND COMMUNICATIONS FORM
COMMON COUNCIL
CITY OF GREEN BAY

Date of Council Meeting: 3/19 /19

Request of Alderperson Jesse Brunette

Refer to: Protection and Policy

Please state clearly the action requested. Requests should be turned in at the City Clerk's Office by 10:00 AM on the Thursday before a Council meeting. For late communications, present this form to the City Clerk after the request is read.

For the City to develop a resolution, or policy and procedure to notify property owners near parcels of land with a pending or approved application to be transferred from fee to trust status.

My overarching concern is for the City and the Oneida Nation - in goodwill - to notify affected property owners of the new governing jurisdiction, code enforcement, and zoning authority of the parcel recently transferred or applied to be transferred, and to provide an official forum for public input and comment.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

March 25, 2019

PREPARED BY

AGENDA ITEM # D.4.

Discussion with possible action on a request by Ald. Dorff, which reads: "I believe that steps must be taken to ensure that infra structure projects, including but not limited to those that the wheel tax will fund, must be chosen very carefully and be placed into a capital improvement plan. I am requesting that P and P develop policy with the help of DPW, legal and other appropriate staff. This policy must be developed so that the special interests and requests of individual alders do not subvert the process of choosing the projects that have been carefully researched by city staff as being appropriate for placement in a five year plan. Parameters for choosing streets to be repaired, reconstructed or resurfaced as well as other infra structure improvements should be clearly identified within this policy."

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. sharpscans@greenbaywi.gov_20190320_085331



**PETITIONS AND COMMUNICATIONS FORM
COMMON COUNCIL
CITY OF GREEN BAY**

Date of Council Meeting: March 19th 2019

Request of Alderperson Barbara A. Dorff, District One

Refer to: Protection and Policy

Please state clearly the action requested. Requests should be turned in at the City Clerk's Office by 10:00 AM on the Thursday before a Council meeting. For late communications, present this form to the City Clerk after the request is read.

I believe that steps must be taken to ensure that infra structure projects, including but not limited to those that the wheel tax will fund, must be chosen very carefully and be placed into a capital improvement plan.

I am requesting that P and P develop policy with the help of DPW, legal and other appropriate staff. This policy must be developed so that the special interests and requests of individual alders do not subvert the process of choosing the projects that have been carefully researched by city staff as being appropriate for placement in a five year plan.

Parameters for choosing streets to be repaired, reconstructed or resurfaced as well as other infra structure improvements should be clearly identified within this policy.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

March 25, 2019

PREPARED BY

AGENDA ITEM # E.I.

Liquor Violation Report from the Police Department for March 25, 2019.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 19LiqVio
2. Report March 25 2019